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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE DAVID IPP AO, QC, COMMISSIONER

PUBLIC HEARING

OPERATION AVOCA

Reference: Operation E09/1825

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 2 JUNE 2010

AT 2.00PM

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: Ms Davenport.

MS DAVENPORT: Commissioner, I call Steven Finlay.

THE COMMISSIONER: Mr Finlay, do you mind coming down here please. Mr Finlay, it's been explained to you why the Commission wants to hear your evidence, has it?

MR FINLAY: Yes.

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THE COMMISSIONER: For my part I think I should say that I have some concern as to the efficacy of the, of Engineers Australia's procedures in conferring recognition on persons who fall into your third category of candidates for membership and that was a concern to the Commission because it's duty bound to make recommendations to public bodies within New South Wales which relate to the possibility of prevention of corruption and we are, in this inquiry we are concerned with corruption based on false resumes of engineers and the individual concerned in this case has admitted that his resumes were false and, but he was able to get his foot in the door in many councils simply on the basis that he was a member of your
20 organisation. In a number of instances when he was interviewed by councils they found within 15 minutes that he wasn't a person appropriate for the job. Others didn't. We're interested to know whether we should recommend to the relevant public authorities in New South Wales that they should ignore the fact that the candidate is a member of your organisation or whether they can rely on it. Do you understand that?

MR FINLAY: I completely understand your, your point.

30

THE COMMISSIONER: Now, in asking you to come here and give evidence we're not interested in making any finding against you personally or, so ordinarily witnesses who give evidence here, we afford a kind of protection against any prosecution or disciplinary proceedings by saying, by inviting the person to object to answering all questions because under the Independent Commission Against Corruption Act once that objection is made nothing can be, no evidence given by the witness can be used against the witness in any criminal prosecution or disciplinary proceedings, broadly speaking. I don't think personally that you need that because, but I must give you the option of, of having such an order made if you wish it. I'm
40 very happy to make the order and you may want me to make the order so that you can be absolutely certain that there, that you obtain whatever protection the law gives you against giving evidence in a, in an ICAC public inquiry. So I'm asking you now, before you give your evidence, do you want me to make that kind of order?

MR FINLAY: Please, Mr Commissioner, it's nice to be absolutely certain.

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

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

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

MR FINLAY: Under oath is fine.

THE COMMISSIONER: Yes. Can you swear Mr Finlay.

THE COMMISSIONER: Yes, Ms Davenport.

MS DAVENPORT: Could you please tell the Commission your full name?
---Steven Scott Finlay.

10 And Mr Finlay are you the Executive Director of the Sydney division of
Engineers Australia?---That is correct.

You've made, I think two statements in relation to this matter. One directly
related to the admission of Mr Gamage to the Institute of Engineers, but
another that deals more broadly with the processes involved in person
screening accreditation. Is that correct?---That is correct.

Pardon me. I wonder if I could ask you this, do you have a copy of the
statements there?---I do.

20 Thank you. In the first statement that you made, I think the first anyway, or
the one that annexes the documents relating to Mr Gamage, you, you have
said that Engineer, Engineers Australia is the designated authority to assess
professional qualifications in engineering for the purpose of skilled
migration to Australia. Is that right?---That is correct.

And it, it had that same function in 1988. Is that correct?---Yes. Yes, as it
does today.

30 So I take it from that that a certain amount of experience and knowledge has
been accumulated over time in relation to the, to oversee these qualifications
that are presented to the Institute. Is that correct?---They would be, yes.

Now you say at paragraph 5 that the membership applications are processed

THE COMMISSIONER: Excuse me, Ms Davenport, I'm sorry to interrupt.
May I have a copy of the statements?

40 MS DAVENPORT: I'm sorry, Commissioner. I thought you had one. And
here's the second one. I'm on the larger document. The membership
applications are processed by the national office in Canberra. Does that
mean that you, in the role that you have at the moment, don't take part in
that process?---That is correct.

All right. Now you, you talk about engineers with an accredited
qualification from an Australian or a Washington Accord institution, that
their questions are automatically recognised. Now a Washington Accord
institution, presumably that's a list of institutions worldwide that have been,

it has been agreed between countries will be recognised as institutions that will be, members will be given accreditation. Is that correct?---That's a good, a good description. Yes.

All right. Now in terms of, and I just want to use Mr Gamage's application as, as an example, as it were. Now you've had a look at the documentation in relation to that?---Yes, I have.

10 And the, it appears from the papers that are held by your body that what Mr Gamage presented was a, a document headed Diploma from the Kharkov Automobile Highway Institute. Now, do I take it that that would not be a Washington Accord Institution?---That, yes, it is not Washington Accord and Washington Accord wasn't around at that time.

All right?---So we're dealing with, prior to the Accord.

20 Prior to that. All right. So lets, lets say now, lets say today somebody came to the Institute and presented the qualifications as being from the Kharkov Automobile Highway Institute, well that probably has a different name now, given the USSR doesn't exist. You say that, that overseas, overseas qualified applicants with unrecognised qualifications, there's an assessment process which must be completed before the applicant becomes a member. Is that right?---That's correct.

30 Now, I think in your other statement you talk about, and it's in the thinner statement at paragraph 4, you say, "The applicant completes an application form and provides a certified copy of their test or academic transcript." Now, that generally means, does it not, not just the degree or diploma, but an actual certified copy of the subjects that they have done and the subjects they have passed in order to gain the final piece of paper?---In today's, in today's assessment, yes.

And in, but in 1988 that probably wasn't the case?---Only a different assessment.

40 All right. So now would it not be sufficient for someone just to hand you a copy of a diploma that is certified. You would require them to give you an academic transcript, is that correct?---There's, there's quite a deal of information required today.

All right?---And there's actually a manual that I can leave the Commission which actually explains the complete process for that migrant skills assessment today.

Now, this migrant skills assessment, I take it, commences before the person even arrives in Australia?---That's correct. They, to, to actually be able to arrive in, if you, if you wished to, if you wished to come to Australia as a, as, under the skilled migration program and work as an engineer, you, you

really, you need to in the first instance to actually pass a test, a skills assessment to do that,.

All right. And so the, the academic qualifications would be, have been sent to the Institute of, or to Engineers Australia before the person was even approved to arrive in Australia as a skilled migrant, is that right?---That's, yes.

10 THE COMMISSIONER: Can I just ask you, you pass the skills assessment. Is there some kind of test?---There's not a test in terms of physical examination or even an interview process but the tests, the tests are to provide all the information that's required so that's the academic record plus the transcripts plus a CV giving the full education and background and history. It needs a reference from employers which have to be certified if they're over 12 months timeframe and there are career episode reports that they need to write to actually demonstrate that they are engineers. There's a very different and I'd have to say it really is a comprehensive process today.

20 When did this start?---This started, certainly after 1988 and, and I would, and I haven't got an actual date but it's certainly been going, my knowledge this has been going for over ten years.

30 And what was the position before?---Well, there were two positions before that. Certainly in, I think the position in 1988 was that Engineers Australia was contracted through what was known then as the Council of Overseas Professional Qualifications which was, which then came under the National Office of Overseas Skills Recognition through the Commonwealth Government in effect. So Engineers Australia ran a process of doing skills assessment through a foreign qualifications committee and that foreign qualifications committee was an expert panel with knowledge of both university and the particular courses that were starting at that time so the committee was comprised of experts in their field who knew the university, knew the, knew the core subjects that were done at that time and then would assess the fact that that course was equivalent to an engineering course from an Australian university.

Are you saying that when Mr Gamage was assessed there were people on the committee that assessed him who knew the automotive, what's it called?

40 MS DAVENPORT: The, sorry, Commissioner, it's called the Kharkov Automobile Highway Institute?---I'm advised that the, that the expert panel that was available at that time would've had knowledge of that University.

THE COMMISSIONER: What knowledge?---There is, it is a recognised university that, that engineers come out of that university, qualified engineers, and the subjects studied - - -

What kind of engineer?---In that case they were civil engineers and transportation engineers.

How do you know this, Mr Finlay?---I, I only know through, through the, the, the research I've done, the questions I've asked.

Who do you ask?---I've asked people in our national office who actually, who are in the skills migration assessment area.

10 Is this a thing that they, you, did you speak to anybody who was on the committee?---No, I, I simply couldn't get a name. On our records there is unfortunately a paucity of information to that committee.

So you don't know?---I don't know.

You don't know whether in fact there was anybody on the committee - - -?
---No.

20 - - - who knew anything about (not transcribable)?---Personally no.

Or who might have - - -?---That's correct.

And you don't know, do you, whether that Kharkov University is an appropriate institution to admit engineers?---Personally I, I don't, I'm advised that it is.

By whom?---By the people who assessed at that time for the process.

30 But you don't know who assessed it at that time?---No, no, I don't. I know the - - -

Well, how can you be advised by people you don't know?---I, I agree I can't be and so therefore I - - -

Just be careful when you answer the questions please, Mr Finlay?---I understand. My apologies, Commissioner.

Just try and be accurate. Now let's, shall we start again?---Certainly.

40 How do you know or what makes you say that this Kharkov institution is an appropriate institution to, for the purpose of conferring recognition on its graduates in Australia?---I don't know that it is.

And who has told you that it is?---The process and the people running the process at that, I'm not sure they ran the process but have knowledge of the process at that time have.

I'm asking you, who told you that it is such an institution, that it is appropriate institution?---(NO AUDIBLE REPLY)

10 You say that it's an, that it was an, that it is an appropriate institution for conferring recognition on persons entering Australia to be engineers because they have passed the, they have had degrees confirmed on them by Kharkov University. You say that it is. Now, I'm asking you who told you that because you said you don't personally know so who told you?---Well, I should, I'll withdraw the complete statement in that sense that I think I've
10 inferred something that I don't know and what, all I do know is that the foreign qualifications people at that time, I've been advised that the foreign qualifications people that existed in 1998 formed that conclusion.

MS DAVENPORT: But you don't know what the basis of that conclusion was?---I do not.

20 THE COMMISSIONER: And you don't know who the people were who comprised the body who approved him?---No, I don't and the records on our file don't assist.

MS DAVENPORT: I think there's a man, there's certainly a man called, the interview panel was somebody called R Best and J Dobill when Mr Gamage was assessed for corporate membership. Do either of those people still work for the - - -?---No.

- - - Australian Engineers? No?---No.

30 What, if I could just take you back to things that you said in your statement. You say that the things that you now require are a copy of the academic transcript with a CV containing relevant engineering work experience which must be verified by a member or fellow of Engineers Australia or a person of equivalent standing. Is that correct?---That's correct.

40 And in terms of that, you go on to say that to the best of your knowledge Engineers Australia does not independent verify an applicant's qualifications with a conferring institution nor does it confirm the applicant's employment history with identified employers. So it's the situation that you rely upon the, the accuracy of the statements made by fellow members of Engineers Australia, is that correct?---That's correct.

And so if they are prepared to lie as to their knowledge there's no, there is no checkmate?---That's correct.

THE COMMISSIONER: And that's what happened in this case?---From what I understand, yes.

MS DAVENPORT: Well, in terms of the process, and that's still the process now, isn't it, that, that you take at face value a fellow member of

Engineers Australia saying I know Bill Smith, I've worked with him and he is a competent engineer. Is that right?---In effect, yes.

Yes. And you don't ever check whether in fact Bill Smith did work in the stated place with John Brown or anything else, you just accept at face value that assertion by the fellow member?---That's correct.

10 THE COMMISSIONER: And what happens if, if a migrant arrives in Australia who hasn't worked here as an engineer but has got references by, by persons who from the statement seem to be engineers in other countries, what do you do then?---The process is the, is the same. There is no independent checking any of the referees.

But what weight can you attach to what the referees say if you don't know who they are and you don't know the, the nature of their business?---What weight do we attach?

20 Yes?---Well, this is only my view. I don't do the assessment, so I don't attach any weight because I'm not involved in the process. So if you ask me what I would weigh, that's a different question.

Well, do you know how they, how these people are assessed?---By - - -

Pardon?---No. I'm not clear of the question, please.

30 Well, I'm asking you how people coming into Australia and haven't worked here but they have references from other foreign countries, how are they assessed as being suitable for membership of your organisation?---Well, assessed based on academic record. The qualifications that they have. Their account of their professional development, their letters of reference from employers and their career (not transcribable) reports, as a holistic view of their engineering capability. And that's the assessment made.

So that there's no verification of the truth of the references?---That's correct.

40 And there's no verification of the truth of their academic record?---That's correct. There is a certified copy of what's purported to be the original degree (not transcribable).

And why does that mean, does that involve the, the a subject being stated and a mark next to the subject. Is that what that involves?---Well, that would be the record of, of academic transcript. So - - -

Is there a check, I mean if, if a particular subject is given, is there any check as to what the curriculum is for that particular subject?---Yes, there would be. There is as part of that, you know, the overall assessment of the degree that they maintain that they have from a particular university. The subjects

are then looked at to ensure that they match the type of subjects that we would expect from an Australian university.

All right. Take Kharkov university, how would you, how would you examine the curriculum of a, of a subject from that university?---I'm not in a position to answer that question in detail because I do not do the assessments.

10 I don't understand how you would do that. Firstly it would be in Russian and secondly, how would you find details of that?---Well, I'm only surmising, I can only offer a comment, but I'm not - - -

Yes. What is the comment?---My comment would be that translations are available. And it's often these universities are English and that the information for the subject content would be able to be - - -

20 Where do you get that from?---From either the university itself, through the, through its web pages, or simply contact the university if you had any doubts. The opportunity is always available to contact - - -

Yes.

MS DAVENPORT: It's probably more available now than it was in 1988, because, because of the Internet?---Yes.

Yes?---As a (not transcribable) yes, as a (not transcribable) absolutely.

30 In terms of, of engineers, an engineer can practice in Australia without being a member of Engineers Australia can't it?---Exactly, yes. Correct.

40 Yes. And you set out in your statement at paragraph 6 why you believe that the CP engineering status that you ask people to put when they are chartered professional engineers, when they are entitled to put that after their name and why it is valuable to them. And I think you've got one, two, three, six dot points as to why you believe it is valuable. And we have certainly heard in this public inquiry that at least one of the councils who employed Mr Gamage certainly placed a deal of reliance upon his assertion that he was a member of Engineers Australia. And that's consistent with what you say. So it's obviously something that respective employers place some weight upon and what we're concerned about of course, is to find out whether that is a misplaced view by them or, or whether it is, is well placed. If for example, what authority or statute does Engineers Australia give Engineers Australia the designated role of assisting skilled migrants in this way?--- Only through a contract that, and again this is information given to me, is we have, we are contracted currently with the Australian Government Agency, we refer to as the Australian Education International.

Right?---And that's the contract we have with them to do that.

All right. And I take it you've had that contract since 1988?---(not transcribable)

(not transcribable) but - - ?---But since, certainly since '94.

So does any other body have responsibility for assessing engineering qualifications?---Not that I'm aware.

10 All right. And in terms of Mr Gamage, he has come in and out and I take it anyone can do that. Your membership lapses if you don't pay your fees. Is that right?---That's correct.

And you can reinstate your membership by writing an letter and finding out how much fees you have to pay for that year?---That's correct.

So once that initial process has been gone through, then at any time you can regain membership as it were?---Yes, reapplication is available.

20 And what happens for example if it comes to, it came to the attention of the Engineers Australia that someone was, was not a suitable member? Have you ever cancelled peoples membership with Engineers Australia?---I'm advised that we have.

Yes. What happens to people who arrive in Australia, for example as refugees who don't have any paperwork at all and come and say, I'm a qualified civil engineer?---I have absolutely no knowledge.

30 No idea. Okay. In terms of the referees that the Engineers Australia relies upon, they have to be fellow members of Engineers Australia. Is that correct?---Correct.

And that was also the case in 1988?---Yes.

But the referee themselves are not, they're not interviewed, they're just, it's just a written reference. Is that right?---Again, it's a written reference, yes.

40 And there's never any confirmation about whether the contents of the written reference are correct?---No. They're taken as being accurate and true.

Okay.

THE COMMISSIONER: It's not an oath? It's not an affidavit?---It's not an oath, no. It's not an oath.

Are the referees ever interviewed?---I'm advised no.

Are they spoken to?---Again, I'm advised no.

MS DAVENPORT: If an Australian citizen went overseas and did an engineering course, would Engineers Australia have some role in determining whether that qualification was acceptable in Australia? Have you ever had that - - -?---You would, yes, unless the, unless the degree came from a recognised or an approved, what we call a Washington Accord university then that, that person would need to go through a very similar process of overseas qualified migration to determine whether that, that degree was acceptable.

THE COMMISSIONER: Is the applicant interviewed?---No. Not to my knowledge.

MS DAVENPORT: It appears that in 1988 or '89 when Mr Gamage went from graduate membership to corporate membership, that there was an interview process in place. Would you agree with that, from the documentation that you've produced?---It's not - - -

20 There's a notation, there is a notation for example, and, it's hard to, get you to the actual page, but it's a document headed Institute of Engineers Australia Report by Interview Panel on Applicant Seeking Corporate Membership. And that's dated 16/11/90. And that's where I referred you to R Best, who was the chairman of the interview panel and a Mr Dobell. And the comment, what was, is the impression gained from the interview doesn't support or change the impression gained from the documented material. One of them has written good interview, good communication et cetera? ---Yes.

30 Have you found that?---I've found it and I agree. Yes.

So it appears that in that, in 1990 when Mr Gamage applied for corporate membership there was some interview process?---It, it says that that it says quite a, yes, it says it was a good interview.

Yes. But that process no longer applies, there's no longer an interview, it's all done with paper in other words?---For, for membership, yes.

40 And is that the same with CP?---No, the CP Eng, you referred to CP Eng earlier in a statement I made at paragraph 6 - - -

Yes?--- - - - and those statements reflected the comments about chartered professional engineering status and not a member of Engineers Australia.

Well, in some of the applications I think we've seen Mr Gamage claimed CP Engineering status. If somebody for example receives an application from an engineer who claims that status is it possible for them to ring up Engineers Australia to confirm that status?---It's possible, yes, it is possible

to ring. The confirmation would depend on whether that person has actually agreed for that information to be made available.

And how would that be done?---On their application forms they can actually, as we say, tick a box which provides for third parties to be allowed access to that, that type of information.

10 So the CP Engineering status and the ability to put the post-nominal CP Engineering what's the process to go from a member to that?---In 1988 to '92 there was not a process. It was a simply a process of if you were a member at that stage you were automatically accredited with a chartered status.

20 Right?---And so it was typically called a grandfather clause. About '95, that was, that process was concluded and since then there's been a process of, quite a rigorous process of requiring all applicants who wish to move from being an ordinary member of Engineers Australia to a chartered member to go through a career episode reporting process to demonstrate competency in engineering and have a, an interview with experts in their field.

So that does require an interview process?---That, yes, it does today.

THE COMMISSIONER: And the interview that Mr Gamage had, was that for membership or for (not transcribable)?---For membership.

It was for ordinary membership.

30 MS DAVENPORT: It was for (not transcribable) isn't it?---No, there, well, there's a misnomer. It's actually just still member of Engineers Australia, corporate membership.

So you went from graduate member to a full - - -?---Full member, to a full member.

THE COMMISSIONER: So, so he was interviewed then?---Yes, there was a 30 minute interview, according to the form before us there's a 30 minute interview by at least two members or three I think of Engineers Australia.

40 But that's no longer the case?---Not for membership.

Now, was that because the previous system was regarded as unsatisfactory? ---I couldn't comment. I'm not privy to it.

But that's a inference that one would draw?---It's an inference. I don't know whether it's a timing issue or whether it's just a - - -

So what is the date on which the new procedure came into force?---I haven't got that date. I - - -

Can you let us know?---I can, certainly.

Does that mean that, that membership after that date is a more reliable indicator of a person's competence than membership before?---I'm not sure until you review both processes I couldn't conclude it.

10 MS DAVENPORT: So if I could take you back to people who are just members, do they have any post-nominals after their name at all?---They have MIE Aust.

M - - -?---MIE A-U-S-T. It's a Member in Institution Engineers Australia.

Okay. And that still gives them some status, that is, the inference is that they have at least have qualifications and work experience that has been recognised - - -?---Yes.

- - - by the Institute. Is that correct?---Yes (not transcribable).

20 And then the CP Eng, E-N-G, it's like having a masters degree instead of bachelors degree, is that right?---It's, well, it's a higher level and we as an organisation would see it as the highest level we have available for, to support the fact that an engineer does keep up to date, does continue with professional development and is at the top of their game basically.

30 THE COMMISSIONER: What is the different between, as regards membership? What's the difference between the two procedures, and one that, that is, one that was previously in place and the one that's now in place?---The, as I understand it, the only difference is, well, it depends whether you're an overseas qualified engineer or you're a, or you're (not transcribable) engineer.

No, I'm talking about in the third category, the others. What's the difference?---Well, it's overseas, the others. Between then and now?

Yeah?---Well, the others require for, migrant engineers there is a completely different process today to before.

40 Well, in which way does it differ?---Well, it differs, well, the view, this is in the sense of the information being provided in terms of a CV and work experience.

Well, can you tell us what the differences are?---What, what's required to day is a CV comprising of four, the applicant's education and engineering work history, the employers reference letters for engineering work experience of 12 months or more, an account of their consistent professional development, the, and there's the international English language test system result and they need three career episode reports capturing components of an

applicant's education and/or work experience and then a summary statement mapping the presence of specified engineering competency elements in the career episodes that could map their competencies against what they've actually done. It's, it's a much more rigorous and - - -

Well, what used to be the, what was the case before?---Simply a, a qualification assessment, a copy of your degree, your, your academic transcript and then a CV effectively.

10 MS DAVENPORT: But the thing that hasn't changed, it appears, is that there is still no process whereby any of that information is checked, is that right?---Yes, that's correct.

And in these days of computers, one would think that that wouldn't be all that difficult to do?---Well, perhaps you're correct. It depends on what checks we're after and what we need to do. Then again, this is as you put to me and a comment made to me by the people who do the assessments is that with the career episode reports and the whole package of information the applicant is required to submit, that you can look through that and you can
20 see some inconsistencies and then you can take, if you're aware this person's being correct or inaccurate and I'm also advised that we have a process, if we feel there's any doubt that we actually notify the investigation team in the Commonwealth Department of Immigration and Citizenship if there's a doubt about the bona fides of an applicant. So there is a, there is an overview by our assessment, skills assessment team.

But, for example, if somebody, if somebody applying for membership has access to somebody who's prepared to give them a reference that contains lies, there's no process that would highlight that, there's no process still in
30 place that would bring that to the attention of whoever was assessing it?---No, you take it on face value and even I'd submit if you even phoned, telephoned the referee, the same result would come out.

Yes, we've found that. But for example, one way again of verifying it would be to actually contact the person who was the employer or one or the other as opposed to relying solely upon an individual's. For example, with Mr Gamage, there appears to have been no employer references at all. All that he provided were two testimonials as it were by persons who were already members of the Institute and that was accepted. Would that still be
40 the case now?---No. That's all that was required at that time and that is, that is a difference that I didn't point out before. Today, there is a requirement for the companies to actually, if they work for over 12 months, to actually put a statement to that effect in for - - -

It's curious that you don't interview them. I mean, you wouldn't employ anybody without interviewing them, would you?---No, we wouldn't, no.

MS DAVENPORT: But again those company statements, if you get a reference, as it were, from an overseas company, they're not checked to make sure they're valid?--No.

THE COMMISSIONER: And no attempt is made to find out what kind of company it is and whether it exists?--Yes, I'm advised that that does occur, that the (not transcribable) for that purpose so if you've got a company which is Bill Smith's Consulting or something in Sri Lank, wherever, there is, there is a search done to make sure that company does exist.

10

MS DAVENPORT: I don't think I have any more questions.

THE COMMISSIONER: No, thank you, Mr Finlay. You're excused from your summons and we will adjourn.

<WITNESS EXCUSED

[2.40pm]

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**AT 2.40PM THE MATTER WAS ADJOURNED
ACCORDINGLY**

[2.40pm]