

CORALPUB00071DOC
16/03/2010

CORAL
pp 00071-00089

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THERESA HAMILTON ASSISTANT COMMISSIONER

PUBLIC HEARING

OPERATION CORAL

Reference: Operation E07/1851

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 16 MARCH 2010

AT 2.00PM

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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. Yes, Mr Thangaraj.

<JOHN FRANCO SANTOMINGO, on former oath [2.00pm]

MR THANGARAJ: Thank you, Commissioner.

10 Mr Santomingo, these contracts that you've told us about where G & F was doing the work but the name of the contract was Greenfield, what did you get paid?---What do you mean, what did I get paid?

Well, the contracts between Crossley McLean on the one hand and Greenfield on the other, correct?---Yeah.

However, G & F was doing the work, talking about those contracts and at that time you were doing work for G & F, you told us that even though you ceased being a director in February 2007 you kept working for them?
20 ---Sure.

What did you get paid?---I don't know, a wage.

Well, how much were you getting paid?---I don't know.

You don't remember what salary you were on?---No.

Was it a, was it a fixed salary or was it a proportion or depending on how much money came in?---It was depending on the work that I did.
30

All right. So were you getting paid an hourly rate?---Yeah, I was a contracting - - -

You had a contract with G & F did you?---No, I was contracting between us, contracting.

Right?---Yeah.

As Greenfield or you as an - - -?---As Greenfield, yeah.
40

Right. And how would you work out how much you would be paid or Greenfield would be paid?---Depending on what hours I'd put in and what works I did.

So Greenfield was subcontracting to G & F based on a hourly rate, were they?---Something like that.

All right. And how did you keep a tally of what sort of hours you were doing?---In my head.

You kept a tally in your head, did you?---Yeah, yeah.

Is that, is that your evidence?---(NO AUDIBLE REPLY)

And how often would you be paid?---It depends, weekly.

10 So every week you would have worked out how many hours you'd spent and do what?---Just get a cheque and put it in to Greenfield Development.

You wrote your own cheque, did you?---No, I didn't have to write my own cheque, no.

Well, how did you tell, well, who wrote the cheque for you to be paid?
---Frank Garzaniti.

20 All right. So what would happen, every week you'd go to Mr Garzaniti and tell him I worked a certain number of hours?---Mmm.

And he'd give you a cheque reflecting that, did he?---Sure.

And what was your hourly rate?---Depending on what equipment was being used.

All right. Well, what did they range from?---Anywhere from \$50, \$80, \$100, it'd depend.

30 All right. So was 50 the least and 80, and 100 the most?---No, it could have been \$20 some days, it'd just depend on what was, what was happening.

Well, can you tell us? What was your labouring - - -?---I just told you.

What was your rate for labouring?---Well, depending on how many labourers and what I was doing.

What do you mean how many labourers?---Well, depending what I was doing.

40

Well, what could you have been doing? What work were you doing?
---From anything, from supervising to labouring to, you know, using a shovel or driving a machine or, it didn't matter, mate, whatever it was.

So depending on the type of work it would be a different rate?---Okay, yeah.

Is that what you're saying?---Sure.

And you, when you say supervised, who were you supervising?---Myself, the job, the job.

So were you, did you have other labourers working for you, other people working for you?---Sure.

For Greenfield?---Sure.

How many at a time?---I don't know.

10

One, 10, 100?---One, one, it ranged from one to 10.

Right. So you could have up to 10 people that you're supervising on a job and you're paying them, are you?---Yeah.

Right. And you would keep in your head over a week - - -?---Mmm.

- - - how many hours up to 10 different people have worked - - -?---Mmm.

20

- - - for what type of equipment they're using and calculate in your head the different rates that you've been using for yourself and the, and the hire out rate for the equipment and the people?---Yeah.

Is that what you would do?---Sure.

And they could be rates at 20 an hour, 50 an hour, 80, 100 an hour?---Yeah.

And at the end of the week you'd tell Mr Garzaniti how much you were owed?---Sure.

30

And he'd give you a cheque, would he?---Sure.

Where are these cheques?---In the bank.

Did you bank them?---Sure.

And they just so frequently happened to be multiples of \$11,000?---They could have been multiples of anything.

40

But they weren't. They could've been, they should've been according to what you just told us, if it's the truth. Why were they offered multiples of \$10,000 plus GST?---Paid to me?

Yeah?---Are you sure?

Well, I'm asking you?---Multiple of - - -

Yeah, 11,000, 22,000?---Paid to me?

Yes?---I don't know.

Well, what you're telling, what you're explaining to us, if it's capable, if you're capable of remembering all those things in your head as you claim, the figures could be anything, could be - - -?---That's right.

- - - \$5,350?---Exactly.

10 And yet there were, how many cheques are there matching those sort of odd numbers?---I don't know. What are you getting at?

Are you telling the truth in your evidence?---Yes, I am. What are you getting at? I'm not understanding what you're getting at.

Well, Mr Santomingo, I'm suggesting you're not telling the truth?---Well, if I worked for G & F Plant Hire and G & F Plant Hire paid me 5,000, 2,000, 20,000, 60,000, what are you getting at?

20 I'm asking you, how did you retain the memory - - -?---(Not transcribable)

- - - of all the different hours - - - -?---What are you saying? So after I, I left G & F Plant Hire, what are you saying?

Did you ever give anyone an invoice?---Yes.

Where are they?---You took them.

From G & F?---Yeah.

30

All right. That's your answer, is it? How many - - -?---Well, did you not, did you not come and take them?

No invoices were removed from G & F or Greenfield?---No?

None?---None?

None, none were found?---No? You sure?

40 Mr Santomingo, how many invoices did you give to Mr Garzaniti?---I don't know, a hundred per cent I don't know.

Okay, well, are we talking ten, 100?---I don't know.

Well, you must be able to estimate?---Ten, okay, ten.

In what time period?---I don't know.

Well, how can you say ten? How can you say ten?---I don't know.

You understand you're under oath?---I don't, I'm under oath and I am telling you the truth. I don't understand where you're coming from telling me about getting \$11,000 invoices.

10 No, not invoices. There aren't, invoices have - - -?---Hang on a minute. And \$11,000 cheques and multiplies on top of multiples. What are you talking about? And if that's the case that, that G & F Plant Hire was paying me, what, what's that got to do with you? What is that your view to ask me that if G & F Plant Hire has paid me, what is that, what has that got to do with you?

Mr Santomingo, I'll ask you questions until the Commissioner tells me not to?---Okay.

You understand?---Well, I don't understand what it's got to do with it. If G & F Plant Hire's paying me for works that I've done, what's the problem?

20 Well, I'm wondering whether - - -?---I'm telling you I've done the works.

I'm asking - - -?---So I'm not lying to you. I'm telling you I've done it. I'm telling you that they've paid me. What's the problem?

Your honest evidence is you might've had up to ten people working different pieces of equipment (not transcribable) - - -?---Whatever, or I could've had one person, two person, ten people. What is, what's - - -

30 At the end of the week you're saying you could calculate in your head without writing anything down - - -?---It was worth so much a day, it was, be this many days, that's what you got to give me. Thank you very much.

All right?---What's the problem?

And you got paid these multiple amounts?---Okay.

All right. And are there any records at all for any of these payments? ---You've taken what was there.

40 Was any of your payment a reward for allowing Greenfield to be used as a company name?---Not at all.

You claim it's for work done for which there are no records?---Of course.

All right. Where did you get the equipment from?---I bought it.

Where was it kept when you were using it?---It was kept at my property when I was, lived there and then when I moved from there it went to our yard that's used by (not transcribable) and Greenfield Developments.

What equipment did you have in 2007 and 2008?---Bobcat, tippers, excavator, machines, all types, tools, hand tools, all types.

And did you use, did you own or lease these - - -?---I owned them.

10 All right?---Mmm.

And who drove them or who operated them?---Me.

What if you're using more than one at a time?---I'd get out of that one and then (not transcribable) that one.

That's more than one at the same time, is it?---Well, it doesn't matter whether it's same time or not. I can't use it both machines at the same time, can I?

20

How would you pay the people you'd use?---With a cheque.

All right. So that subcontractors that you used to, who came and operated these pieces of equipment, you'd pay them by cheque?---Sure.

And where are the records for those cheques?---I don't know.

Where are the cheque butts?---Don't know.

30 And how much would these cheques be for roughly?---I don't know.

Are you talking hundred of dollars or thousands of dollars?---I don't know.

How could you not know that?---Because it just depends on what days were what.

All right. So your bank statements should record these numerous small amounts of cheques coming out, should they?---Sure.

40 Is that right?---I think so, yeah.

Can I have document 7 on the screen, please. Can I show this document? Thanks. Between July, 2002 and February, 2004 - - -?---(not transcribable) a different subject now, I mean, a different subject.

I'm showing you a document?---But we're on a different subject to what we were just talking about.

Well, you can - - -?---Is that right?

Mr Santomingo - - -?---Is that right? Hang on You said the 2007 - - -

Mr Santomingo, I'll ask the questions. Do you see what the table in front of you says?---(not transcribable) for you to confuse me. I'm asking you, you said from 2007, 2008, right. Now we're on a different subject?

10 Mr Santomingo, can you look at the document in front of you, please. I'll ask you the questions?---Okay. Yeah.

That document shows between July, 2002 and February, 2004 your company paid Garzaniti Excavations about \$200,000?---Sure.

What was that for?---For works being done for Greenfield Developments.

What work was being done?---Excavation, demolition, truck hire, machine hire, whatever it was.

20 And what sort of projects were these?---Projects on the south coast being at Albion Park, a bit of sub-division there. Work for various other companies. Work, bringing other subcontractors to do works for me.

Right. And what records would you have kept of when you used Garzaniti Excavations?---All records.

Where are they?---I don't know.

30 All right. How, how would you be invoiced or how would you know how much to pay Garzaniti Excavations?---These were just part payments of what I owed them because I'd have to wait for the monies to come in.

All right?---And so whilst the monies was coming in, and you know, you've got to wait 30, 60, 90 days, 120 days, these people need to survive and continue paying their fuel and their boys and whatever they've got to do.

40 Right?---And so I'm obligated to give them something. So whilst one contract or one job would come in and they'd pay me something, I'd pay them something.

How come all the figures are either a multiple of \$11,000 - - -?---Because they were easy. That was easy to do.

Well, did it reflect the work that they did?---Of course it did.

Well how come the figures are so precisely round?---Because it's \$10,000 plus GST.

Well, that's what I'm asking you?---Yeah.

From 2002 to 2004 - - -?---Yeah.

- - - all the jobs ended up being around that amount did they?---No, they didn't.

10 Well, what did they - - -?---I don't know, 'cause you're showing me something here that's all one. But there's times when there would've been cheques to pay out an outstanding invoice that could've been \$2,360. Another one that could've been \$5,172.

These are, these are all the entries from Greenfield Development to Garzaniti Excavations?---These are all of them?

Yes. This is all of them?---Oh, okay.

So you're surprised?---No, I'm not surprised.

20 Well, from what you've told us there should be many others with different amounts?---Well, there you go.

Well, there aren't are there?---No.

And why is that?---I don't know.

From what you're telling us their work could've been any old number?--- (not transcribable), yeah, it could be any number.

30 Well, that's right. That's why I'm asking you why are these the numbers that have come up in the payments?---I don't know.

All right. I tender that document, Commissioner.

ASSISTANT COMMISSIONER: That schedule of payment from Greenfield to Garzaniti Excavations will be Exhibit 8.

40 **#EXHIBIT 8 - TABLE OF PAYMENTS MADE BY GREENFIELD TO GARZANITI EXCAVATIONS**

MR THANGARAJ: I'll show you another document, document 5. This is a schedule of payments from Greenfield to accounts that Mr Garzaniti was involved with between April, 2003 and February, 2006 totalling about \$281,000?---Yeah.

What were these payments for?---For works done by Garzaniti Excavations for Greenfield Development.

Well, why are some of them going to Mr Garzaniti and some of them going to - - -?---That's what he wanted me to do.

So you would do whatever he told you would you?---No, I wouldn't do whatever he told me.

10 Well, I'm talking about with respect to these payments?---Yeah, well, if he's, he's working for me as Garzaniti Excavations, if he asks me write a cheque to Garzaniti, I'd write a cheque to Garzaniti, there you go. What he did with the money is not my business.

Well who owns Garzaniti Excavations?---Well, I think Frank does.

Yes, and who else?---I don't know if his brother does as well.

20 Well, did you get permission from his brother to not pay the company but to pay Mr Garzaniti, Frank Garzaniti directly?---Should I of?

Well, did you? The question is did you?---No, I didn't.

All right. So a company does work for you and one of the individuals, who happens to be a good friend of yours says, don't pay the company, pay me as an individual and you just pay them, the way you did?---What's it got to do with me what he does with it?

30 You have an obligation to Garzaniti Excavations, all the shareholders of that company. Do you agree with that or not?---An obligation?

Yes?---I've got an obligation that he gives me an invoice, what he does with his money is his problem, mate.

No, Mr Santomingo, you're not listening to the question or you're avoiding it?---No, I'm not avoiding it.

40 You had a contract or an agreement to pay Garzaniti Excavations for work they did?---Sure.

Is that right?---Sure.

Right. So if you're in partnership with somebody and your firm did work, would you mind if your partner took the money and put it in a different account?---Me personally, yeah, I would.

Right. So you had an obligation, Greenfield had an obligation to pay Garzaniti Excavations?---Mmm.

Why do you just give Mr Frank Garzaniti a personal cheque if that's what he wants?---I don't know.

Well did you just do whatever he told you to with respect to this payment?
---No, not at all.

Well, why didn't you tell his partner or check with his partner that is what you were doing?---I don't know.

10

Well did you, did you make all the payments made payable to Garzaniti Excavations or did you make them payable to whoever he told you to make them payable to?---So - - -

When you wrote out a cheque did you write it out to Garzaniti Excavations or did you write it out to Garzaniti?---Well, both. You can see that.

When you were asked about this in the examination - - -?---Mmm.

20

- - - you said, page 33, I made the cheques out to Garzaniti Excavations. What he did with the cheques has nothing to do with me?---That's right.

Then you were asked, are you saying that all the cheques that you drew were in favour of Garzaniti Excavations? Yes. So, do you remember drawing in favour of say Mr Garzaniti or Mrs Garzaniti personally? No. They were made to Garzaniti Excavations?---Or made to Garzaniti. These ones were made to Garzaniti, the other ones were made to Garzaniti Excavations.

30

And where is the proof the work that these went to pay?---Well, I worked for Divine Homes, Pioneer Homes and the developer for, you know, many years.

Yes. I'm not talking about the work you did I'm talking about the work that you paid Garzaniti for?---I used all the equipment, I used their equipment. I used their people.

Did they invoice you?---Of course they invoiced me.

40

And again, you look at the figures, they're all round figures but for one?
---Okay.

Well, how did that, how did that happen?---I don't know. It just so happened that it happened like that.

You're saying that because you were still waiting to be paid by the head contractor, you wanted to pay them something as you went?---Yeah, of course.

And then when you were paid out by the head contractor, you paid them in full?---Sure.

Are you saying that the April, 2003 payment, that whatever job that related to was never paid out?---Of course it was.

You're still owed money from that are you?---There's one there for 27,750.

10 There's one?---There's one there for 30,000. There's one there for 16 and a half thousand.

Are you saying they're not round numbers?---So what if they are?

Are you saying that all the invoices you were given added up to numbers like that? Those sort of multiples. Is that what you're saying?---Not exactly, no.

20 Well then, where is the balance of the money?---It's plus GST as well.

Well, 11,000 is still a round number when you take away the GST, Mr Santomingo?---Okay.

You said you were waiting for the head contractor to pay you, the April, 2003 job, when the head contractor paid you, you did pay them out, if what you're telling us is the truth?---Of course I would've paid them out.

Where?---The job was probably worth 22,000.

30 Oh, was it? They were all worth around that number were they?---Well, they could of.

Is that your honest evidence?---Yeah.

Five minutes ago you said they come up with small numbers?---Yeah. Well, they also come up with small numbers, there's different amounts aren't there?

40 Where?---There, 27 and a half thousand, there's 40,000, there's 16 and a half thousand.

Are you suggesting that 30,000 is not a round number?---Of course it's a round number, but that's with GST, mate, take that off.

So between April 2003 and February 2006 these payments add up to the invoices you were given, are they?---I don't know (not transcribable) paid. I don't know about you, mate, you keep going round and round and round in circles. Exactly what I said to you is exactly what it is.

Mr Santomingo - - -?---So you take it how you want.

- - - it's the money that's going round and round in circles, isn't it?---No, you are. You're going round and round in circles. It's exactly what I'm saying to you and you take it as you want.

Mr Santomingo - - -?---Yes.

10 - - - what you're saying is that Mr Garzaniti would direct you where the money went?---He would direct me - - -

Yeah?--- - - - where the money would go.

Right?---Okay.

Would G & F do some work for you at this sort of time, 2003 to 2006?
---No, because G & F started in 2004.

20 Yeah, well, in the period between 2004 and 2006?---Mmm.

Was G & F doing work for you?---I can't recall, mate.

Were you doing work for G & F?---I can't recall.

You can't recall whether in, any time between 2004 and 2007 - - -?---Mmm, yeah, I would have done something, I don't know.

30 Like what?---Whatever it was. You, are you saying to me that it's a problem - - -

Mr Santomingo, I'll ask the questions?---Oh, will you? Well, then I'll answer them.

40 So when you were asked about this in your compulsory examination it was suggested to you, "Well it just seems strange to me that it's always \$11,000," and you said, "Well, because I wouldn't have enough to pay him so I'd give him 10,000 plus GST, 10,000 plus GST and then, you know, we'll catch it up." Well, where, where is the evidence on these records that you did catch it up if that's the truth?---Well, the evidence is in, in a few places because I paid them in different amounts here. I could have done work for them where money hasn't been exchanged, all right, and so things, you know, can work both ways really.

But there isn't any evidence to support what you're saying?---Why?

Where are the odd numbers? Where's the 3,500, where's the 5,750?
---Yeah, that's 27,750, it's 16,500.

All right?---What?

16,500 is 15,000 plus GST?---Okay.

And it continues, well, the question, “Well, it would be more usual I would have thought to give whatever amount you had in at that time rather than a fixed amount,” you said, “But I still had other bills to pay and I didn’t think it was a problem?”---Mmm.

10

Question, “No, it just looked, just does look like you’re paying him,” and then you say, “I understand what it looks like but it’s not?”---But it’s not.

Yeah, well, what do you say it looks like?---That I’m paying him for works that he did for me. What are you saying it looks like?

It looks like, I’m asking you what you meant when you said the following words, “I understand what it looks like but it’s not?”---Yeah, it looks like I’ve being given him \$11,000, \$11,000.

20

I tender that document, Commissioner.

ASSISTANT COMMISSIONER: Yes. The Greenfield payments to Mr Garzaniti will be Exhibit 9.

#EXHIBIT 9 - TABLE OF TRANSACTIONS FROM GREENFIELD DEVELOPMENT WITH GARZANITI

30

MR THANGARAJ: What the evidence seems to be, Mr Santomingo, is that there is a free flow of money around these accounts depending on what Mr Garzaniti tells you to do?---Not at all.

Not supported by a single document?---Well, (not transcribable) the documents that you took.

And if it was a case of money going around as and when the two of you or one of you thought fit there wouldn’t be any need for invoices, would there?
---Of course there is.

40

All right. The Department of Housing records show that about 2.7 million was paid to Greenfield between 2001 and 2007?---Mmm.

For the years 2000 and 2001, according to your ANZ accounts, there’s half a million dollars short?---Right.

So where did the payments from the Department of Housing for that half a million go?---I don't know, where did they go?

It's a question, Mr Santomingo?---I don't know.

The Department of Housing has records that they paid your company half a million dollars in those two years - - -?---Mmm.

- - - and there's no record of it being banked?---Mmm.

10

What did you do with it?---There's no record of it being banked?

No record of it being banked in those two years. There's a \$500,000 shortfall. Where's the money?---I don't know. I cashed it.

Cashed half a million dollars in cheques in two years?---Yeah, yeah.

So the Department of Housing paid you cash cheques, do they?---Cash cheques, mate.

20

The Department of Housing paid you cash cheques of \$500,000 in those two years. Is that what you're saying?---Yeah.

Where did you cash them?---At the bank.

Which bank?---The Commonwealth Bank.

Do you have an account at the Commonwealth Bank?---No, I don't.

30

So what would happen, you would, would you ring up and say I'm coming and I want to cash a cheque for 50 or \$60,000?---Exactly.

Which branches did you do that at?---I, I don't know, whichever branches could do it for me.

Right. And what would you do with that cash?---I'd spend it.

On what?---Whatever I wanted to.

40

You spent half a million dollars in those two years, did you?---Yeah. If I don't know where the money's gone what do you want me to do? Are you going to check out the Greenfield Developments? I didn't do no, no bookwork at all in that time. It was banked. It might have been banked wherever, it would have been banked in a Greenfield Developments account, that's for sure.

Well, what accounts did you have besides the ANZ Bank?---Well, I don't know. We're talking 2000 now, 10 years ago.

Have you ever had an account besides the ANZ Bank?---I would have had, yes.

Well, what other banks did you have the accounts at?---A few different ones.

So you'd only - - -?---Westpac, a National Australia, I told you this stuff last time.

10

No, you didn't - - -?---Yes, I did.

- - - Mr Santomingo. So what, what banks do you say that Greenfield had accounts with?---Westpac and National Australia Bank.

Right. So all the things you've just been telling us about the cash cheques and the Department, what was that?---Well, that's silly because you were asking me a silly question and I explained this to youse last time.

20

So you're determining when you're going to answer truthfully and when you're going to have a joke, are you?---Well, it is truthfully. I told you - - -

Well, what's truthful?--- - - - last time I don't know where they went.

Well, your answer that you were given half a million dollars in cash cheques from the Department, was that the truth, a truthful answer?---Of course it's not the truth.

30

All right. You're taking this very seriously, aren't you, Mr Santomingo? ---Yeah, I am, because now you're starting to like get a bit silly yourself.

Right. So you still can't tell us which accounts the \$500,000 went into?---I don't recall what accounts I had back then.

So have there been any other answers you've given today that haven't been truthful?---No, they've been truthful.

40

So is it your evidence that you don't have any invoices or have not provided any invoices with respect to Greenfield and Crossley, Garzaniti Excavations or G & F?---(NO AUDIBLE REPLY)

You don't have any invoices for that?---No.

Now, you claim that you said all this on a previous occasion. You were asked questions about these, this \$500,000 and you were asked, "Now perhaps we can go back a step and you can tell the Commission what bank accounts you were using in 2001, 2002 for Greenfield." You said, "ANZ." "Was that the only account for the company?" "Yeah." No mention of

Westpac or Commonwealth or any other bank?---I didn't (not transcribable). I said, I said I think had a National Australia Bank account. I did say that.

You said, "Well, it would have been deposited into a Greenfield Development account. Now, 2001 would have been a ANZ account," as you have just said and as your evidence was a few questions above that. "I don't think, I used to have a National Australia Bank?"---There you go.

10 "I think it would have been in 1999?"---There you go.

You've told, you said that you used to have it, you said the money went into the ANZ account?---Mate, I can't recall every single thing that, you know, like every single cheque or every single, what you're asking me.

Can the witness be shown document 8 please.

20 This is a schedule of payments from G & F to Greenfield from May 2005 to May 2007 of around \$150,000?---Yeah.

What were these payments for?---For works I'd done.

Were these figures reflective of the, were these figures the same as the invoices that you provided?---I'm sure.

So you gave invoices in those exact amounts, did you?---Mmm.

40,000 plus GST, 20,000 plus GST et cetera?---Yeah.

30 And how would you work out how much you were owed?---I don't know.

Is this something you kept in your head?---I don't know.

Well, you're - - -?---I was a director of both these companies. What I did with my money and how much I transferred is nothing to do with anybody. What I did here and what I transferred moneys here, I don't have to explain nothing about - - -

40 Well, you do, if you're asked?---Excuse me?

Well, you do if you're asked and I'm asking you?---Well, I didn't know that. I'm telling you I don't. If I want to transfer \$44,000 from my, one of my companies to another company of mine, regardless what it's for, that's my business.

Well, it's not your business?---Yes, it is.

Because G & F is not entirely your company?---Well, I was still a director of it. I could do what I like with it.

Well, are these payments for work or not?---Both.

Well, what do you mean both?---Work and no work.

Well, the ones that weren't for work - - -?---Mmm.

10 - - - you just did at your own discretion, did you? You just decided to do it?---Yeah, I don't - - -

Well, did you speak to Mr Garzaniti about it or you just transferred money from the joint company to your own account?---No, I would've (not transcribable) I would've said I need to put some money in my account, write me a cheque for this much or I need to write a cheque for that much and I put it in my account.

20 All right?---Well, I don't see what the problem is there.

Well, was any of this for work?---Some of it would've been, yes.

And where are the invoices for those pieces of work?---I don't know.

So what work was it that was being done for the ones that do reflect work? ---Excavation, truck hire, machine hire, whatever.

Are you still working for Mr Garzaniti?---Yes.

30 As what?---As whatever's required to be done.

Are you an employee of G & F?---Yes, I am.

Are you an employee of any other company?---No.

Does Greenfield still operate?---It doesn't, it's still there but it doesn't operate, no.

40 Did you ever have any discussions with Mr Garzaniti or did you ever try to organise the funds so that you could keep it from your wife?---Excuse me?

Did you ever organise funds so they wouldn't be in Greenfield's account so it would've be liable to Family Law proceedings?---No, not at all.

I tender that document, Commissioner.

ASSISTANT COMMISSIONER: Yes, the schedule of Payments from G & F Plant Hire to Greenfield will be Exhibit 10.

**#EXHIBIT 10 - TABLE OF PAYMENTS MADE BY G&F PLANT
HIRE TO GREENFIELD DEVELOPMENT**

MR THANGARAJ: Could I just have one moment, Commissioner? That's the examination, Commissioner.

10 ASSISTANT COMMISSIONER: Yes. Does anybody wish to question this witness? No? Mr Santomingo, I'd just like to give you an opportunity to comment on a proposition. One inference that seems to be open on the material we've been going through is that Greenfield was used as a front company to conceal the fact that G & F was doing Department of Housing work. Do you understand that proposition?---Yeah, but it's not true.

All right. So you deny that that was ever the case?---Yeah, of course.

All right?---G & F Plant Hire worked for Crossley McLean.

20 Yeah?---Greenfield Developments worked for the Department of Housing. I don't see what the difference is. I don't see what the problem is with that.

All right?---All right.

All right. Well, if there's no questions, you are not excused, Mr Santomingo?---Thank you.

Thank you.

30 <THE WITNESS EXCUSED [2.36pm]

MR THANGARAJ: Commissioner, there's only one more witness which is Mr Garzaniti but if we could adjourn for today and he can start at 10 o'clock tomorrow.

ASSISTANT COMMISSIONER: Yes, all right. This hearing is adjourned until 10 o'clock tomorrow.

40 MR CANCERI: Commissioner, could I just inquire. Are you taking written submissions at the end of - - -

ASSISTANT COMMISSIONER: We will be taking written submission, thank you.

AT 2.37PM THE MATTER WAS ADJOURNED UNTIL 10.00AM
WEDNESDAY, 17 MARCH, 2010 [2.37pm]