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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION PARAGON

Reference: Operation E18/0736

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 19 MAY, 2021

AT 2.15PM

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: Now, Mr Lawrence, I grant leave, if I haven't already, for you to appear on behalf of the witness. Additionally I grant leave for you to cross-examine her now. I note that when that has been completed we'll adjourn for five minutes to enable the transcript to change over for a private hearing and then I'll resume in private hearing. Yes.

10 MR LAWRENCE: Yes, thank you, Commissioner.

THE COMMISSIONER: Yes, Mr Lawrence.

MR LAWRENCE: Ms Steyn, I just want to take you quickly back to your connection with Mr Duchesne. Okay?---Sure.

Would it be fair to say that you did not meet Mr Duchesne while you were in South Africa?---That's correct.

20 And to your recollection, the first time you'd met him was, or that you know, that Mr Duchesne and your father met was at your wedding round about 2003?---To my recollection, yes.

And then your father went back to South Africa, spending some time.--

Yes.

And the next occasion that he came to Australia was in 2010.---Yes.

And having spent some time here, a longer period of time, then he went back to South Africa.---Yes.

30

And then the next occasion he arrives is in March of 2018.---Yes.

Just taking a period of 2010 to 2018, to your knowledge, your father and Mr Duchesne were not in constant contact, were they?---When he was in Australia or - - -

No, no, when he was in South Africa.---I, I don't believe they - well maybe, but I - - -

40 Not to your knowledge?---No.

And the first that you hear anything about Mr Duchesne and your father in any connection was somewhere around March 2018. Would you agree with that?---Yeah.

Although your father was planning to come here at the end of 2017.---Yes.

But as you gave evidence, you didn't know that your husband, Mr Steyn, was assisting him to come to Australia.---No.

You only became aware of that during the evidence at this Commission.
---Yes.

Prior to Mr Manuel, that is your father, coming to Australia in 2018, did you have any discussion with him about working with Mr Duchesne?---With my father?

10

Sorry, your father and Mr Duchesne working.---I don't recall, sorry, I don't recall.

Might I suggest those discussions happened after your father came to Australia? Would you agree with that?---Quite possibly, yes.

So the first time you hear anything about Mr Manuel and Mr Duchesne doing some work together is through Mr Steyn.---I, yes, yes.

20 And in fact it's Mr Steyn who tells you that they're going to do work together.---Yes.

And so all the information that you know about anything about PMD back in 2018, that is March and April in particular of 2018, I suggest to you came through Mr Steyn.---And my dad, yes.

Your dad, after he came here.---Yes.

30 But prior to your dad coming here was through Mr Steyn?---Not a lot, but it was very brief discussions, yes.

And so you didn't know anything about the nature of work they were going to do.---Prior to dad coming?

That's right.---My memory is not the best, so I would say I would have asked and it would have been the decision that Uncle Marty would assist him in quality line of work.

40 But I'm putting to you that you didn't know that till after your dad arrived to Australia.---Okay, yes.

And prior to your dad coming to Australia, did you hear from any source at all that Mr Duchesne was not going to employ him, employ your father in his company, M&M Inspections?---I don't recall that being told to me or a discussion, I don't recall that, sorry.

But you knew that Mr Duchesne was running a company?---Yes.

And you knew that was called M&M Inspections, without going to the particularity of the company, you knew that he was a sole operator and worker in that company?---Yes.

You also knew that he did work interstate?---Yes.

And this is prior to your dad coming.---Yes.

10 And that's independent of the work that he did through RMS.---Yes. Or I, probably. I didn't, I didn't know what he was going interstate for.

Well, put it this way. RMS, to your best of knowledge, does not work outside New South Wales?---I didn't, I didn't connect that, sorry, at all. I'm not thinking along those lines.

Well, would you accept as a proposition that RMS is a state-owned entity? ---Yes.

20 And their work is limited to New South Wales?---Yes.

So it's logical that if he was working interstate, barring a very, very few exceptions, he would be working in other projects outside NSW Government.---Yes.

Now, was it Mr Steyn who first informed you that Mr Duchesne, sorry, or Mr Manuel was setting up a company?---Yes, it would have come from Craig and not Mr, Mr Duchesne.

30 In fact is it fair to say that you didn't have any direct communication with Mr Duchesne in setting up the company except for sending him some details on the instructions of Mr Steyn?---Yes.

Would you agree with that?---Yes.

And were you informed that Mr Duchesne was helping your dad set up a company because your dad was in South Africa and he couldn't do it from South Africa?---I can't recall that, no, but I guess that would be the reason that that was the case.

40 And so it wasn't – I'm suggesting to you that it wasn't communicated to you that it was for this joint business between your father and Mr Duchesne.---Sorry, can you repeat that question in another way.

Well, the company that was being set up, PMD, right, so your father did not communicate to you that it was to do, business jointly, that is jointly between Mr Duchesne and your father?---He did after he arrived, yes.

Okay only after he arrived.---Yes.

And did he tell you what he was doing after he arrived?---Assisting Mr Duchesne with quality or quality works.

Did you know about Mr Duchesne going to South Africa in 2018?---I don't recall. I cannot recall that. Sorry, for this purpose I don't recall that.

Did you subsequently find out that he went to South Africa?---Yes.

10 When did you find that out?---I couldn't tell you. It would have been maybe before he left and through his wife, we were friends, but I didn't - - -

So immediately before Mr Duchesne went to South Africa?---Yes.

So that is at a date immediately after your father coming to Australia?---I can't tell you when he left or even - I don't know when he left.

Did your father tell you that he would be doing some work that Mr Duchesne would normally do while he was away to South Africa?
20 ---Yes.

And that's the context you understood that he was working for Mr Duchesne. Is that right?---With Mr Duchesne but - - -

With Mr Duchesne----- without Mr Duchesne there, yes.

But beyond that there was no other communication of them working together. Would you agree with that?---For the time frame I can't tell you when he left or at which point he was working with or without
30 Mr Duchesne.

Well, let's go back to April and May of 2018.---Yes.

So that's a period, 19 April to 14 May is when Mr Duchesne was in South Africa.---Okay.

40 So at that time, that is as of 14 May I'm suggesting to you that you didn't have any other information about them working together.---I can't tell you when they started working together and I'd be lying if I said to you yes, that was the first time or the first contact. I do know that I helped book accommodation or some, of some sort but I don't know at what, for the both of them. I don't know what time frame that was.

I'll come to accommodation shortly. But in any case, after Mr Duchesne returned, you knew that PMD was being transferred to your father alone?
---At which point, sorry?

Pretty much soon after your father came back – sorry – Mr Duchesne came back.---I, I can't recall when it happened but it did happen, yes.

And did you hear any conversations that Mr Duchesne was not happy to have a joint company?---No, I don't recall the conversation had with Mr Duchesne about any of that, no.

Not with Mr Duchesne but Mr Steyn?---No.

10 Did Mr Steyn tell you that Mr Duchesne was happy to have his granddaughter involved in the company?---I don't recall it, sorry.

Did you learn that at any stage later?---Maybe my father mentioned that and I agreed.

Maybe your father mentioned it.---Yeah.

What's your best recollection what your father mentioned?---He just said Marty, Uncle, well, Marty wants, wants - - -

20

THE COMMISSIONER: Sorry, I can't hear you. What did you say? Just repeat your answer.---Yeah. He mentioned Marty didn't want to be in joint works with him anymore and that Courtney, I think Aunty Mary wasn't happy that Courtney was on the business – what do you call it?

MR LAWRENCE: On the PMD company?---Yes, correct. And I, I actually agreed with him on that.

30 So pretty much soon after you learnt that Mr Duchesne was not happy about two things, at least?---Yes.

Firstly Courtney Duchesne being in any capacity involved with PMD?---Yes.

And secondly that he did not want to have a company jointly with your father?---Yes.

And it was not meant to be as a disrespect to your father, right?---Correct.

40 But Mr Duchesne had his own company?---Yes.

And as you – he was slightly older than your dad?---Yeah. Yes, correct.

You accept that he would be 74, about 74 now?---Yes.

So he wasn't about to venture out into a new project in 2018. Would you agree with that?

MR DOWNING: I object to that. That's just asking the witness to speculate, it really is.

THE COMMISSIONER: Yes. I think that's asking the witness to speculate, Mr Lawrence, on an issue which is - - -

MR LAWRENCE: I take your – Commissioner. I'll move on. So, so at that stage did you also know that Mr Duchesne did not want to employ your dad in the M&M Inspections company?---I don't recall any conversation
10 being had about whether he wanted to employ dad or not, through M&M.

Now, I said I would come onto the accommodation. Isn't it the situation that Mr Duchesne organised his own accommodation when he travelled?--
-(No Audible Reply)

I'll take it in stages, right. Prior to April 2018, you had nothing to do with organising his accommodation. Do you agree with that?---Absolutely not.

20 And so when I said earlier on that you were organising accommodation at Leeton, wasn't that for your father that you were actually organising the accommodation?---I remember Uncle Marty being in the office and dad asking, and Uncle Marty, both of them, were discussing the areas of where they're going to stay and booking the accommodation. But it may not have been for Uncle Marty, but I know I know I booked accommodation and I can't remember exactly if it was for both of them or just dad, but he was with Uncle Marty.

30 If he was, assuming that they were travelling together, then you would have obviously booked accommodation together for your dad?---Yes.

But you wouldn't be booking it on Mr Duchesne's account, would you, not out of his personal account?---Probably not. Yeah. So it makes sense that it would have been for Peter.

I mean, the fact they might have been sharing and they stayed together is different but you - - -?---Actually, I think they did. It was in an apartment.

40 But if you booked on behalf of your dad, it would be coming out of your dad's account, would you agree?---Correct, yes. Well, it came out of my account because he hadn't set anything up yet.

But certainly it wasn't out of Mr Duchesne's account?---No.

Yes, Commissioner. That's the questions I have. Thank you.

THE COMMISSIONER: Thank you, Mr Lawrence. Is there anything else you want to ask the witness?

MR DOWNING: Just one matter that arises from those questions.

THE COMMISSIONER: Yes.

MR DOWNING: Ms Steyn, you'll recall Mr Lawrence asked you about whether your father had told you at some point in early 2018 that he was going to be doing some work for Martin Duchesne while he was going to be away in South Africa, and I think you confirmed that you did recall them
10 telling you that.---Yes, yes.

Can you recall your father telling you who that work was going to be for?
---As in where he was going to go?

Well, no. This is the order, isn't it, that you learned that, your dad arrives – we'll go in steps. Your dad arrives in Australia?---Ah hmm.

You learn that he is planning to do some work with Mr Duchesne?---Yes.

20 You learn that at some point not long after that Mr Duchesne is in fact himself planning to spend some time away?---Yes.

And your father tells you that he has been asked to, in effect, do some work for Mr Duchesne while he is in South Africa?---Yes.

Did you understand who that work was for? That is, who was the person that was – well, let me ask that a different way. I withdraw that. Did you understand who the work that Mr Duchesne was supposed to be doing, that your father was stepping in for, was actually to be for?---No, I didn't.
30

You didn't ask your dad?---No.

Did you have any conversation with Craig at the time about that?---No, no.

Did you learn from Craig that in fact he was the one that had asked your dad – I withdraw that – had asked Mr Duchesne to have your dad step in but bill M&M while he was away in South Africa?---No. I - - -

40 So you never learnt that from your dad?---No.

And you never learnt that from Craig?---I don't think I – I don't, I don't recall any of that being said to me.

So, all you knew, on your evidence, is that your father was going to step in and do something in place of Mr Duchesne while he was away?---Yes.

Thank you, Commissioner. That's all.

THE COMMISSIONER: Yes. Thank you. Well, that completes the evidence in the public sessions of the public inquiry. I'll now adjourn for five minutes to allow the transcript operators to switch over for a private hearing then I'll resume and I think it's estimated to be about five minutes or so. We'll take further evidence from the witness. I'll adjourn.

AT 2.38PM THE MATTER WAS ADJOURNED ACCORDINGLY
[2.38pm]