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CORRUPTION AND CRIME COMMISSION

OF WESTERN AUSTRALIA

ACTING COMMISSIONER SCOTT ELLIS

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON THURSDAY, 10 DECEMBER 2020, AT 9.42 AM

COUNSEL:

MS NADIA PANTANO

WITNESS: KENT MICHAEL HUNTER

1 **THE ACTING COMMISSIONER:** Please be seated.

2

3 **THE ASSOCIATE:** The Commission is about to conduct a number
4 of examinations for the purposes of an investigation under
5 the Corruption, Crime and Misconduct Act 2003. The scope
6 and purpose of the Commission investigation is to determine
7 whether any current, and/or former public officers or
8 officers from Landgate or Department of Communities, and/or
9 its former entities, engaged in serious misconduct by
10 obtaining a benefit for themselves or any other person.

11

12 **THE ACTING COMMISSIONER:** We now move to the second phase
13 of this week's hearing. In the earlier evidence we
14 considered transactions that were brokered by Mr Whyte. In
15 this phase we will start looking at the question of the
16 extent to which Mr Whyte was the effective cause of the
17 outbreak of serious misconduct in the Department of Housing.

18

19 Did Mr Whyte infect the Department with a corrupt attitude
20 and outlook, or was Mr Whyte merely the most obvious symptom
21 of an underlying malaise in the Department of Housing?

22

23 More importantly, what was it that permitted or enabled
24 transactions or practices to occur which had no real benefit
25 to the State or the people who relied on the Department for
26 affordable housing? These are questions with broader
27 significance than Mr Whyte's particular activities.

28

29 Again, I consider that it's in the public interest for the
30 hearing to be conducted in public; although, they involve
31 different transactions. I have taken the considerations
32 identified in section 140 of the Act into account in reaching
33 this conclusion. The Commission may of course decide to
34 hold parts of the hearing in private.

35

36 I've also made orders that there be no publication of the
37 address or contact details of any person or any information
38 that might result in the identification of the address or
39 personal contact details of any person called as a witness
40 in the proceedings.

41

42 I've appointed Ms Pantano as counsel on behalf of the
43 Commission. I invite her to make an opening address.

44

45 **PANTANO, MS:** Over the past month the Commission has,
46 through public examinations, highlighted various examples of
47 systemic corrupt practices within the former Department of
48 Housing, now Department of Communities.

49

50 The Commission has identified that millions of dollars of
51 public money has been misappropriated for personal gain, to

1 the detriment of the Western Australian public and
2 particularly those vulnerable individuals who needed it
3 most.

4
5 While Mr Paul Whyte, the Department's former general
6 manager, has been at the centre of the many corrupt
7 practices, the Commission has uncovered a culture in which
8 Mr Whyte's corrupt conduct was able to thrive; lax
9 procedures, failures in procurement practices and minimal
10 oversight, enabled by a culture of getting things done at
11 any cost, with little regard to value for money or
12 transparency in decision-making.

13
14 Culture goes to the very heart of how human society behaves,
15 both individually and as a collective. Organisational
16 culture has been defined as the shared set of values and
17 beliefs that guide how members of an organisation approach
18 their work and interact with each other.

19
20 Organisational culture is shaped by and overlaps with other
21 cultures, is monolithic and dynamic. Regulators the world
22 over are increasingly focused on organisational culture, in
23 an attempt to prevent corruption from flourishing within
24 organisations.

25
26 Following the global financial crisis, the financial
27 services sector regulators encouraged financial institutions
28 to more actively manage the culture of their organisations
29 and its impact on employee conduct and behaviour.

30
31 In the United Kingdom, financial services regulators as well
32 as Parliament have elevated the role of culture in shaping
33 behaviour within organisations. It is acknowledged that
34 improvements in corporate culture are necessary in order to
35 restore trust and accountability.

36
37 There are many factors that drive internal variations in the
38 culture of business functions and units. Culture is a
39 complex and multi-system framework that must be aligned in
40 many aspects in order to encourage ethical behaviour.

41
42 A recent Commission investigation has uncovered how a toxic
43 culture played a vital role in the ongoing systemic under-
44 reporting and cover-up of use of force incidents within WA
45 prisons. The Commission's current investigation into the
46 Department of Communities has identified that a culture of
47 cronyism was rife, resulting in conflicts of interest going
48 undeclared and unmanaged.

49
50 The next instalment of the Commission's public examinations
51 will explore how a culture of favouring personal associates

1 led to a further drain on the public purse, again for the
2 personal benefit of a select few individuals; another
3 contractor, another project manager being paid exorbitant
4 fees; another undeclared conflict of interest.

5
6 It is a pattern the Commission sees all too often, not just
7 within the Department of Communities but within previous
8 investigations into other public sector agencies. The
9 examinations will explore what impact the culture had on
10 enabling this cronyism to flourish.

11
12 Consider how Mr Whyte was able to engage in systemic corrupt
13 practices almost immediately upon commencement at the
14 Department of Housing and continue with what appears to be
15 almost a decade of corrupt conduct going undetected.

16
17 Were conflicts of interest regularly ignored, pushed to one
18 side in order to benefit friends and associates? Were proper
19 procurement practices disregarded in order to benefit those
20 friends and associates?

21
22 Were government receiving value for money, with contractors
23 paid almost three times the hourly rate of permanent
24 employees in circumstances where their contracts were
25 allegedly being endorsed by senior staffers for personal
26 gain?

27
28 Was the culture within the Department ripe for the likes of
29 Mr Whyte and associates to take advantage of the public purse
30 for their own personal benefit?

31
32 The Commission is endeavouring to answer these questions and
33 more in its ongoing investigation into one of the largest
34 cases of public sector fraud in the history of
35 Western Australia.

36
37 The goal for government agencies is to be able to fully
38 integrate, and appreciate the impact behavioural norms have
39 on the risk of misconduct. Agencies must be mindful of the
40 official communications of executives, taking heed of the
41 impact of senior staffers' actions and decision-making on
42 the overall message about what is ethical and appropriate
43 behaviour.

44
45 Together with a framework of policies, procedures and codes
46 of conduct, the actions of senior leaders within government
47 sets the tone for the remainder of the organisation on what
48 is acceptable and tolerated behaviour. It sets the benchmark
49 for the value system, and drives employee behaviour.

1 As the State's specialist integrity agency, the Commission
2 has been entrusted with broad-ranging investigative powers.
3 In order for it to reduce serious misconduct within the
4 Western Australian public sector, it utilises these powers
5 to not only uncover systemic corrupt practices but to
6 increase the capacity of public authorities to prevent
7 serious misconduct.

8
9 Public authorities should take heed of the matters
10 highlighted by the Commission in its examinations and reports
11 so that they can strengthen their capabilities in identifying
12 and dealing with serious misconduct in the future.

13
14 Commissioner, I now call the first witness, Mr Kent Hunter.

15
16 **THE ACTING COMMISSIONER:** Thank you. We'll adjourn briefly
17 to enable Mr Hunter to be brought in.

18
19 (Short adjournment)

20
21 (TIMESTAMP) / 09.50.35 AM

1 **THE ACTING COMMISSIONER:** Please be seated.
2
3 **HUNTER, KENT MICHAEL CALLED AT 10.04 AM:**
4
5 **THE ASSOCIATE:** Before your examination begins, it is
6 necessary for you to take an affirmation. Please stand,
7 take the card in your right hand and read the affirmation
8 out loud.
9
10 **HUNTER, KENT MICHAEL AFFIRMED AT 10.04 AM:**
11
12 **THE ASSOCIATE:** Thank you. You may be seated.
13
14 **THE ACTING COMMISSIONER:** Mr Hunter, I see you have received
15 and signed the notice to witnesses. Is that correct?---
16 Yeah.
17
18 I've appointed Ms Pantano as counsel assisting. She'll ask
19 questions on my behalf.
20
21 Ms Pantano?
22
23 **PANTANO, MS:** Can you please state your full name?---Kent
24 Michael Hunter.
25
26 **THE ACTING COMMISSIONER:** I'm sorry, can you speak up
27 please, I couldn't hear that?---Kent Michael Hunter.
28
29 **PANTANO, MS:** And are you currently employed?---Yes.
30
31 In what capacity?---Accountant.
32
33 If you could just speak up, Mr Hunter, just for the
34 transcribers?---Accountant.
35
36 An accountant? Okay. And are you self-employed or do you
37 work for somebody?---Self-employed.
38
39 And what qualifications do you hold?---Bachelor of Business
40 and formerly a chartered accountant.
41
42 Again, sorry, if you could just increase the volume?---
43 Business and a former chartered accountant.
44
45 Former chartered accountant? Okay. Have you been involved
46 in any businesses in which you were a director, former
47 director of?---Yes.
48
49 Okay. I want to ask you about a couple of them. Silvertree?
50 What was your involvement in Silvertree?---Silvertree was

1 just a small investment company that - we had about four
2 shareholders, I think.

3
4 What about Kouta Bay---That was my trustee company, my trust.

5
6 Mining Corporate?---That was my business compliance listing,
7 etc.

8
9 Compliance? Again, you're going to have to speak up,
10 Mr Hunter?---Compliance and accounting business.

11
12 Compliance and accounting business?---Yeah.

13
14 Did Mining Corporate employ anybody?---Probably about 20 or
15 30 people over 10 years or so.

16
17 And were they direct employees or contractors, or a mix of
18 both?---I don't think we had any contractors, mostly
19 employees, yeah.

20
21 What about Mining Corporate Advisory Services?---that was a
22 precursor to Mining Corporate.

23
24 **THE ACTING COMMISSIONER:** Was it a separate company?---Yes.

25
26 Thank you.

27
28 **PANTANO, MS:** So what happened to Mining Corporate Advisory
29 Services?---It was made redundant when Mining Corporate was
30 incorporated.

31
32 Okay. And what was - what was the purpose of that?---I
33 brought new shareholders into a new company to start the
34 same business again.

35
36 Sorry, you are going to have to repeat that again. I can't
37 hear you very well, Mr Hunter?---I brought new - I sort of
38 got some of my employees, they - so they came up and became
39 shareholders and owners and directors of that company - of
40 the new company, so the old company wasn't required.

41
42 **THE ACTING COMMISSIONER:** So it sold the business to the
43 new company?---Sorry?

44
45 It transferred the business to the new company? Is that
46 correct?---Effectively, yes.

47
48 Okay.

49
50 **PANTANO, MS:** And what was - Mining Corporate Advisory
51 Services, what was it about? What did it do?---Did

1 compliance work for companies that were going - well,
2 incorporation to listing on ASX.

3
4 Again, Mr Hunter, I just - I can't hear you?---It was
5 involved in all things necessary from incorporation of a
6 company to listing on the ASX, and company secretarial work,
7 etc.

8
9 Okay. And what was your involvement in Mining Corporate
10 Advisory Services? What did you do?---I was the principal
11 - main director and main shareholder.

12
13 Did you do any sort of hands-on work, or you sort of
14 overseeing and managerial?---Early on, hand's on and so - as
15 it progressed, you know, more sort of management and
16 overseeing, yeah.

17
18 Okay. And what about with Mining Corporate, what was your
19 role within Mining Corporate?---The same, yeah. The same -
20 director, shareholder, principal - - -

21
22 Yes, but as in your duties? So were you more managerial or
23 did you hands-on work as well?---From the beginning, I think
24 I was incorporating those six, from memory - yeah, that whole
25 lot from - I think there was only about two employees or
26 three employees, built it up to about 15, 20.

27
28 Yes. So what were your duties?---The main shareholder and
29 director.

30
31 Yes, they're the roles you held, but I'm after what your
32 duties were. What did you do?---Well, I probably did about
33 three or four companies myself, and the oversaw other people
34 doing other companies, company secretary, et cetera,
35 accounting.

36
37 When you said - sorry, your evidence was when, "I did a
38 couple of companies," what do you mean by that?---I'd be co
39 - second director on that - those companies. I'd attend to
40 all - - -

41
42 **THE ACTING COMMISSIONER:** I didn't hear that again. Can
43 you speak more clearly?---I would be a director and/or
44 company secretary of those companies and do all the financial
45 requirements, company secretarial requirements.

46
47 Okay.

48
49 **PANTANO, MS:** I want to ask you now about - - -

50

1 **THE ACTING COMMISSIONER:** Before we go on - you said you
2 were the main shareholder. What did you mean by that?---I
3 think for Mining Corporate Advisory Services I was
4 100 per cent.

5
6 Okay?---And for Mining Corporate, probably - I think I gave
7 away or allowed the employees to buy in 10, 15, 20,
8 25 per cent. I think at the end of it I owned probably
9 55 per cent of it.

10
11 **PANTANO, MS:** That was with Mining Corporate?---Yeah.

12
13 **THE ACTING COMMISSIONER:** Sorry, the other shareholders
14 were entirely the employees, or were there other investors
15 as well?---No, only employees.

16
17 Okay. Thank you.

18
19 Ms Pantano?

20
21 **PANTANO, MS:** You said that - sorry, just to clarify, with
22 Mining Corporate, you said that there - it was made up of
23 only employees, no contractors. Is that correct?---I believe
24 so, yeah.

25
26 And what about Mining Corporate Advisory Services, any
27 contractors?---I don't think so, no.

28
29 And who - with Mining Corporate Advisory Services, who were
30 your main clientele?---There was about - maybe six or seven
31 listed entities.

32
33 And what about with Mining Corporate?---I think we would
34 have done about 30 or 40 over seven or eight years.

35
36 Did you ever do any work for government?---Yes. We did some
37 work with Landgate.

38
39 Who did work for Landgate? Which company?---I believe it
40 was Mining Corporate.

41
42 What work did you do for Landgate?---We were - I can't
43 remember the exact projects but we worked on several
44 projects. We had a team of like three or four of us working
45 on a - we did like side-by-side work with another couple of
46 accounting firms.

47
48 So what was the nature of the work that you were doing at
49 Landgate?---A long while ago, but just consulting and sort
50 of work on a couple of projects to - to write business plans
51 or something like that.

1
2 Consulting and writing business plans did you say?---From
3 memory. It's - it's a bit of a while ago, so.
4
5 Sure. When? What time frame are we talking?---Somewhere
6 '06, 7, 8. I think we did our last job there about 2010,
7 maybe.
8
9 Okay. Any other work for government?---Not that I can think
10 of.
11
12 Only at Landgate?---I believe so, yeah.
13
14 What about at the Department of - former Department of
15 Housing?---Far as I can recall no, but possible.
16
17 Did government work make up a large part of your
18 business?---No, probably less than five per cent.
19 One per cent, something like that. Somewhere in that range.
20
21 How do you know Mr Whyte?---I met Mr Whyte as he was
22 president of the Trinity Aquinas Football Club which I played
23 at.
24
25 Which?---I played football at.
26
27 Right. So when did you meet him?---I was at Trinity Aquinas
28 about 1985 onwards.
29
30 You've known him since about 1985?---Correct.
31
32 Okay. Did you attend the same school?---We did, but he was
33 - I wouldn't have met him at school. He was probably - he
34 was finished before I started.
35
36 Right. So you met him through the football club?---Yes.
37
38 Okay, in around about 1985? How would you describe the
39 nature of your relationship with him?---Very early on not
40 much. He was the president and I was just a young kid
41 playing footy. And then as it progressed we sort of - I was
42 more senior and then we sort of, I think, shared a passion
43 about horses and stuff so we started talking about that and
44 then from there it was, yeah, we were actually pretty good
45 friends.
46
47 And what time frame? Approximately when would you say that
48 you became - the relationship became more like a friendship?
49 What sort of years are we talking about? If you met in
50 around 1985, how much after that would you say it developed
51 into a friendship?---Probably not until early 2000s.

1
2 And would you socialise with him?---Only at the football
3 club.
4
5 What about in relation to your shared passion for horses,
6 was there any socialising in relation to that?---Yeah, we'd
7 sort of - if there was a group of the boys from the footy
8 club we'd be out at the track and we'd have a beer.
9
10 So you were friends from approximately early 2000s until
11 when?---Until about eight months ago.
12
13 Until he got arrested?---Yeah.
14
15 Did you share any business interests with Mr Whyte?---Not
16 business, no, not that I can think of.
17
18 Do you have any - share any financial interests?---No. We
19 used to own a few horses together but that was a long while
20 ago.
21
22 Okay. Anything else?---Not that I can think of.
23
24 Any other financial connection?---When I was liquidating
25 some companies I borrowed some money off him.
26
27 Okay, tell me about that?---I think I was struggling to pay
28 mortgage and he was a guy that I could go to and he paid
29 three months' mortgage for me.
30
31 And what time frame are we looking at?---2013. About July,
32 August, September. Something like that.
33
34 So sort of the second half of 2013?---Yeah, correct.
35
36 He paid three months' worth of your mortgage repayments?---
37 Yep.
38
39 Did you pay him back?---No, I wasn't in a position to.
40
41 So you haven't paid him back for those?---No.
42
43 Okay.
44
45 **THE ACTING COMMISSIONER:** So you still owe him the
46 money?---I guess so.
47
48 **PANTANO, MS:** Did he ever ask for it back?---No.
49
50 What was the arrangement?---Yeah, sorry, in what manner?
51

1 With him lending you the money for the mortgage repayments,
2 what was the arrangement?---Nothing other than I asked him
3 and he said okay.
4
5 What dollar value are we talking about?---I think it was
6 about 12, 13 thousand.
7
8 All up?---No, each month.
9
10 Your mortgage repayments were 12 to 13 thousand a month?---
11 Yes.
12
13 Okay. So you asked him if you could borrow the money from
14 him. He said, presumably, yes?---Yep.
15
16 And how did he transfer the money to you for those
17 repayments?---He transferred it.
18
19 Directly into the mortgage account?---Yep.
20
21 Okay. Any other time, any other examples of any financial
22 relationship or connection with Mr Whyte?---Other than we'd
23 have a punt together and borrow money from time to time and
24 it'd be sort of a bit of this, a bit of that going both ways
25 but like a lot of other people.
26
27 What do you mean by that?---I will do that with like five or
28 six other mates as well, just if someone was short you'd
29 lend him some money and back and forth.
30
31 Okay. And would you keep a tally of how much you had lent
32 somebody?---Not - no, I was a bit flippant about that back
33 then.
34
35 You're an accountant?---Yep.
36
37 You're involved in setting up, incorporating tens of - like
38 many companies, you said 30 to 40 with Mining Corporate, six
39 or seven possibly listed entities with Mining Corporate
40 Advisory Services and you don't keep a tally of how much
41 people owe you?---Sort of ballpark figure in the back of my
42 head but, yeah, I don't really - didn't really care back
43 then.
44
45 Why not?---I had enough and I was pretty generous to share
46 around.
47
48 How much do you reckon you lent Mr Whyte?---I couldn't
49 imagine, couldn't - couldn't - I mean I don't know. I - it
50 could be even, it could be - and this is going a while back.
51 It could be I could owe him. He could owe me. I - it's

1 just not - it just wasn't - didn't - I never thought about
2 it.
3
4 Just before we carry on with that line of questioning I just
5 want to clarify the account that you said he transferred the
6 money directly into for your mortgage, what bank was that
7 with?--National Australia Bank.
8
9 And do you know the name of the account, can you recall?---
10 What do you mean?
11
12 Was it in your name, the mortgage account, or in someone
13 else's name or a business name?---I can't recall. I - I
14 thought it was mine but - - -
15
16 Well, I'm asking you what name was it in? Your name? A
17 business name? The mortgage?---I was married at the time so
18 it might have been mine or it might have been my wife's.
19
20 You can't recall?---Not off the top of my head, no.
21
22 **THE ACTING COMMISSIONER:** What's your wife's name? What's
23 your ex-wife's name?---Ex-wife? Tania.
24
25 Middle name?---Jane.
26
27 And she changed her surname to yours?---At the time, yes.
28
29 Okay.
30
31 **PANTANO, MS:** So just to go back to the - the gambling or
32 betting arrangements, I'm not so much interested in what the
33 arrangements were with other people but what I'm interested
34 in is the arrangements you had with Mr Whyte. So what time
35 frame are we talking about where there was money being lent
36 backwards and forwards?---I couldn't put a time frame on it.
37 And I'm not talking all day, every day. I'm probably talking
38 maybe once or twice a year or something if we ended up at
39 the same track and - et cetera.
40
41 And how long would the - did the arrangement go on for where
42 you lent money to each other?---Ballpark, maybe a year or
43 two maybe?
44
45 Okay. And what dollar value are we talking about?---Like
46 \$1,000 here or 2,000, or 5,000 maximum I would have thought.
47
48 So you wouldn't have thought more than \$5,000 - - -?---I
49 wouldn't have thought so.
50

1 - - - that you would lend each other?---At any one time.
2 Because it would sort of be squared up like over time, like
3 you'd sort of have a ballpark figure.
4
5 Was it before - just to try and put a time frame on this,
6 was it before you asked him to contribute to your mortgage?--
7 --Well before, yeah.
8
9 So it would have been before 2013?---Yeah.
10
11 Was it - you said in around early 2000 you sort of commenced
12 a friendship with Mr Whyte. Was it before you commenced the
13 friendship with him or after?---No, just after.
14
15 Okay, so sometime between early 2000 this arrangement - I'm
16 calling it an arrangement but where you would - I understand
17 it wasn't a formal arrangement but where you would lend money
18 to each other. So sometime early 2000 possibly, or later?
19 Mid-2000?---Probably early somewhere, yeah.
20
21 And it was once or twice a year, not more than approximately
22 \$5,000 and it possibly went on for one to two years?---It's,
23 yeah, a pretty vague figures.
24
25 I appreciate it was some time ago. Now, how - if you were
26 to lend money to him for a bet how would you go about doing
27 that?---If we'd be at the track, either cash or I could
28 transfer it to him.
29
30 Okay, so you'd either give him cash - - -?---If we were at
31 the track together, yeah, and he was short.
32
33 Sorry, was that a yes?---Yep.
34
35 You would give him cash on occasion?---On occasion, yeah.
36
37 Okay. Any other ways that you would lend him money for
38 betting?---Not that I can recall, no.
39
40 Would you ever transfer money into his account?---Possibly.
41 I can't recall.
42
43 Do you recall whether he ever gave you his bank details in
44 order for you to transfer money into his account - - -?---
45 Not - - -
46
47 - - - for betting?---Not that I can recall, but possibly.
48
49 I understand it's some time ago but these questions are
50 important, Mr Hunter, so I want you to take your time, no
51 need to rush in answering the questions. You said that these

1 times where you lent him money was maybe only once or twice
2 a year and it only went on for one to two years so at maximum
3 it's only happened would you say, based on that evidence, no
4 more than say four times, four to five
5 times?---Four to five times. I'd say about that, yeah.
6
7 That you've lent him money?---Yep.
8
9 Okay. And you said you recall giving him cash at the track
10 if he asked for it?---From time to time, yeah.
11
12 Yes?---We also owned a number of horses together so he would
13 have - I'm not sure whether it was his personal account or
14 a syndicate account that I would transfer money to to pay my
15 share of the horse bills. That went on for about two or
16 three years and then I stopped it.
17
18 Okay. So the horse syndicate, just - I do want to come back
19 to that. So just going back to the betting, just I want to
20 finish that, that area off first, so you'd occasionally give
21 him money at the track, cash at the track. Can you recall
22 if you ever - he asked you to transfer money into a betting
23 account for him?---Possible. I don't recall precisely but
24 it's possible over the years, yeah.
25
26 Do you recall him ever giving you his details? I'm not -
27 I'm not asking you to recall what the details were but do
28 you ever recall him giving you his details for a betting
29 account?---Vaguely. Possible, yeah. Once or twice, yeah.
30
31 Vaguely? Possible? Once or twice? Do you want to firm up
32 your answer?---That's about as good as I can recall.
33
34 Possibly once or twice?---Possibly, yes.
35
36 What about him lending you money for betting?---I was quite
37 flush at the time so probably maybe a couple of times if I
38 was short at the track I'd take a bit but not very often, if
39 - if ever.
40
41 Okay, so he may have given you cash on occasion. Did he
42 ever transfer money into your account for betting, for bets?--
43 --I don't believe so, other than the mortgage repayments at
44 the later date.
45
46 Now just if we can go on to the horse syndicate, what time
47 frame are we looking at? When did you have this syndicate?--
48 --Can't quite recall but might have been 2004 or 6 or 8 or
49 10. I think I would have - - -
50

1 How long did you have the syndicate for?---I think I was in
2 there for about two years maybe, then just the horses were
3 hopeless so I just gave up.
4
5 Okay, so it went on for about two years. Was it before you
6 asked Mr Whyte to assist with your mortgage
7 repayments?---Well before, yes.
8
9 Okay, so well before 2013. Was it happening around the same
10 time that he would sometimes ask you for money for bets?---
11 I think so, yes.
12
13 So we're talking early 2000, then?---As far as I can recall,
14 yeah.
15
16 And tell me about the arrangement, the financial arrangement
17 with the horse syndicate?---I think there was about five or
18 six of us in it and he would do the accounts and then send
19 us a bill and we'd pay the bill.
20
21 How would he send you the bill?---I think it was invoiced.
22
23 Pardon?---It was invoiced.
24
25 Yes? And he'd send you an invoice?---(No audible answer).
26
27 And how did you pay it?---Transfer money to that account,
28 whatever was on the invoice.
29
30 And you said it was only for a couple of years and you got
31 out of it, that's correct?---I believe so, yeah.
32
33 Why did you get out of it?---Because the horses were pretty
34 bad.
35
36 What sort of figures are we talking about that you would
37 transfer for payment of these invoices?---I think there was
38 about four or five horses in the syndicate. I probably would
39 have been about a 10 per cent shareholder so maybe one or
40 two or three grand a month, something like that.
41
42 Was it a regular monthly invoice that you would receive?---
43 I'm not too sure. It could be monthly or quarterly or half-
44 yearly.
45
46 That's quite a range. If it was half-yearly or monthly
47 that's quite a difference?---Yeah, I couldn't say
48 specifically what it was. I had a lot of things going on
49 back then and it was - it could have been every two months
50 or every three months sort of feels about right.
51

1 **THE ACTING COMMISSIONER:** What feels about right, every two
2 months?---For the syndicate? Yeah, that's what normally
3 would happen.

4
5 Okay.

6
7 **PANTANO, MS:** Was there a specific account that you would
8 pay the horse syndicate fees out of?---My own account?

9
10 Mm?---No, I've got - sometimes I'd pay by credit card or my
11 own personal account or - - -

12
13 So your own personal account you would transfer money out of
14 for the horse syndicate?---Yeah, I - if I was short there I
15 - I always had access to my investment accounts and stuff.

16
17 Your investment account?---Well, Kuta Bay had quite a bit of
18 investment in it.

19
20 Okay. So you would sometimes pay by credit card, sometimes
21 out of Kuta Bay. Any other account you would pay for your
22 horse syndicate fees out of?---Possibly, but I couldn't
23 recall.

24
25 Pardon?---Possibly, but I could not recall at the moment
26 specifically.

27
28 **THE ACTING COMMISSIONER:** So Mr Whyte had a credit card
29 facility so you could pay by credit card?---Sorry?

30
31 Mr Whyte had a credit card facility so that you could use
32 your credit card to pay those accounts, is that right?---I
33 couldn't comment on that. I don't know, can't recall.

34
35 Well, you said you paid by credit card?---I've just said I
36 could have paid by credit card, but I don't know whether
37 he'd had that facility or not.

38
39 Sorry - - -?---I was in about, like, 10 horse syndicates at
40 the time so it's - I couldn't say specifically whether his
41 was different or not.

42
43 **PANTANO, MS:** Ten horse syndicates with Mr Whyte or with
44 other people?---Other people.

45
46 How many horse syndicates were you in with Mr Whyte?---I
47 think just that one, and then we owned - he owned one other
48 horse with us, I think.

49
50 Anything else? Any other financial connection at all with
51 Mr Whyte, other than what we've already gone through?---Not

1 really. In the last couple of years I've been sort of doing
2 it a bit tough and he would take me out for a meal but that
3 was it. And when he - when I found out about this I was a
4 bit - a bit shocked, a bit disappointed that - if that's
5 what he did. Anyway.
6
7 Do you know a person by the name of Craig
8 Dale?---Unfortunately, yes.
9
10 Why do you say that?---Just a general comment.
11
12 What do you know of him?---Yeah, we did a - we owned a couple
13 of horses together so I helped him set his business up and,
14 yeah, then sort of got left high and dry.
15
16 Who got left high and dry?---Myself, from him and his
17 shenanigans.
18
19 What do you mean by that?---Sorry?
20
21 What do you mean by that?---Yeah, he was less than
22 forthcoming with funding, et cetera that was not his.
23
24 So you were involved in a business together with him?---No,
25 I was not involved in the business but I helped him set it
26 up.
27
28 Right. Okay. What business was that?---He ran a Stellar
29 Corporate Solutions or something.
30
31 Do you know what that business did?---Yeah, they consulted
32 to corporations; Aboriginal Corporations and stuff like
33 that, yeah.
34
35 And you said he left you high and dry. Did he not pay fees
36 associated with that?---Yeah, I think I was a shareholder in
37 that, silent partner and - and when I just read just
38 yesterday that he was accused of and found guilty of stealing
39 a million dollars from it which - obviously my percentage
40 was fairly substantial which I didn't see anything of so
41 that sort of hurt. And the horse that we owned it sort of
42 won about \$400,000 of which I had a 25 per cent share of, I
43 didn't see a cent of that. And then he sold it and I didn't
44 see a cent - a cent of that. So, yeah, I was a bit bitter
45 and twisted towards the gentleman.
46
47 Did you ever transfer money to him for horses?---Yes. He
48 managed that particular horse, Darlington Abbey, I think it
49 was called, and I would transfer him money to pay those bills
50 and, you know, I think there were acquisition costs and
51 training fees, et cetera, so - - -

1
2 What sort of figures are we talking about?---I think I kept
3 the spreadsheet once. There was about, I don't know, maybe
4 60 or 70 thousand or something.
5
6 All up?---I couldn't be sure.
7
8 And what time frame are we looking at? Like, what period of
9 time did you own the horse with him?---It won the Magic
10 Millions in 2012, so it would have been around - just before
11 that, and through the next, probably year or two. I think
12 we sold it in late 2013.
13
14 And did you maintain ownership until it was sold?---I thought
15 so, but yeah, possibly not, knowing Craig.
16
17 So you thought you did?---Yeah.
18
19 Okay.
20
21 **THE ACTING COMMISSIONER:** So you kept a spreadsheet of the
22 payments and costs and the stuff associated with - - -?---
23 Yeah, for that particular horse. Yeah.
24
25 Okay. Why that particular horse?---Sorry?
26
27 Why for that particular horse, why not more generally?---
28 Because I never saw any money coming back, so I started to
29 document what I'd actually paid in when it was - yeah, it
30 was pretty distressing, to be honest.
31
32 **PANTANO, MS:** So you think it was in the vicinity of 60 to
33 70 thousand, all up?---From memory, maybe a bit more.
34
35 Were there any other horses that you had with him?---
36 Possibly, but I don't think so.
37
38 Did you contribute any money to the set-up of Stellar
39 Corporate?---Not that I'm aware of, no.
40
41 Okay.
42
43 **THE ACTING COMMISSIONER:** I thought you said you were a
44 silent partner in this business, and a shareholder in Stellar
45 Corporate?---That is correct.
46
47 Okay. How did you get that shareholding?---It was - he just
48 - I got it free, as the set-up fee for incorporating and
49 setting it up.
50
51 So you didn't charge him your time to set it up?---Correct.

1
2 Okay, and in return you got - - -?---A shareholding, yeah.
3
4 Okay.
5
6 **THE ACTING COMMISSIONER:** What sort of shareholding? How
7 much?---From memory, it was 17-and-a-half percent.
8
9 Thank you.
10
11 Ms Pantano?
12
13 **PANTANO, MS:** Other than payment for the horse, Darlington
14 Abbey, was there anything else, any other reason why you
15 would transfer money to Mr Dale?---Yeah. He told me one
16 time his mother was a bit sick and he was - no, it was his
17 mother-in-law, sorry, up in Queensland was a bit sick and he
18 was redoing her patio, so he asked for 30,000, so I sent
19 that to him.
20
21 Mm?---I don't think he got the patio done - just saying.
22
23 Did you transfer it to him in one go?---I believe so, yeah.
24
25 Okay, and sorry, was it a transfer, bank transfer?---I
26 believe so, yeah.
27
28 What time frame are we looking at?---It would have been
29 possibly late 2011, early 12, maybe - maybe later.
30
31 Any other money that you provided to Mr Dale?---Not with my
32 knowledge. I don't think so, anyway.
33
34 What about Mr Ronald Whyte?---Yes, I know Ronald.
35
36 How do you know him?---Footy club again.
37
38 Yes? And how would you describe the nature of your
39 relationship with him?---Sort of friends, but yeah, not -
40 not close.
41
42 Like associates?---Not really. We'd have a beer and a laugh,
43 but that's about it.
44
45 Okay. Do you share any financial interests together?---Not
46 that I'm aware of, no.
47
48 Any business interests?---Not that I'm aware of, no.
49

1 Were you involved in any horse syndicates with Mr Ron Whyte?--
2 --Possibly, if - he might have been in that same syndicate
3 that I was in with Paul.
4
5 Was there anything else financially that you had any
6 connection with with Mr Ron Whyte?---Not that I'm aware of,
7 no.
8
9 Did you own a boat together?---Yes, we did. Sorry, yeah.
10
11 When did you own the boat?---I can't quite remember -
12 probably about 06, 07, 08, something like that.
13
14 How long did you own it for?---I relinquished my share about
15 middle of 2013.
16
17 Okay, and you got it around when, sorry?---Maybe 2008. I'm
18 not - I couldn't be sure.
19
20 Around about - to mid-2023, was it?---Something like that,
21 yeah.
22
23 Was it just the two of you?---I think there was four shares,
24 and some of those shares might have been in halves again, so
25 probably about six people.
26
27 Okay. And who managed the accounts for the boat?---I was
28 supposed to, but I was pretty bad at it, so I handed over to
29 someone else.
30
31 Did you ever have to transfer money to Mr Ron Whyte for your
32 share in the boat?---Possible. I thought it was - because
33 I ran the syndicate for about a year or so, but as I said,
34 I was bad at it, so I think I handed over to another party.
35 I didn't think it was Ron, but it might have been.
36
37 And I'm not suggesting that it was. I'm just asking the
38 question whether you did?---I couldn't say for sure if he
39 was the manager then, possibly, but if he wasn't, then I
40 don't think there would be reason to.
41
42 Any other connection financially with Mr Whyte, Ron Whyte?--
43 --He was a fitter, and he we probably got him to do a couple
44 of jobs for us when we had buildings and rent - maintenance
45 to do, et cetera, but nothing that I can put my finger on.
46
47 So sort of odd jobs here and there?---Yeah. He might have
48 even done a bit of the fit-out of our office up - down the
49 Terrace.
50

1 He might have, or he did?---From - well, Craig set all that
2 up. I think it was Stellar Corporate that did all that, so
3 it was possible that he did that job.
4
5 Right. Anything else?---Not off the top of my head, no.
6
7 What about Jacob Anthonisz?---I met Jake a couple of times,
8 but probably no more than two or three times.
9
10 What was your - how would you describe the nature of your
11 relationship with him?---About - I met him three times, four
12 times, and that was it.
13
14 What was the nature of those meetings?---It would have been
15 at the races.
16
17 Okay. What about contact with him? So maybe not meeting,
18 but emails or phone conversations?---Not that I'm aware -
19 not that I can recall.
20
21 Did you have any business dealing with him?---Not unless he
22 was in that syndicate with Paul - if he was in that syndicate,
23 maybe at that point, but not - - -
24
25 The horse syndicate?---Possible. I don't know; I can't
26 recall.
27
28 Okay. Any other business connection or interest with
29 Mr Anthonisz?---Not that I'm aware of, no.
30
31 Did he have anything to do with any of the government work
32 you did, particularly at Landgate?---Not that I'm aware of,
33 no.
34
35 Do he have anything to do with Mining Corporate Advisory
36 Services?---Not that I'm aware of, no.
37
38 Or Mining Corporate?---Not that I'm aware of, no.
39
40 Okay. What about a person by the name of Ashley Kerfoot?--
41 -Yes, I know Ashley.
42
43 How do you know him?---I think he was new to Perth from South
44 Africa in - we met a few times, I think introduced through
45 Paul, and we - I got him into some investment and - I probably
46 would have known him for about a year, and then I haven't
47 seen him for probably eight to 10 years now.
48
49 Okay. So you said that you got him involved in some - - -?
50 --He was - he knew what I did, and I was around companies,

1 and stock exchange, et cetera, so he asked for some advice,
2 and I think I got him into two or three investments.
3
4 Any other dealings with Mr Kerfoot?---Not that I'm aware of,
5 no.
6
7 Any - other than you assisting him with some investments, is
8 there any other business or financial dealings you have with
9 Mr Kerfoot?---Not that I'm aware of, no.
10
11 Did he ever do work for you?---I think he came into our
12 office a couple of times for a chat, but I can't recall about
13 what. I think he was - he might have come in and consulted
14 on one job - it's pretty vague. I remember him being in the
15 office once or twice, but that was it.
16
17 What office did he come into?---It would have been Railway
18 Road office, Mining Corporate.
19
20 Okay. What time frame are we talking about here?---We were
21 there from 07 to 11, so somewhere in that time frame.
22
23 Okay, and you think he might have done some consulting work
24 for you?---Vaguely, but yeah, it would have been - maybe a
25 one-off job, or something. I can't remember exactly what
26 for.
27
28 What were his qualifications? Do you know? What did he
29 do?---Couldn't recall at the moment.
30
31 If you think he may - sorry, what makes you think he may
32 have a one-off job for you?---I just remember him being in
33 the office and discussing some sort of project. I can't
34 remember exactly what it was. It might have been - because
35 he was real estate back in South Africa, and it could have
36 been something to do with that.
37
38 Was it related to your work at Landgate at all, was it a
39 private - - -?---I couldn't recall. I don't - I wouldn't be
40 sure.
41
42 So you said you did some work at Landgate that - maybe -
43 I've got here, 06, 08 to 2010 maybe. You said you worked on
44 several projects. You worked side-by-side with other
45 accountants?---Yeah.
46
47 Does that jog your memory as to whether he assisted you with
48 any Landgate work?---Again, I can't say specifically, but
49 possible.
50

1 Okay. And you can't recall doing any other government work?
2 That's correct?---Not that I can recall, no.
3
4 Okay. So is it the case then that his involvement may have
5 been on - private?---Possible. Yeah, I can't recall. He
6 would have been a young - it would have been fleeting and
7 then, you know, I haven't seen for that long, so - - -
8
9 What was the nature of the introduction from Paul - sorry,
10 of Mr Kerfoot to you by Paul?---I think Paul - Mr Kerfoot
11 was from South Africa, he was looking for some work, looking
12 for some consulting, and he thought that I might be able to
13 help him out. I think that was it - yeah. I haven't thought
14 about Ashley for so long, so it's probably just coming back
15 to me, but yeah.
16
17 That's okay, take your time. So he was from South Africa.
18 Paul said he was looking for some work, and whether or not
19 you were able to offer him anything?---It's possible. I
20 can't recall specifically.
21
22 Okay. Does that jog your memory as whether he actually ended
23 up - did do any work for you?---No. Too long ago, I can't
24 recall, sorry.
25
26 I want to go back to the Landgate work that you said you
27 did. How did that work come about?---Just through
28 discussions with Paul, just saying this is what he was doing,
29 and we'd go and visit a few of his sites that he was building
30 on down south, and what he was planning on, and he a good -
31 had a leaning towards the low-cost housing, and he understood
32 what we did is like setting up private companies and raising
33 capital and that - he sort of - we never discussed - sort of
34 trying to bring private equity and sort of government sort
35 of plans with housing together. Yeah, we probably would
36 have worked on that, five or six projects on that, and just
37 discussion-wise and meetings and that, so - just sort of,
38 yeah.
39
40 So you said you discussed trying bring private equity to
41 government housing?---Well, yeah, his brief was - yeah,
42 low-cost housing and that sort of hit a spot with us, so we
43 looked at a couple of building companies and - - -
44
45 Yes?---And we could maybe bring people to the table.
46
47 Bring?---Just business to the table.
48
49 To what benefit for Landgate?---Yeah, Landgate, government,
50 any other enterprise that they might be able to privatise,
51 for example.

1
2 And how was that to benefit Landgate? What was your
3 understanding?---Well, he was just trying to benefit the
4 State, building something up. I think he was right across
5 the Newmat(?) stuff, which has been very, very successful,
6 so he was trying to sort of see if there was other
7 opportunities out there that we could assist with.
8
9 Okay, and did you ultimately end up assisting with any of
10 those?---I think we were on the panel for a while, and we
11 did three or four jobs, but I can't recall.
12
13 When you say "on the panel," what panel?---I think there was
14 a panel we had to apply for to be on the panel of appropriate
15 providers, et cetera.
16
17 And you said you had to apply. What did you have to apply
18 for?---I'm not sure if it was a form or an application or -
19 like it was quite a hefty document to get on the - - -
20
21 A tender, perhaps?---Sorry?
22
23 A tender?---Similar, but I think it wasn't specifically for
24 one job, it was just to be on a panel that you could be
25 selected from as - to do work for Landgate.
26
27 And did you see it advertised or how did you come to know
28 that you could apply to be on this panel?---Just walking
29 with Paul, and he said, "If you're going to do work, then
30 you need to be on the panel," so - - -
31
32 Okay?---I think there was about 20 accountant firms that
33 were on that panel, or something.
34
35 So he advised you that you could be on this panel?---Yeah.
36
37 And how did you get the documentation in order to fill it
38 out?---How do you mean? Sorry.
39
40 Did you have to fill out any documentation? You said it was
41 quite a hefty document?---One of my girls would have done
42 that, yeah.
43
44 Okay. How did you get it?---I don't know.
45
46 Did Paul send it to you?---I don't know.
47
48 What was his involvement - sorry, before I ask that question,
49 what company was involved of yours with the Landgate work?--
50 --I believe it would have been Mining Corporate.
51

1 Mining Corporate, or Mining Corporate Advisory Services?---
2 Mining Corporate.
3
4 Okay. Was this your first foray into government work?---As
5 far as I can recall, yeah.
6
7 And there was a hefty document that you had to fill out, and
8 did you deal with anybody else, other than Paul, in relation
9 to getting work at Landgate?---I don't - we would have met
10 probably three or four people down at Landgate.
11
12 Prior to the meeting, you meeting them, I'm talking about in
13 getting this document up and running in order for you to be
14 on the panel. Who did you deal with in relation to that?--
15 -I couldn't say for sure.
16
17 Did you deal with Paul in relation to that?---I wouldn't
18 have thought directly, no.
19
20 Why not?---He would have been too high up to worry about it
21 - only my view.
22
23 Let me show you some documents in an attempt to refresh your
24 memory, because I do appreciate it's some time ago.
25
26 Can I have 9157700^ please.
27
28 9157700^
29
30 You will see a document come up in front of you on the
31 screen, Mr Hunter. It's an email - if we can scroll down to
32 the bottom half - it's an email from Mr Whyte to you, cc-ing
33 in Michael Pedley and Robert Brady, dated 14 October 2008.
34 The subject is IP Commercialising Agents Tender?---I don't
35 have my glasses, I'm afraid.
36
37 Can you read that, or would you like a break to - sorry, are
38 your glasses here?---I never leave my glasses at home.
39 I might have left them in the locker accidentally.
40
41 Okay. Can you read the screen, or do you need your glasses?
42 You can read it from there?---Yeah.
43
44 Okay. So the subject is IP Commercialising Agents Tender,
45 and it's an email from Mr Whyte. He says he's conducting a
46 briefing out here in Midland, the Landgate building, for the
47 Landgate IP and commercialising agents tender panel contract
48 tomorrow.
49
50 I hope that someone from your organisations can attend, if
51 interested.

1
2 You replied - if we can scroll up - you were away, you were
3 on a plane, and if someone else can attend on your behalf -
4 and if we scroll up, he says that someone else did attend.
5 Does that jog your memory as to how this may have come
6 about?---Yeah, that's pretty clear to me.
7
8 Yes. Who was Steven, Amanda, Pedley and Co? Do you know
9 who that was a reference to?---Steven would have been my
10 business partner, and Amanda was one of my employees. Pedley
11 and Co were an accounting firm.
12
13 Okay?---That we did a bit of work with.
14
15 You did work with?---He was a former friend of mine.
16
17 Right.
18
19 And if I can have 22101754^ please.
20
21 2210754^
22
23 It's another email from Mr Whyte a little while later, on 30
24 October, and it's attaching a tender document. It says:
25
26 Please find attached relevant information for interested
27 parties to the GEM tendering site for their instructions for
28 registering and accessing tender information are located.
29
30 He sent it to you, Mr Pedley and there's also Jake Anthonisz
31 and a Robert Brady.
32
33 If we can scroll over to page 2, you'll see here this is a
34 Landgate request for tender. The request title is Provision
35 of Advisory Service for the Design, Development and
36 Implementation of Landgate's Intellectual Property
37 Management and a commercial opportunity strategy. There's
38 track changes within this document - you can see one there
39 - but there are more. Do you recall seeing this document?--
40 --Not specifically, but obviously I would have seen it and
41 passed it on to my girls for filling out, yeah.
42
43 Okay. You can see that it was Mr Whyte who sent it to you?--
44 --Sure.
45
46 And at the time he was the executive director of Landgate -
47 if we can scroll up to page 1 - you'll see that's how he
48 signed off his emails. Now, do you recall if you actually
49 ended up submitting a tender for this?---I assume we did,
50 yes.
51

1 Okay. And you said you would have sent it off to your girls
2 to deal with. What involvement did you have with it?---I
3 probably would have reviewed it, signed off on it and allowed
4 them to submit it.

5
6 Okay. You'll see that Jake Anthonisz is included in that
7 email as I pointed out earlier. What's your understanding
8 of what his involvement was with this?---I have no idea.

9
10 Okay.
11
12 I'm finished with that document. Can I have 11445023^,
13 please?

14
15 11445023^
16
17 **PANTANO, MS:** If we can go page 3, so we can start at the
18 beginning of the email chain?

19
20 It's an email from Jake to you regarding contact details.
21 And he said, this is on 3 November 2008. So this was after
22 Mr Whyte had sent you that draft tender document:

23
24 Hi, mate. Sat down with Paul last night. There is an
25 enormous amount of work to be done for these tenders,
26 particularly if one hasn't done already -

27
28 - sorry -
29
30 - particularly if one hasn't done one before, such as myself.

31
32 And then third paragraph:
33
34 Most importantly, Paul wanted to check. Although he presumes
35 whether you have all the necessary insurances for the tender,
36 public liability, et cetera, et cetera. I could have almost
37 presented an application under my company alone but I don't
38 have these insurances in place at this stage.

39
40 Does that jog your memory as to what Mr Anthonisz's
41 involvement was with this?---No.

42
43 Why is he emailing you?---Maybe Paul thought I could help
44 him out, get his tender done. Or maybe he was part - I'm
45 not sure how that group did actually work together. I
46 assumed it was only the us that go through on - and - or we
47 had an individual application each. I'm - I can't recall.

48
49 What group are you talking about?---Like, Mining Corporate
50 and anyone else on that email. Like, not sure how they
51 relate directly to mining corp, but - - -

1
2 You're not sure how they were?---How they related directly
3 to Mining Corporate. Seemed like he was asking for tenders
4 from four different people or something.
5
6 Right. Okay.
7
8 And if we can scroll up to page 2, you've responded at the
9 bottom, saying:
10
11 We are working on our stuff here and have a fair it to do.
12 Insurances are in place.
13
14 What did you need to do in order to get this off the ground?--
15 --Me personally?
16
17 Yes?---Not sure. Probably just fill out bits of the form
18 that were relevant. I'm not - I can't see the whole form,
19 so - - -
20
21 Okay.
22
23 If we can scroll up?
24
25 There's an email from Jake to you, asking you:
26
27 Can you please send me a text so I have your phone number?
28 I need to discuss a couple of things with you ASAP.
29
30 And if you scroll up?
31
32 You've sent him your phone number.
33
34 And then if we can scroll up to the middle of page 1, where
35 Mr Anthonisz responds, saying:
36
37 Thanks, mate. Just left a long-winded message. Hopefully
38 you have either spoken to YT or will get the gist of what
39 I'm rambling in this message. He wants for you to use MCS
40 rather than Mining Corporate as your name.
41
42 And then goes on two paragraphs down:
43
44 So those 13 points that were listed in my initial Boldline
45 two-page summary will now be much better completed in that
46 we will now have four entities being able to provide these
47 assets as opposed to one or two.
48
49 And then he talks about consorting a capability statement
50 and that the things he emphasises in his quick call were:
51

1 (1) What do we bring to the table as a consortia?

2

3 (2) How the group will operate.

4

5 (3) The approach to be taken.

6

7 And over the page:

8

9 (4) Specialist skills in each company, names and positions
10 within each company and charge-out rates.

11

12 So it sounds like there was a consortia being set up. Does
13 that ring a bell to you?---Not particularly. I mean, it
14 looks logical, that's what he's - what Paul's trying to do
15 is get, I reckon, a group of different people with different
16 skills and being able to call on them from within that group.
17 But as far as joining together, that doesn't ring any bells.

18

19 Okay. I'll take you to a document where we can talk through
20 that a little bit more. But before I leave this document -
21 this email, he says that Paul - sorry, I'm assuming YT, the
22 reference to YT.

23

24 If we just scroll up?

25

26 Hopefully you have either spoken to YT.

27

28 Is that a reference to Paul Whyte?---Seems so.

29

30 Was that your understanding?---Sure.

31

32 Is that your understanding?---Yes.

33

34 Okay. So then he says he wants for you to use MCS rather
35 than Mining Corporate as your name. What's your
36 understanding of why that was the case?---Because on the -
37 on the panel, I think he didn't want a direct reference to
38 mining as - as mining only. He wanted to be a - like a broad
39 sort of more of an advisory side of it. That - that's what
40 I think was - he was looking at there.

41

42 Did you have any discussions with him about that?---I'm not
43 sure. But I don't think we ended up using it. I'm - I
44 couldn't be sure, but - - -

45

46 No, what I'm interested in is what discussions if any did
47 you have with Mr Whyte around using a different name?---Just
48 as - as I described, he probably - I probably had a chat
49 with him about saying - maybe not putting mining as - as a
50 - like a - to see the focus too narrow or something,
51 like - - -

1
2 Had you had experience in this sort of thing before?---What
3 sort of thing, sorry?

4
5 So it's a tender for - if we can go back? The request title
6 of the tender - I won't pull it up but we had it up earlier
7 - was "Provision of an advisory service for the design,
8 development and implementation of Landgate's intellectual
9 property management and commercial opportunity strategy".
10 Had Mining Corporate had involvement in that sort of advisory
11 services before?---Not on a large scale like that where we
12 would have to put in strategy positions for the companies
13 that we took from incorporation to listings. So on a sort
14 of smaller scale.

15
16 Did you think this was somewhat out of the depth of Mining
17 Corporate's capabilities?---Probably at the time. But we
18 were pretty keen to progress and help out where we could. I
19 think we had the team that would develop into and learn in
20 - in this area. So I didn't think it was something we
21 couldn't do.

22
23 Were you pushing for this or was Mr Whyte pushing for your
24 company to be involved?---It was just a joint thought that
25 we might be able to help each other. And help out Landgate
26 with developing (indistinct) the - the individual business
27 strategies, et cetera.

28
29 Did he approach you initially over this or did you go to
30 him?---I couldn't really say. I think it was something we
31 had a chat about in between four, five, six of us, we've
32 have a chat and say "Well, what can we do and how can we -
33 yeah, provide services". It's just normal business, I would
34 have thought.

35
36 If we can scroll up to the top of that page?

37
38 You respond and say:

39
40 Hi, Jake, here is our draft so far. Still awaiting info
41 from Peds and Robert. Should be with us first thing tomorrow
42 morning. Can you add your bits to this? Feel free to
43 suggest changes to our sections as well and cut, paste some
44 of your info and wording you had presented, either two-page
45 paper you brought along. I don't seem to have that online.

46
47 What was - is Mr Anthonisz was arguably going to be
48 submitting his own tender document, if that's what he wished
49 to do, what was the need for you two to collaborate on this
50 tender?---I'm not sure. Again, it's the - I got vague
51 details about this whole thing got put together and who was

1 involved. I think we actually ended up putting two or three
2 businesses together on - one application. I'm not - I can't
3 be sure exactly how it ended up.

4
5 **THE ACTING COMMISSIONER:** Sorry, just let me get that clear,
6 so you were involved in putting in a number of separate
7 tenders from entities that you were associated with. Is
8 that right?---That's not clear to me, sir.

9
10 That's what I heard you say?---No, I - I think, it's - we
11 weren't specially tendering for anything. We were just
12 getting the ability to get on a panel that we could be chosen
13 for to get the jobs.

14
15 So there'd be a number of entities on the panel?---I believe
16 so, yep.

17
18 Okay. Thank you.

19
20 **PANTANO, MS:** I'll pull up the tender, the draft tender
21 that it appears you had input in preparing. And that might
22 clarify the position.

23
24 Can I have 10810698^, please?

25
26 1081698^

27
28 **PANTANO, MS:** You can see there it says:

29
30 Tender Response.

31
32 Issuer is Landgate. The title, "Provision of an Advisory
33 service for the Design, Development and Implementation of
34 Landgate's Intellectual Property Management and Commercial
35 Opportunity Strategy". You've got the request number and
36 you can see the respondent down the bottom is MCAS. Is that
37 Mining Corporate Advisory Services?---That would be that,
38 yes.

39
40 Okay. If we can scroll to page 2? Scroll up so we can see
41 the whole letter.

42
43 Can you read that or do we need it just - - -?---Yeah, that's
44 fine.

45
46 That's okay? Dated 6 November 2008, addressed to Landgate:

47
48 To whom it may concern.

49
50 It says:

51

1 Mining Corporate Proprietary Limited MCS hereby submits an
2 offer to provide advisory services via a consortia of the
3 entities and personnel as detailed below for the development
4 and implementation of Landgate's intellectual property
5 management and commercial opportunity strategy. MCS is a
6 Perth-based company with extensive experience in the areas
7 of project IP identification, management, due diligence,
8 corporate compliance, corporate structuring et cetera.

9

10 And it says:

11

12 To achieve excellence, MCS offers a team of capable of
13 personnel and access to a broad range of experience and
14 networks. MCS operates with a strong foundation of
15 accountability and recognition of sustainability. The
16 consortia consists of MCS, Hedley & Co Proprietary Limited,
17 Boldline Nominees Proprietary Limited and Steinepreis
18 Paganin.

19

20 Can you see that?---Yes.

21

22 Does that jog your memory as to what the arrangement was in
23 relation to this tender response?---Yeah, it looks a bit -
24 well, coming together, I mean, I'm a bit surprise Steinepreis
25 Paganin was there cos I can't really - I can't remember them
26 being involved at all.

27

28 Okay. So Boldline were. What's your understanding of what
29 Boldline were going to bring to the party?---I don't really
30 know. Can't recall. (Indistinct).

31

32 It says there that:

33

34 Boldline Nominees provide intellectual property
35 commercialisation experts.

36

37 You've put this together - sorry, did you put this together?--
38 --It's on my letterhead.

39

40 It's your letterhead. Okay. Your name down the bottom.
41 What was your involvement in putting this together?---
42 Probably drafted and typed it up. Got one of my girls to
43 type it up. Can't recall.

44

45 So what was the - what was your understanding of the
46 reasoning behind a consortia of all these companies being
47 put together?---I just think so we could draw on each other's
48 experience and expertise or a particular area and - and put
49 a - a - a full package together.

50

1 Was that your idea?---I think we - there was about six or
2 seven of us at the table discussing it. We would have
3 collaborated on that.
4
5 Surely someone would have had to initiate these discussions,
6 whose idea initially was it for all these companies to come
7 together and form a consortia?---I'm not sure.
8
9 Was it Paul's?---I couldn't tell you.
10
11 You said you had virtually nothing to do with Mr Anthonisz
12 when I asked you earlier. Yet now, a company he's associated
13 with is part of a consortia which is on your letterhead and
14 part of a tender response which you have, on your evidence,
15 prepared or had involvement in and then submitted to
16 Landgate?---Yep.
17
18 So what was your involvement with Mr Anthonisz?---Very
19 limited. I'd forgotten all about that.
20
21 Had he ever done any work for Mining Corporate or MCS?---
22 Outside of this arrangements, I wouldn't have thought so.
23
24 You were ultimately awarded this contract, weren't you?---I
25 believe we did a bit of work on it, yep.
26
27 Had you been involved in a similar arrangement before?---Not
28 that I'm aware of, no.
29
30 How did you become aware that you were successful?---I
31 couldn't recall.
32
33 Did Paul advise you?---I don't know.
34
35 I want to take you to a particular part of this document.
36
37 If I can have page 6, please? And scroll - sorry, scroll
38 down. Sorry, sorry, apologies, if we could just scroll up
39 just slightly? That's correct, sorry.
40
41 Under "Steinepreis Paganin affiliate", we can see at (iii)
42 it says:
43
44 MCS does not have any actual potential or perceived conflict
45 of interest in relation to the performance of the customer
46 contract if awarded by MCS.
47
48 Can you see that?---Yep.
49
50 Is that an accurate reflection of whether there was or wasn't
51 a potential conflict of interest?---In what way, sorry?

1
2 Is that statement correct?---(Indistinct) does MCS have a
3 conflict in this contract? I wouldn't have thought so.

4
5 Not - it talks an actual, but it also talks about potential
6 or perceived conflict of interest?---I wouldn't have thought
7 so at the time, no. I certainly didn't think it would have
8 at the time.

9
10 Okay. So this, bearing in mind the timing of this is 2008,
11 you, on your evidence, have known Mr Whyte since 1985, albeit
12 you didn't become friends until around 2000, early 2000.
13 You had a friendship. So if you're friends with the
14 individual who has firstly discussed this tender with you
15 and then actually sent you the tender document, do you think
16 that could be a potential or perceived conflict of interest?--
17 --In what way, sorry, because we were friends?

18
19 Yes, because you're friends?---Certainly didn't cross my
20 mind. I had upmost respect for Paul and his professionalism.
21 I thought everything was - that he was doing was top-notch.

22
23 That may be the case, but can you see how that could be a
24 perceived conflict of interest, that you were friends with
25 someone who is being directly involved in this particular
26 tender in that he sent you the document. He works at the
27 organisation in which you are tendering for. Would you
28 consider that that could be a perceived conflict of
29 interest?---I guess someone could think that, yep.

30
31 But you didn't think so at the time?---I certainly didn't -
32 didn't even cross my mind.

33
34 Did Mr Whyte say that you - whether you should declare
35 anything in that section?---Not that I recall. No.

36
37 The Commission's aware that you were invited to a meet and
38 greet with senior Landgate personnel in relation to this.
39 Can you recall that?---Not specifically. Can - any more
40 details?

41
42 Can I have 10933807^, please?

43
44 10933807^

45
46 **PANTANO, MS:** So it's an email from Mr Whyte to yourself
47 and Jake Anthonisz on 2 December 2008. And you said this
48 was sent as an invitation to about 10 senior Landgate staff
49 regarding the meeting, that says:

50

1 We have chosen a panel of organisation to assist Landgate
2 with IP, business opportunities and business associations
3 work over the next two years. As such, we are doing get to
4 know you introduction session with them. This is the first
5 session and is to be with the consortia comprising MCS
6 Proprietary Limited, Boldline, and Steinepreis Paganin. You
7 are invited to attend.
8
9 Does that jog your memory?---Not specifically, but yeah.
10
11 Okay.
12
13 Can I have 9157711^, please?
14
15 9157711^
16
17 **PANTANO, MS:** Another email from Mr Whyte to you and
18 Mr Anthonisz, CCing in an Andrew Newman:
19
20 Meeting tomorrow.
21
22 Introduction is the subject line. And he goes through this
23 document in this email, sorry, and provides a number of
24 suggestions and quite a lot of detail about what you are to
25 say, what Jake then should say and Richard O'Connor should
26 say, what Robert Brady would say. Do you recall receiving
27 this email?---Not specifically, no.
28
29 What was your understanding of why he was going to so much
30 effort to provide you with so much information about what
31 you should do and say and this meet and greet?---Cos he
32 wanted the correct information to come across to the people
33 we were presenting to I guess. Couldn't say for sure.
34
35 Did you think any of this was unusual?---Not at all.
36
37 He was executive director of Landgate and he's providing you
38 with what you should say as a private individual to senior
39 executives at Landgate. You thought that was perfectly
40 okay?---I didn't see anything wrong with that.
41
42 Can I have - sorry, I'm finished with that document. Thank
43 you.
44
45 Did Mr Whyte ever provide you with information about any
46 other opportunities while he was at Landgate?---Not sure,
47 but possibly.
48
49 Any business, potential business opportunities that you
50 might have been able to get involved in?---We just discussed
51 quite a bit and then he was always looking as - to be

1 innovative and get things started and going. And if there
2 was an opportunity for us to get in and help him start
3 something out, then yeah, he was quite open about discussing
4 possible opportunities, yeah.

5
6 And now, when you say opportunities for starting something
7 up, are you talking about - what are you referencing there?--
8 --Yeah, he was a very good proponent of that. And you just,
9 as an example, the amount which - that had been entered in
10 by Landgate and - or you know, drafted and - and it went
11 quite commercial. And he was looking for opportunities like
12 that that we might be able to help him get started, raise
13 funds with and that - that was what my business did so it
14 just made sense to me that we would discuss opportunities.

15
16 Can I - did he ever provide you with any documentation while
17 he was at Landgate that might benefit you in any future
18 business dealings?---I'm not sure. Possibly.

19
20 Do you want to take a little longer to think about that?---
21 Not really. I mean, I don't remember anything specific but
22 it's possible that he would have said, "Hey, have a look at
23 this," or this or this as we were, you know, looking for
24 opportunities.

25
26 Can I have 44746659 please?

27
28 47746659^

29
30 **PANTANO, MS:** This is an email from him to you and others,
31 including again Mr Anthonisz, dated 17 December 2008, titled
32 "RFID Opportunity Survey". He said:

33
34 It's from 2.4 onwards in the report. I think that there
35 could be some commercial opportunities for Landgate in
36 linking mobile tracking devices with our mapping
37 information. This is sent to you to get some ideas going.

38
39 If we can scroll over to page 2 you'll see the title of this
40 document is "RFID Opportunity Analysis" and it says "Prepared
41 for Landgate 21 November '08". If we can scroll over to the
42 next page it says the project is Landgate RFID Opportunity
43 Survey, and go to page 5:

44
45 The exec summary says that this report represents the output
46 from an RFID opportunity survey conducted by CSC for
47 Landgate. RFID has been a recurring item in submissions
48 from Landgate staff to the internal innovation forum. It is
49 a technology which has the potential to increase
50 efficiencies, reduce costs and maybe even create new products
51 for Landgate.

1
2 I'm not going to take you through the rest of the document
3 but what was your understanding of why he was sending this
4 to you?---I think it's pretty clear in the email that he
5 sent through, just to get some ideas kicking around. Maybe
6 we can help out, get something like this started or privatise
7 it or raise funds for it. And that's what we did.
8
9 Down the bottom of - if we can go down the bottom of this
10 page it says at the bottom "Commercial, in Confidence". Can
11 you see that?---Not specifically.
12
13 At the very, very bottom on the - it's highlighted now in
14 blue?---Okay, yeah.
15
16 You see that this was a document prepared for Landgate?---
17 Right.
18
19 Did you see any issue with you having a copy of it?---Not at
20 the time, no. I mean, everything was done between - as I do
21 with all my businesses is on a confidential basis.
22
23 Do you see that Mr Whyte - or do you think that Mr Whyte was
24 attempting to give you a heads up about potential business
25 opportunities for you to be involved in?---Sorry, in what
26 way?
27
28 Do you - is it your understanding that Mr Whyte was
29 attempting to give you the heads up about potential business
30 opportunities that you could be involved in?---As an example
31 how to, yeah, get involved and raise money and look at
32 something like this, for sure.
33
34 I'm finished with that document. Can I have 10934553,
35 please?
36
37 10934553^
38
39 **PANTANO, MS:** The same day, another email from Mr Whyte to
40 you and again Mr Anthonisz. This time talks about
41 "Innovation application radar innovation":
42
43 FYI. Hopefully some business prospects will come of these
44 ideas.
45
46 If we can go to page 3? No, sorry, scroll up? Apologies,
47 page 2.
48
49 The title is "The Potential for Radar Remote Sensing
50 Applications in Landgate". It says:
51

1 This document is prepared for the purpose of scoping the
2 potential of radar remote sensing applications within the
3 context of Landgate's aims and objectives. With reference to
4 the latter, Landgate is targeting opportunities that
5 position the organisation at the forefront of the industry
6 while maintaining its focus on real world solutions and on
7 the associated revenue benefits that superior technology
8 bring. This document is not intended as a manual on radar
9 remote sensing but rather as a generalised scoping document.

10

11 What was the purpose of him sending you this, Mr Hunter?
12 What was your understanding of why he sent you this?---I
13 assume the same reason he sent the other one is to have a
14 look at this, see if there's anything that we're doing in
15 that area and maybe we can bring a few people together and
16 help them get this - something like this off the ground.

17

18 Did anything come of it?---I don't think so, no.

19

20 Did you make any use of this document?---I don't think so,
21 no.

22

23 Now if we can have 10934855, please?

24

25 10934855^

26

27 **PANTANO, MS:** Another document sent to you by Mr Whyte and
28 again Mr Anthonisz, "An example of a project currently on
29 the table". If we can scroll to the next page, again it's
30 a Landgate internal document titled "Product Development
31 Proposal for PanAIRama Update". Can you see that?---Yes.

32

33 I'm not going to take you through the whole document because
34 it's - it's been heavily redacted and amended and it is an
35 internal document so I am also conscious of confidentiality
36 but what was your understanding of why he was sending this
37 to you, Mr Hunter?---I'll repeat my answer from before, just
38 an opportunity to discuss and see if there's anything that
39 we're doing in that area and can we help.

40

41 Had Mr Whyte always been this generous with providing you
42 with potential ideas? Sorry, with providing you with ideas
43 for potential business opportunities?---No. I think it would
44 have started when - around about 2008 and I think we had a
45 couple of companies that went really, really big. Bannerman
46 was one. Cazaly Resources was another one that was - that
47 had the big Shovelanna project that sort of was overturned.
48 We nearly got that one away. I think all of our investors
49 were pretty cashed up so he was looking for opportunities to
50 bring that investment to possible government projects, to
51 get it started and - and moving.

1
2 I'm finished with that document, thank you.
3
4 Was there ever any discussion that he would want to be
5 involved personally with any of these potential
6 ventures?---Not that I can recall, no.
7
8 Did he ever ask for you to provide him with any money while
9 he was at Landgate?---Not that I can recall, no.
10
11 Did you pay him any money while you were doing work at
12 Landgate?---Not outside of what we've talked about before.
13
14 We know that the consortia got onto - well, were successful
15 in their tender application. How did it work with members
16 of the consortia being asked to do work from Landgate, how
17 did the whole arrangement occur?---I can't recall
18 specifically but I don't recall Mining Corporate working
19 with any of the other three parties on any particular case.
20 They might have done a bit, worked separately. But, yeah,
21 I think we operated by ourselves and then we - it - it got
22 a little bit difficult. It wasn't really our bread and
23 butter so I think after about a year or so we - we probably
24 closed it down.
25
26 It wasn't your bread and butter?---Wasn't our normal area,
27 we - we listed public companies. So again it was because
28 we'd been successful in that I think he thought there was an
29 opportunity there to do some work but, yeah, really I don't
30 think it eventuated as - as where we all thought it might
31 have been able to get to.
32
33 So you only did work - what did you say, so for approximately
34 a year?---Maybe a year or two maximum, I think.
35
36 So what work did Mining Corporate do for Landgate?---I don't
37 - I'm not sure. I haven't reviewed the files for a long
38 time. It was a long time ago. Probably did about two or
39 three projects.
40
41 Yes? What sort of projects?---I'm not really sure. I can't
42 recall.
43
44 Well, if we can go back to the tender document it said that
45 it was to assist with developing intellectual - provision of
46 an advisory service for the design, development and
47 implementation of Landgate's intellectual property
48 management and commercial opportunities strategy. Does that
49 jog your memory as to what sort of work Landgate - what sort
50 of work MCS may have done for Landgate?---Not specifically.
51 I - I recall - I mean there was quite a bit of work that one

1 of my staff members did with them and - and she was very
2 into compliance and that type of thing so she would have
3 worked on that mostly. I think we also were partnered up
4 with another firm, another accounting firm which had a bit
5 more IP strength and sort of between us we put that, that
6 paper, together.

7
8 Had you any involvement with IP previously?---Yeah, we'd
9 worked on a few situations. One of the companies that we
10 worked from was an aeroplane sort of structure monitoring
11 device, we did some work with them and did all their
12 prospectus work and due diligence. So we'd seen that, we'd
13 seen how IP works and we'd been on - been on another couple
14 of IP plays with Wray & Associates, et cetera so we'd had -
15 we'd sort of touched on it but it certainly wasn't our area
16 of expertise. I think the other accounting firm had way
17 more expertise on that.

18
19 How did you - who was responsible, sorry, from MCS for the
20 invoices?---I would have had ultimate responsibility.

21
22 Okay. How did - how did the invoicing work at Landgate?---
23 I couldn't really say whether it was a contracted amount or
24 whether we just did it on time-based, but there would have
25 been time sheets and - and invoicing done on a regular basis.

26
27 When you say regular was there sort of a set time that you
28 would - - -?---I don't - - -

29
30 - - - submit invoices?---Normally we would go monthly unless
31 there was - the amounts were too small and then we carry it
32 over for a month or two.

33
34 And did you personally do any work for Landgate?---Yeah, I
35 would have done a bit with two or three staff members.

36
37 Who were the other staff members?---Elizabeth Hunt was the
38 main one. Amanda that you've seen there. I don't think
39 Stevie would have done it, he was more of a partner level.
40 So would have been two or three of us and then maybe some
41 juniors.

42
43 And with your invoicing, what would you typically - and I
44 appreciate you're not going to recall anywhere near probably
45 the exact details of what were on the invoices but what would
46 you typically have included on the invoices for government
47 work?---Whatever work we had. So if it was attendance at
48 meetings or discussions or completion of that particular
49 project or discussions around another project, then we'd
50 probably name that project and how long we took, with the

1 hourly rate et cetera and who the - who the people were,
2 something like that.
3
4 Okay, so we'll just break that down. So you'd name - if it
5 was a project you were working on you'd name the
6 project?---Yep.
7
8 And you said if there were discussions that were had, so
9 would the invoice be itemised?---To a certain level but
10 probably not on a - at a great deal.
11
12 Okay. And if it was you who had done the particular work
13 would you - would your name be mentioned on the invoice?---
14 No, not necessarily.
15
16 What about if other employees, would their names be mentioned
17 on the invoices?---Not that I would say, unless it was
18 specifically requested by the client.
19
20 Do you recall whether Landgate specifically requested that
21 the invoices be itemised?---I do not.
22
23 Pardon?---No, I don't recall.
24
25 And you said the hours worked so would you put it, like a
26 time frame?---Other clients we would but I'm not sure whether
27 we specifically did on that one, these ones.
28
29 And would you only be paid by Landgate once you had submitted
30 an invoice?---That's normally how business works I would
31 say, yep.
32
33 So you wouldn't be paid prior to submitting an invoice?---I
34 guess on - on a case-by-case rare example there could be an
35 upfront fee for - but I don't recall that happening.
36
37 Did you have any contractors who were paid out of MCS for
38 the Landgate work?---It's possible, but I don't recall.
39
40 Did MCS ever hire any contractors?---I think we might have
41 once or twice but, yeah, not specifically.
42
43 Okay. So on those occasions how - how would you work out
44 what fee MCS would charge Landgate?---How do you mean, like
45 from the contract? Invoice and then on-charge a percentage
46 or something?
47
48 Yes?---Possible, but I'm not sure.
49
50 So if a contractor did work for Landgate, so not you or any
51 employee but a contractor did work for Landgate, they would

1 charge I'm assuming a particular hourly rate?---Yeah, up to
2 - up to each contractor. They may do it differently, I'm
3 not sure.

4
5 Yes, but if they were contracted through MCS?---Right?
6

7 How would they get paid? What would be - what was the
8 arrangement?---They would submit an invoice to us and then
9 if it was for Landgate work then we would submit that to
10 Landgate and then get paid and then pass it back, I would
11 assume so.

12
13 Would you - would MCS have a fee on top of the contractor's
14 fee?---It's possible, but I don't recall. We didn't - we
15 never - we didn't do it often so I'm not sure.

16
17 Do you recall whether you did it ever?---It's possible,
18 but I - I don't recall specifically. But there's probably
19 a couple that we did through an arrangement like this or
20 with other companies.

21
22 Okay. And on those occasions like - I guess like a labour
23 hire company would charge, there'd be an hourly rate that
24 the contractor would charge and then there's a percentage on
25 top of that - - -?---Sure.

26
27 - - - that the labour hire company - - -?---Right.

28
29 - - - would add on. Did you ever have that sort of
30 arrangement?---It's possible, but I can't think of anything
31 specific.

32
33 With Landgate, and you can't recall?---Can't recall.

34
35 Okay?---Possible.

36
37 Can I have 9129308, please?

38
39 9129308^

40
41 **PANTANO, MS:** This is an email from yourself to Mr Whyte
42 with an attached image, and if we can scroll down it's a tax
43 invoice from Mining Corporate and it says:

44
45 Professional costs. Professional services rendered for the
46 provision of services pursuant to stage 1 project.
47 Description of work: Research analysis, design.

48
49 And then it says - it's got three different names, yourself,
50 Wilton-Heald and Hanrahan; your rates, number of hours and
51 then the total. Can you see that?---Yes.

1
2 Okay. Does that jog your memory as to what work may have
3 been done at Landgate?---Yeah.
4
5 What was that?---Sorry?
6
7 Sorry, was that a yes?---Yes.
8
9 Yes? What? What was the work that was done?---What it says
10 there, the stage 1 project of whatever we were working on.
11
12 Do you know what stage 1 project related to?---Not off the
13 top of my head, no.
14
15 Is this a common sort of layout of how you would do your
16 invoices?---Reasonable. Yeah, I mean but each - each - and
17 it's been a long while ago so I'm not sure. Invoicing would
18 have evolved over a number of years.
19
20 Yes? But at the very least would you say you would include
21 how you've got here, the rate, the number of hours and then
22 the total so the client could see what they were paying?---
23 Yeah. I mean, it would vary from time to time, yep.
24
25 What would vary?---Well, the presentation and whether we put
26 dollars or names even on - on invoices or just said corporate
27 - corporate fees or accounting for a particular month. I
28 mean, if we were month by month on the same client for two
29 or three years this detail would not be required.
30
31 Okay. What would be required if it was ongoing, the same
32 ongoing work month after month?---A brief description of
33 what's going on and the dollar amount.
34
35 And then if I can have 9129364, please?
36
37 9129364^
38
39 **PANTANO, MS:** Again another email from yourself to Mr Whyte
40 and again attaching another invoice from Mining Corporate,
41 again this is relating to stage 2 of a project brief and
42 again your name and others?---Yep.
43
44 Why were you sending your invoices to Mr Whyte?---As he
45 instructed us to.
46
47 So he's the executive director at Landgate and you're sending
48 him your invoices?---Right.
49
50 Because you said earlier in your evidence that when I asked
51 you who would have been involved in the tender process and

1 whether you would have sent it to Mr Whyte or had involvement
2 with Mr Whyte you said, "Probably not, because he was too
3 high up"?---Probably - - -

4
5 Did you think it was unusual that he had requested you send
6 him your invoices?---I didn't think too much about it. Just
7 that was the way the arrangement was set up and I just had
8 no reason to question his authority or the way he worked.

9
10 I'm finished with that document, thank you.

11
12 Now, I asked you earlier whether - during your time at
13 Landgate whether you had provided Mr Whyte with any funds
14 and you said, "No, except for what we spoke about earlier,"
15 and what we spoke about earlier was betting arrangements
16 which you said was only once or twice a year, on occasion
17 you would give him cash at the track and that was possibly
18 around early 2000 when you began your sort of more friendship
19 with him. The other occasion was the horse syndicate when
20 you would transfer him money for an invoice?---Sure.

21
22 And again that was around the same time as the betting
23 arrangements which again you said would have been around
24 early 2000. Other than that you said they were the only
25 couple of times that you would transfer Mr Whyte any money,
26 there was a time that he transferred you three payments for
27 your mortgage which we've already identified happened in the
28 second half - around the second half of 2013. What I want
29 to ask you about, Mr Hunter, is why, during the time that
30 you were working at Landgate the Commission has identified
31 three payments from accounts controlled by you to Mr Whyte's
32 mortgage?

33
34 Yes?---I can't recall that.

35
36 Okay. I'll bring up the bank statements and I will show
37 you.

38
39 Can I have 0797^ please.

40
41 0797^

42
43 And can I have - on the first page, you will see it says -
44 the account details of Mining Corporate Proprietary Limited,
45 business cheque account, and a lot of the details are blanked
46 out, just for privacy.

47
48 If we can scroll to page 2 please - and you can see on
49 30 December - that's highlighted - you received - or the
50 bank account received a payment from Landgate, the

1 \$25,063.50, and then the next day there's a transfer out of
2 \$6,125. Can you see that?---Yeah.
3
4 It says, "Internet transfer for Teisha(?)". The Commission
5 has been able to locate where that money ended up, and that's
6 ended up in Mr Whyte's mortgage account?---Really?
7
8 Yes. Why?---I couldn't say. I guess - that doesn't ring a
9 bell for me. I know we had some work done by - as I said,
10 probably Ron's company. Maybe we paid an invoice there.
11
12 That was when you set up Stellar Corporate. When was Stellar
13 Corporate set up?---That was 11.
14
15 Okay, so this is 2008?---Yeah. We were in a different office
16 down in the - Railway Road, Subiaco.
17
18 Ron did work there, did he?---I think so, yeah.
19
20 Okay, but this has gone into Mr Paul Whyte's mortgage
21 account?---That's a bit unusual; I can't explain that.
22
23 Okay. We will go to another payment - 0796^ please, page 1.
24
25 0796^
26
27 Unfortunately, I've got no - - -
28
29 **THE ACTING COMMISSIONER:** Neither do I.
30
31 **PANTANO, MS:** Okay. We might have - we do now. Okay.
32
33 **THE ACTING COMMISSIONER:** Thank you.
34
35 **PANTANO, MS:** This is your - again, Mining Corporate's bank
36 business cheque account, and on 2 January 2009, there's
37 another Internet transfer, reference 22277, for six-and-a-
38 half thousand dollars. Can you see that?---Yes.
39
40 It's gone to Mr Whyte?---Really?
41
42 Why?---I'm not sure. Maybe a loan or a balance or a repayment
43 of something that I owed him.
44
45 The Commission is aware that that payment has gone into
46 Mr Whyte's betting account?---Okay. I might have borrowed
47 some money at the track and paid it back.
48
49 Except, when I asked you an around about time of when that
50 occurred, that it was around early 2000. This is late 2000,
51 and on top of that you said it wouldn't have been more than

1 \$5,000 that you would have transferred. This is six-and-a-
2 half thousand dollars?---Right. It was a long time ago. I
3 probably can't recall individual dealings - I was doing a
4 lot of things back then.

5
6 Pardon?---I said I was busy doing a lot of things back then.
7 That probably just slipped my mind, but I mean - - -

8
9 Right. Okay, we'll go through some more that might jog your
10 mind?---Sure.

11
12 Can I have 0795^, page 4, please.

13
14 0795^

15
16 Again, your business cheque account, and again we can see a
17 payment from Landgate of just over \$35,000 on 27 March?---
18 Yeah.

19
20 Three days later, you transfer five-and-a-half thousand in
21 one sitting, and then seven-and-a-half thousand. The
22 five-and-a-half thousand has gone into Mr Whyte's mortgage
23 account. The seven-and-a-half thousand has gone into
24 Mr Whyte's betting account. The Commission has got the other
25 end of these transactions?---Very good.

26
27 Why are you transferring money into Mr Whyte's mortgage
28 account?---He probably asked for a loan and I just would
29 have (indistinct).

30
31 Well, we went it quite - in a lot of detail, Mr Hunter, early
32 on, and you distinctly remembered you transferring money -
33 sorry, him transferring money into your mortgage account.
34 We went through betting arrangements, the horse syndicate.
35 We went through it in a lot of detail, and not once did you
36 mention you transferring money into his mortgage account?--
37 -It was 11 years ago. I've forgotten all about it. It just
38 was immaterial to me.

39
40 Pardon?---I said it was only a small amount and immaterial
41 to me. I would have just forgotten about it and moved on.

42
43 Except for the fact that you were doing work at Landgate at
44 the time, of which Mr Whyte was instrumental in getting you.
45 He was instrumental in your company being put on a panel so
46 that work could be awarded to you. On top of that, you sent
47 your invoices directly to him. You received payment from
48 Landgate a day - in the case of the other transaction, in
49 this case three days later, you were transferring money to
50 him. That's the problem. Why?---Because he would have asked
51 for a loan, and I would have just said, "Yeah, cool".

1
2 Would have, or he did ask you?---He would have had to. I
3 wouldn't have done it by myself.
4
5 But why?---I don't know; maybe he needed some money.
6
7 Mr Hunter, did Mr Whyte say to you words to the effect of,
8 "I'll get you a job at Landgate, but I want some money in
9 return"?---Absolutely not.
10
11 So why are you paying his mortgage?---Well, I did a lot of
12 things to help people out, and there will be 20 blokes out
13 there can say that - they've called me up and said, "I need
14 15, 20, 30 grand" - there it is tomorrow.
15
16 Right, but we've got payments to his betting account and his
17 mortgage while you were doing work at Landgate, while he was
18 the executive director, while you were sending your invoices
19 to him, while he was instrumental in getting you that work?--
20 --(No audible answer).
21
22 We will go to another payment. Can I have 0370^ please,
23 page 1.
24
25 0370^
26
27 This is your NAB Classic banking account - scroll down please
28 - 13 February, there's another \$5,000 into Mr Whyte's
29 betting account. Why?---He would have asked for it, or I
30 would have borrowed money off him and paid it back.
31
32 Can I have 0795^, page 2 please.
33
34 0795^
35
36 Another payment to Mr Whyte's betting account, \$5,000. Date
37 of that - if we could just scroll up - is 16 February 2009.
38 Again - sorry, if we could just scroll up - three days after
39 you received payment from Landgate. Can you see that?---
40 Yeah.
41
42 Can I have 0368^ please, page 1.
43
44 0368^
45
46 Again, it's your business cheque account, again, a \$10,000
47 payment to Mr Whyte's gambling account. Why?---I would have
48 borrowed money and punted it and paid him back.
49
50 Okay, so the problem with that explanation, Mr Hunter, is
51 that earlier in your evidence you said it would have been

1 once or twice a year that you would have borrowed money off
2 Mr Whyte, or he would have borrowed money off you, sorry,
3 for betting?---Yeah.

4

5 And that it wouldn't be more than 5,000. It happened once
6 or twice a year over a one to two-year period, and that was
7 early 2000. So there's a couple of things that don't match
8 up here, the timing - because you said it was early 2000,
9 this is almost at the end of 2000, that's one thing. The
10 second thing is that you said it happened once or twice a
11 year. Well, we've already seen - I've just showed you three
12 transfers just in February of 2009. It's another thing that
13 doesn't add up, and I'm going to go through some more in
14 March and April, so there's a total of one, two, three, four,
15 five, six, seven, eight between February and April. It's
16 very, very different to the evidence you gave earlier?---
17 Yeah, a long time ago, so I'd forgotten about all that.

18

19 Perhaps, Commissioner, now might be an appropriate time for
20 an adjournment, and Mr Hunter can collect his thoughts and
21 try and - - -

22

23 **THE ACTING COMMISSIONER:** Yes.

24

25 It seems to me that an obvious explanation for those payments
26 to Mr Whyte is that the payments are a kick-back for him
27 having procured the work for you. Perhaps what you can do
28 is, we'll have an adjournment and you can consider that
29 proposition.

30

31 (THE WITNESS WITHDREW)

32

33 **THE ACTING COMMISSIONER:** We'll adjourn for 15 minutes.

34

35 (Short adjournment)

1 HUNTER, KENT MICHAEL RECALLED ON FORMER AFFIRMATION AT
2 11.58 AM:

3
4 **THE ACTING COMMISSIONER:** Before we start, Mr Hunter,
5 there's two things that I think I should mention to you.
6 Firstly, that section 168 of our Act makes an offence to lie
7 to the Commission, to knowingly give false evidence. The
8 second thing is that a statement that you make in response
9 to an answer that the Commission requires you to answer is
10 not admissible against you criminal proceedings except for
11 proceedings under this Act, i.e. for lying to the Commission.
12 You had a break to consider the evidence you've given
13 earlier. Is there anything you'd like to add, subtract or
14 qualify in any way?---Not at this stage.

15
16 You're sure?---Yes, sir, I am.

17
18 Ms Pantano?

19
20 **PANTANO, MS:** Can I have 0825^, please?

21
22 0825^

23
24 **PANTANO, MS:** Mr Hunter, this is a diagram prepared by the
25 Commission and you see down the left-hand column, we've got
26 Landgate, Mining Corporate, yourself represented by a figure
27 and then we've got Mr Whyte's mortgage account, his BetEasy
28 account and some additional accounts below. Now, the green
29 amounts up the top is money going from Landgate being paid
30 to Mining Corporate. And then the arrows beneath are money
31 being paid from Mining Corporate to Mr Whyte, whether it be
32 his mortgage or betting account. Now, you can see, as has
33 been illustrated, this appears to be a correlation between
34 when you, or Mining Corporate, receives money from Landgate
35 to then when you transfer money out for the benefit of Mr
36 Whyte. Can you see that? It's either - on some occasions,
37 it happens the same day. Other occasions, it happens a day
38 later, three days later or even a day later. Can you see
39 that?---To - to - to some extent, yeah.

40
41 I'll ask you again, did Mr Whyte says words to the effect of
42 "I'll get you work at Landgate on the proviso you pay me
43 some money back?---At no stage. Never. No. Not that I can
44 recall anyway, as in - - -

45
46 Well, what is your explanation for all of these payments?--
47 -He asked are you - tell you - needed or we'd have a payment
48 coming a betting or we'd out on loans or I would say, look,
49 I was just lending him some money.

50

1 Did he ever pay it back?---Well, there was the three payments
2 a few years later, yep.
3
4 What three payments a few years later?---Well, the mortgage
5 you can't see. You could say that it was a bit of that. I
6 - but there was no understanding. There was no arrangement.
7
8 I specifically asked you about those payments and I
9 specifically asked, did you pay those back and you said no?--
10 --I didn't pay them back.
11
12 No, and the Commissioner asked you, so does that mean you
13 still owe him that money. And you said "Well, technically
14 I guess, yes"?---I sort of forgot about all this. And like
15 I said, like, in relation to any particular person, I'd sort
16 of have a ballpark going, yeah, okay, we're about even, but
17 just - - -
18
19 In answer to the Commissioner's question when he said "Then
20 do you still owe him that money" and you said "Technically
21 yes", you didn't say "Well, actually, I'd lent him a heap of
22 money. I'm not sure exactly how much, but I've lent him a
23 heap of previously so we'd all just" - if you could just let
24 me finish - "So it all just kind of evened out in the wash"?--
25 --It's possible.
26
27 No, but you didn't say that. That's the point?---It sort of
28 slipped my mind. It was 11 years ago.
29
30 Yes, but not just talking one or two payments, Mr Hunter?--
31 -I did many, many, many payments over many, many, many years.
32 It's just - it was not material to me.
33
34 Yes, but again, Mr Hunter, I go back to your earlier evidence
35 and you were quite specific about the payments that you made
36 between - sorry, that were made between you and Mr Whyte for
37 betting. You were very specific. Once or twice a year.
38 Not more than \$5,000 for one to two years maximum around
39 early 2000 this happened. And on occasion, you would give
40 him cash. So it takes it to - on those - adding that up,
41 it's four or five times that money has transferred between
42 you and Mr Whyte for betting. And some of those were cash.
43 That doesn't equate to then what we're seeing here?---I
44 underestimated the - the - what the amounts and the timings.
45
46 You're an accountant, Mr Hunter. How badly did you
47 misunderstand or miscalculate the amount of money that you
48 paid to Mr Whyte?---Like I said, back then we'd made a lot
49 of money out of the stock market and it was just - it didn't
50 mean much to me. Again, I've totally forgotten all about
51 it.

1
2 **THE ACTING COMMISSIONER:** Really?---100 per cent. Yes,
3 sir.

4
5 **PANTANO, MS:** We saw some payments coming out of your
6 company bank account. How were these accounted for in your
7 company accounts, so for tax purposes?---Would have been -
8 would have been a loan or a personal loan or something. Out
9 of my own account or something.

10
11 Pardon?---Out of my own loan account (indistinct).

12
13 I'm finished with that document, thank you.

14
15 You said that Mining Corporate Services, they ceased doing
16 work for Landgate because you're in over your head with the
17 type of work required?---It really wasn't our - our expertise
18 that they were trying to get to. And as I said, the other
19 accounting firm did most of that IP stuff. And we did all
20 the grunt work so to speak. So yeah, so it wasn't really
21 what we made most of our money out of.

22
23 It wasn't?---That type of engagement wasn't what we made
24 most of our money out of. And I think that it was just - it
25 was quite onerous, the - the workload.

26
27 Right. And I asked you earlier on in your evidence if you
28 did any other work for any other government agency. You
29 said no?---Not that I can recall, but yeah, it's possible.

30
31 Okay. Well, it is possible and it did happen. You did do
32 work for the Department of Housing. Do you recall that?---
33 I guess.

34
35 **THE ACTING COMMISSIONER:** What do you mean by that?---Again,
36 a long time ago.

37
38 Did you or didn't you?---I can't recall.

39
40 Or did you not do any work?---Sorry?

41
42 Or did you not actually do any work?---For Department of
43 Housing, I think we - we - again, with - with Paul we would
44 have sat down on committees and discussed and sort of put
45 plans in place for quite a number of jobs and things. And
46 now that I recall, I think we had - did have - did actually
47 do some work for us through Housing. That sort of makes
48 sense now. Yep.

49
50 **PANTANO, MS:** Okay. Can you repeat that, because I wasn't
51 following what you said, Mr Hunter?---I think I - - -

1
2 You probably sat on a couple of committees?---No, no, just
3 in sort of general meetings and discussions and - - -
4
5 With who?---Well, with Paul and Ashley and - and I think we
6 - we got Ashley on, on about two or three months on a - on
7 a consult. Cos I think we - we organised him to do some
8 work down there.
9
10 Okay. So this is quite different to what you said earlier.
11 Ashely, you - in your evidence earlier, you barely knew him?--
12 --Yeah, well, it was a long time ago and I think he worked
13 for us for three months and then I probably haven't seen him
14 from like - I did a work with - investment with him. Maybe
15 another couple of months and then we haven't spoken since.
16
17 Okay. So let's go back to Department of Housing. Earlier
18 today, didn't recall doing any work for Housing. Now, you're
19 saying you do recall doing work for Housing?---There was a
20 number of projects we discussed and - and we - we - there
21 was, you know, what can we do here and how can we flick -
22 you know. But it was all sort of general, not actually any
23 project. Like, there was no tender or no - we weren't on
24 the - on the panel or anything.
25
26 Okay. So again, I'll go back to my question. Did you do
27 any work for Housing?---It's possible, yep.
28
29 Yes or no?---I believe so, yep.
30
31 Mining Corporate, the Commission is aware, received almost
32 \$1.2 million form the Department of Housing between October
33 2009 and June 2011?---Sorry, what?
34
35 Mining Corporate received \$1.198 million between October
36 2009 and June 2011 from the Department of Housing?---That
37 makes no sense to me.
38
39 We can go through the bank statements, the invoices.
40 Mr Hunter, the Commission has this information?---Into my
41 account?
42
43 Into Mining Corporate's bank accounts, yes. How could almost
44 \$1.2 million go into your bank accounts from the Department
45 and you be unsure whether you did any work for the Department
46 of Housing?---Yeah, that doesn't compute with me. Yeah,
47 feel free to show - - -
48
49 What doesn't compute?---It doesn't make any sense to me.
50

1 Why? What part?---That amount of money going through my
2 account.
3
4 Why does that not make any sense?---I - I wouldn't have
5 worked on that - that big a project.
6
7 Right. Okay. Tell me what you did do?---With - well, we -
8 Ashley might have - we - we engaged him. I think - you know,
9 I only perceived it to be only about three or four months
10 maybe. Maybe it was a bit longer than that.
11
12 So you engaged - how did you come to engage Mr Kerfoot?---
13 Just we had a discussion and he sort of had some work through
14 Department of Housing. And we engaged him and then he - we
15 on-billed that to the Department of Housing. But I think
16 that was only like, 10, 12,000 a month or something.
17
18 Okay. So you finish up work at Landgate. And what's
19 interesting about that, Mr Hunter, is that you still had at
20 least another 12 months left on your contract with Landgate?--
21 --Right.
22
23 Do you recall that?---No.
24
25 Okay. You did. What's interesting about the timing of then
26 when you started doing work at Housing and when you finished
27 doing work at Landgate is that it coincides with when Mr
28 Whyte finished at Landgate and started at Housing?---
29 (Indistinct).
30
31 The timing very, very similar. Tell me about any discussions
32 that you had with Mr Whyte about coming over to Housing with
33 him?---Coming over to Housing with him, I mean, I can't
34 remember anything specific. But we have quite a few meetings
35 with him in our office and his office to discuss whatever
36 business we could work on. Again, I can't remember any
37 specific projects.
38
39 You've still got a one month - one year contract left at
40 Landgate. Admittedly, you said the work wasn't quite with
41 your remit. But then you start at Housing similar time to
42 when Mr Whyte moved to Housing. I'm trying to work out why
43 that is. It that purely coincidental or was there more to
44 it?---Well, he was - he was the business contact we had. So
45 if he moves to another department and he's looking for
46 opportunities there and we might be able to help him out.
47
48 So tell me about that?---How do you mean?
49

1 Tell me about that, how that all came about?---There was
2 nothing specific. There was no arrangement. No agreement.
3 How do you mean, like - - -
4
5 Tell me about how Mining Corporate came to do work at
6 Housing?---We were asked to do some work and we did work.
7
8 Okay. Who asked you to do work?---It would have come through
9 Paul.
10
11 It would have or it did?---I don't know.
12
13 Take your time. Think about it, Mr Hunter?---Well, if you
14 show me some documentation, I can see. I can agree with
15 you.
16
17 We'll come to that. Did Mr Whyte ask you to do any work for
18 Housing?---That would come from him, yes.
19
20 Not would have. I want to know did it or it did not or you
21 don't remember at all?---I don't remember at all. But if it
22 - okay. I don't remember.
23
24 Did you have any other contact at Housing?---No, not that
25 I'm aware of.
26
27 Okay. So the only person you knew at Housing was Mr Whyte?--
28 --Yep.
29
30 Okay. And you said earlier in your evidence that you didn't
31 respond to a tender, there was no tender document that you
32 filled out, you said, like you did at Landgate?---That's
33 correct.
34
35 Yes. And you're right there. There was no tender document
36 filled out. So tell me about how you came to then do work
37 for Housing?---We were asked to do a job. We did a job and
38 that was it.
39
40 Who asked you to do a job?---That would have come through
41 Paul.
42
43 Again, you keep saying "would have"?---If - I don't recall
44 any other contact at Housing.
45
46 Okay. What work did he ask you to do?---We - I think we
47 worked on a few projects, but not in the region of a million
48 dollars, over how long - sorry, three years?
49
50 October 2009 to June 2011?---Over one-half years. It just
51 doesn't make any sense.

1
2 Okay, so Mr Whyte, possibly him, you had no other contact,
3 asked you to do some work at Housing, doing what?---Whatever
4 project he was working on. We looked at it - like, some
5 housing developments and projects and how we might, you know,
6 assist with him with his low-cost housing programs, and stuff
7 like that.
8
9 How though? What - what expertise were you able to bring to
10 the table?---Just sort of corporate, capital raising, any
11 business planning.
12
13 For government?---For individual projects. I can't recall,
14 as in any specific project.
15
16 Did you do any work specifically for Housing, or was it only
17 through Mr Kerfoot?---I think we did a couple of consults on
18 a couple of operations that Housing were doing.
19
20 Sorry, when you said "we did a couple of consults," I - my
21 question was, did you personally do any work for Housing?--
22 -Yeah.
23
24 What?---Just like general high-level discussions on how we
25 might privatise stuff, et cetera, in the corporate sense.
26
27 General high-level discussions with who?---I can't recall
28 specifically.
29
30 Did you do anything other than have a couple of high-level
31 discussions, you personally?---I can't recall, but probably
32 not - but not in that sense of dollars, no.
33
34 Not in what, sorry?---Not in a million dollars' worth, no.
35
36 What did Ashley do? Sorry, before we go onto Ashley - you
37 had a couple of high-level, general high-level discussions.
38 Is there any other work you did for Housing, you personally?--
39 --Possible, but I can't recall specifically.
40
41 What other work could you have done for Housing, give your
42 expertise and what they were wanting?---I'm not sure. It
43 was a long - I don't know they - the discussions were many
44 and varied. It was about a whole lot of things.
45
46 What work did Ashley Kerfoot do?---He was - I don't know the
47 specific projects he was working on, but he was a consultant.
48 Again, I don't know much about him. He was looking for work.
49 He - we put him on, and then he had a contact down at Housing
50 that got him the work, and he went out and did it, and billed
51 through us. That's about the extent of it.

1
2 He had a contact at Housing? Who was that?---I'm not sure.
3
4 Well, how do you know he had a contact at Housing?---Because
5 he got jobs from them. I assume it would be someone like
6 Paul, if not Paul, but I don't know.
7
8 How did - you said - sorry, you said early in your evidence
9 that Mr Whyte introduced you to Mr Kerfoot?---That's
10 correct, yes.
11
12 Okay. Was that about the time that then Mining Corporate
13 engaged him for consultancy services?---It would have been
14 about that time, yeah.
15
16 Okay. How did that come about?---As in?
17
18 Mr Kerfoot being engaged through Mining Corporate?---He -
19 from the introduction, we discussed how he might work. He
20 offered his services, got the jobs and did the work. I mean,
21 it's as simple as that.
22
23 So were you acting - Mining Corporate was acting - it was
24 like labour hire company?---Well, through us contracting the
25 labour, yeah. It seemed something like that.
26
27 Had you ever done something like that before?---I think once
28 or twice, but not - not often.
29
30 Okay. Did Mr Kerfoot's role and duties align with what
31 Mining Corporate did?---Probably in a small way, but yeah,
32 but not - not from an ASX listing mining sort of focus, but
33 we did a lot of other work as well.
34
35 So why did you engage him?---He needed work and could get
36 it, and this was a way of facilitating that.
37
38 Whose idea was it?---Well, between Ashley and whoever - Paul,
39 whoever he was working with down there then.
40
41 No, but whose idea was it for him to be engaged through you?--
42 --I'm not sure.
43
44 It's your company, Mr Hunter. You're engaging a consultant.
45 Whose idea was it?---It was something that - Ashley came to
46 me, or - again, I couldn't guess whose specific idea it was.
47
48 Ashley came to you?---Yep.
49

1 And asked if you could provide him with work?---Well, and a
2 contractual arrangement which allowed him to work. I don't
3 know.
4
5 Do you know whether he - sorry, you said earlier that he was
6 already doing work for Housing at the time. Is that
7 correct?---I don't know for sure.
8
9 But you said that you thought he was earlier?---I couldn't
10 say for sure.
11
12 Do you know whether - sorry, did you know that he already
13 had a contract with Housing when he came to you?---No.
14
15 That he was already contracted through Hays Recruitment?---
16 I had no idea about that.
17
18 So Mr Kerfoot ended up getting the contract through yourself,
19 through Mining Corporate?---I believe so.
20
21 You believe so, or he did, Mr Hunter?---Yeah.
22
23 Okay. What involvement did you have in him obtaining that
24 contract?---Between him and - - -
25
26 And Mining Corporate?---It was just a general discussion and
27 agreed to put him on.
28
29 How - what was the timing? How long was he to be engaged
30 for?---It was open-ended. There was no time frame.
31
32 Okay, so he is engaged through Mining Corporate, how did you
33 then get the contract with Housing?---I didn't, he did.
34
35 He arranged it?---Yeah.
36
37 Do you know who he arranged it with?---No.
38
39 Were you involved in any discussions around him ascertain a
40 way for him to get a contract through Housing? Were you
41 involved in any way?---I possibly could have been, but not
42 actually in any of his work. It was - he was autonomous.
43
44 What discussions did you have with Paul about Mining
45 Corporate getting a contract with Housing?---For Ashley or
46 for us?
47
48 Yes?---I'm not sure if it would have - Ashley would have
49 said we have to run it by him, and probably would have done.
50

1 Were there two contracts? Were there one for Mining
2 Corporate and Housing and one for Ashley Kerfoot, or was it
3 the one contract?---I don't recall having a contract with
4 Housing specifically.
5
6 Pardon?---I said I don't recall having a contract with
7 Housing specifically, unless we were doing it, like an
8 arrangement with Ashley, or with another consultant, if there
9 was one, or on a specific project-by-project basis.
10
11 Did you have to sign a copy of the contract?---It's possible.
12 I can't recall.
13
14 Can I have 1607729^ please.
15
16 1067729^
17
18 This is an email from a Lindley Sisti to a Tania
19 Loosley-Smith, and then including Paul White - he's cc'd -
20 and Mr Kerfoot is included in that email as well. Now, you
21 were not included in this email chain. However, it's
22 attaching a contract - if we can scroll to the next page.
23 You can see there, it's a contract for services for financial
24 modelling analysis, property feasibility and negotiation
25 services and investment product development services between
26 Mining Corporate, trading as MCS, and Housing Authority,
27 trading as Department of Housing. Do you recall seeing
28 that?---It's possible, but not specifically, no.
29
30 If we can go to page 16 please.
31
32 You signed it. Is that your signature?---Yes, ma'am.
33
34 Okay. Did you have to - sorry, did you - I'll rephrase that.
35 You said earlier that you didn't have to apply for any tender
36 in order to get this contract. Is that right?---Not that
37 I'm aware, but it's possible.
38
39 Sorry, not that you're aware of, but it's possible?---Not
40 that I recall, sorry.
41
42 Okay. The Commission has information indicating that you
43 didn't have to apply for any tender, that you just got given
44 this contract from Mr Whyte. Does that accord with your
45 recollection?---I - yes.
46
47 Now, this email was dated 14 October - and if we can go to
48 page 4 - it talks about being made on 1 September 2009, and
49 it was also dated 1 September 2009, but the Commission has
50 information indicating that it wasn't signed on 1 September,
51 and that it was in fact signed sometime in October, but was

1 backdated. What can you recall about any discussions around
2 the backdating of this contract?---I don't recall anything
3 about that.

4
5 Can I have 1614008^ please.
6

7 Now, can you see the email in the middle of the page from
8 Paul to Ashley Kerfoot, Tania Loosley-Smith and cc
9 kent@miningcorporate.com.au. Is that your email address, or
10 was that your address?---It was, yes.

11
12 Okay - dated 14 October, subject Contract for Services:
13

14 Ashley, your contract is completed and signed. Word copy
15 will be sent to you plus scanned image of the final page
16 with signatures. Please ensure we get an invoice from MCS
17 ASAP, and can you please provide a copy of October, November
18 deliverables.

19
20 Now, the Commission is aware that, as I pointed out, that
21 the contract wasn't signed until sometime in October, but it
22 was backdated to 1 September. Now, what's your awareness of
23 Mr Kerfoot doing work for the Department without a signed
24 contract?---I don't know. I can't recall anything about it.

25
26 Because he was contracted through your company. Did you
27 have a separate contract between MCS and Mr Kerfoot?---Not
28 that I recall.

29
30 Would you have?---Not necessarily, no.

31
32 Why not?---That contract would have said it all.

33
34 That was a contract between yourselves and Housing?---It -
35 solely in relation to Mr Kerfoot, I'm assuming.

36
37 Okay. So again I'll ask you, what discussions were had about
38 backdating the contract?---I can't recall any discussion on
39 that. I'm not sure why that would have had to have happened.

40
41 And do you know whether Mr Kerfoot was doing work for the
42 Department during that time, while the contract had not been
43 signed?---I had no knowledge of anything like that, no.

44
45 As a director of this company, Mr Hunter - - -?---As I
46 mentioned, Ashley was, like, very senior where he was in
47 South Africa, so I had no reason to question him.

48
49 How did you invoice for Mr Kerfoot's services?---I'm
50 assuming in the normal way.

51

1 Which is?---Produce an invoice out of the accounting system
2 and sent it.
3
4 So - sorry, would he invoice you for his time and then you
5 invoice the Department? How did it work?---I believe so,
6 possibly. I don't know, I don't recall exactly how it would
7 have worked.
8
9 How should it have worked?---That makes sense, yeah. He
10 would have invoiced us, and we would have invoiced them.
11
12 And given he was a consultant contracted through MCS, would
13 you have charged a fee on top of?---It's possible, but not
14 necessarily.
15
16 So what would be in it for you then?---I just like to help
17 people out, like Ashley just - he needed a job, and needed
18 a contract, and needed to have it done in a particular way.
19
20 Did you charge anything extra on top of his fees when you
21 invoiced Housing?---It's possible, but I don't recall.
22
23 What discussions did you have with Paul about invoicing?---
24 I can't recall.
25
26 Mr Hunter, why is it that you can't recall what discussions
27 you had with Mr Whyte around anything to do with the
28 Department of Housing work?---Because it was 11 years ago.
29 Again, I'm astounded by those numbers, but if - we'll get to
30 that shortly, I'm sure.
31
32 We can go back to the contract.
33
34 Can I have 1607729^ please, and can I go to page 5.
35
36 1607729^
37
38 So at paragraph 1.4 you'll see - paragraph 1 talks about
39 services, paragraph 1.4 talks about the contract it will
40 allocate to DOH, a dedicated point of contact for
41 communication and progress reporting.
42
43 For this agreement, the contact shall be Ashley Kerfoot.
44
45 You can see that there?---Yes.
46
47 Were there any other consultants, other than Mr Kerfoot, who
48 did work - who were contracted through Mining Corporate to
49 do work at Housing?---It's possible, but not that I can
50 specifically recall.
51

1 If we can go to page 11 please.

2

3 Conflict of interest: Party will not, during the course of
4 this agreement, engage in any activity likely to compromise
5 the ability of that party to perform its obligations under
6 this agreement. (Indistinct) independently, a party will
7 immediately disclose to the other party any activity which
8 constitutes, or may constitute, a conflict of interest.

9

10 Did you declare a conflict of interest with Mr Whyte?---I
11 relation to what?

12

13 In relation to your relationship with Mr Whyte?---No, I
14 didn't think that was an issue.

15

16 Why?---It just never crossed my mind.

17

18 You're friends with him? We've seen transfers of money going
19 between - - -?---I do business with all my - or I used to do
20 business with a lot of my friends. It just didn't occur to
21 me that it was not normal.

22

23 It's not a matter of it not - being not normal, but you were
24 doing work for the government and conflicts of interest are
25 especially important in government transactions?---I agree.

26

27 Right, so why did it not occur to you that you had to declare
28 a conflict of interest when you a personal and financial
29 relationship with someone as senior as Mr Whyte at the
30 Department of Housing?---It just never occurred to me.

31

32 Did Mr Whyte every discuss with you the need to declare a
33 conflict of interest?---No.

34

35 Okay.

36

37 Can we go to page 14 please.

38

39 It talks about the services and the project tasks. What was
40 Mr Kerfoot's expertise?---I couldn't say for sure. I can't
41 recall. He probably had a CV somewhere.

42

43 What's your understanding of what they were?---Just that he
44 had a lot of history and experience in - in property and
45 property development in South Africa.

46

47 Okay. And you said earlier that you weren't aware that he
48 already was doing work through a Hays contract at Housing
49 before?---Not that I can recall being advised about - it
50 appears to be news to me.

51

1 Sorry?---It appears to be news to me.
2
3 Okay.
4
5 If I can go to page 15 please.
6
7 It talks about KPIs and milestones, and it talks about the
8 contract and must provide weekly updates in writing, and
9 progress on all project tasks for the Acting General Manager,
10 Strategy and Policy Division, and that the completion of the
11 project task by 30 September. Do you know who he was to be
12 reporting to, Mr Kerfoot?---Not specifically, no.
13
14 Were you aware - we saw in some emails earlier, there was a
15 person by the name of Tania Loosley-Smith mentioned. Had
16 you come across her before?---Not that I can recall.
17
18 Did you have any dealings with her?---Not that I can recall.
19
20 If we can scroll down - you can see fees and charges, and it
21 talks about an hourly rate. How was his hourly rate
22 determined?---As in - between myself and him, he would have
23 said, "That's what I charge," and I answered, "Yeah, cool".
24
25 Do you recall having that discussion with him?---Not
26 specifically, no.
27
28 Did you have any discussions with anyone from Housing about
29 what you were going to charge?---Not that I can recall, no.
30
31 And I appreciate that said you didn't know that Mr Kerfoot
32 was employed with Hays earlier, or had a contract through
33 Hays, but were you aware that he had previously started, or
34 commenced with Hays, on an hourly rate of \$50.03 an hour?--
35 -It doesn't ring a bell, no.
36
37 And at the top of that it jumped to \$57.11 an hour, just
38 prior to him coming on board with Mining Corporate?---It
39 doesn't ring a bell, no.
40
41 It's quite a jump then, to him being paid \$125 an hour,
42 excluding GST. Would you agree?---Yes.
43
44 Did he discuss with you, Mr Kerfoot[sic] any - sorry - any
45 jobs that he had been working on previously with the
46 Department?---Not that I can recall, no.
47
48 Do you have any issues with your memory, Mr Hunter,
49 generally?---Not things generally that happened in the last
50 few years, but like I said, that's like nine - 11 years ago.
51

1 Do you recall whether Mr Whyte came to your house with this
2 contract for you to sign?---Possible, but not sure.
3
4 Do you recall him coming to your house with a contract?---
5 No, I don't recall.
6
7 Just to confirm that this is a one-month contract. Does
8 that ring a bell to you?---No, it does not.
9
10 Okay. It was originally for one month, and what's unclear
11 is why, from a business perspective and an economic
12 perspective, why you would leave Landgate, where you still
13 had one year left on a contract, to commence at Housing,
14 where you were only getting a one-month contract. Why was
15 that?---I don't - I don't have an understanding of that.
16 It's just - - -
17
18 Did Mr Whyte say anything to the effect of, "If you come to
19 Housing I'll ensure you continue to get work," or words to
20 that effect?---No, not at all.
21
22 I'm finished with that document, thank you.
23
24 We've touched on the invoicing with Mining Corporate and
25 Housing and we've seen some of the invoices that you did at
26 Landgate where you specified what a project was and which
27 parties, which individuals did the work; hourly rate, the
28 amount of hours worked and then obviously the total amount.
29 Was that the way that you generally did invoices for
30 government?---No, it - it could vary from project to project.
31
32 Were you responsible for preparing the invoices for the
33 Department of Housing work?---Most likely, yeah.
34
35 Who at the Department did you send your invoices to?---
36 Couldn't recall specifically, but most likely Paul.
37
38 What makes you say that?---Just because he was my contact
39 down there.
40
41 It was Paul.
42
43 Can I have 1618914, please?
44
45 **THE ASSOCIATE:** Could you repeat that number, counsel,
46 sorry?
47
48 **PANTANO, MS:** 1618914.
49
50 **THE ASSOCIATE:** Thank you.
51

1 1618914^

2

3 **PANTANO, MS:** It's an email from someone at your office, is
4 that correct?---That's correct, yes.

5

6 To Mr Whyte, 14 October 2009:

7

8 Hi, Paul. As requested by Kent, please review the attached
9 and let me know of any amendments necessary.

10

11 And we'll go to the attachment, it's an invoice from Mining
12 Corporate addressed to Mr Whyte, "Pursuant to contract for
13 services dated 1 September 2009" for \$22,000 inclusive of
14 GST. Can you see that?---Yeah.

15

16 Okay. It says - and I appreciate you didn't draft the email
17 but it says:

18 As requested by Kent, please review the attached and let me
19 know of any amendments necessary.

20

21 Why would you be seeking clarification from Paul about your
22 invoice?---Probably was just a general comment from my girl
23 who was just covering off in case she'd done something wrong,
24 I don't know; or - - -

25

26 If we can go now to 1618334, please?

27

28 1618334^

29

30 **PANTANO, MS:** If you can scroll down to the bottom half of
31 that page, an email from Paul in response:

32

33 Can you change to ask that the cheque is made payable to
34 MCS?

35

36 If we can go to the following page - page 3 sorry, not
37 page 2. Page 3?

38

39 You'll see down the bottom - keep scrolling:

40

41 Please make cheque payable to MCS.

42

43 Can you see that down the bottom?---Yes.

44

45 On the other invoice and I didn't show it to you but I can
46 go back, it said:

47

48 Please make cheque payable to Mining Corporate Proprietary
49 Limited

50

51 ?---Sure.

1
2 What's your understanding of why Paul is dictating to you or
3 your company as to who you should be making a cheque payable
4 to?---Because he probably was trying to - the same as he did
5 with the other contract, probably on a similar line, anything
6 specifically related to mining might have been not acceptable
7 to him. I - I don't know but that's the only explanation I
8 can think.

9
10 Did you have any discussions with him about that?---Not that
11 I can recall specifically, but no.

12
13 So this invoice was paid by the Department and you can see
14 the only description on there is "Pursuant to contract for
15 services dated 1 September 2009". There's nothing else
16 written on there. Why?---Cos pursuant to the contract. The
17 contract would state everything that was required to be known
18 about what was done. I mean, Ashley would have put in a
19 time sheet or done the job or done the deliverable. That's
20 for their records not - not ours.

21
22 Can I have 0687, please?

23
24 0687^

25
26 **PANTANO, MS:** Can I go to page 2?

27
28 Another invoice for the next month, again "Project
29 deliverables per project plan" and if we scroll down you can
30 see it's approved by Paul Whyte and scroll to the next,
31 page 4, again also for 11 November, "Project deliverables
32 per project plan" 104.2. If we can scroll down again to
33 page 6, again for November:

34
35 Pursuant to contract for services dated October 2009 -

36
37 - and this time for 22,000, again approved by Mr Whyte. Now,
38 you said all you did was have some general high-level
39 discussions and Mr Kerfoot was the only other contractor
40 working at that time through Mining Corporate. For the month
41 of November you invoiced the Department \$57,200. Mr Kerfoot
42 received \$17,000 from that money. We've seen the bank
43 statements. What was the remainder of this money for?---I
44 think at that time we were meeting with Paul, you know, to
45 discuss a wide range of projects and - to do. Like I said
46 we done - we'd done a - had a fairly good run with the market
47 and he was looking at many ways to - that we could - he could
48 tap into our corporate expertise and - and build things for
49 - for the government and Housing and et cetera.

50

1 So other than some discussions, was there anything else that
2 you did?---There - I mean, it's hard to recall at the moment
3 but, yeah, there would have been a whole series of work that
4 we did.

5
6 What? In the month of November, I'm just talking one month,
7 you were paid \$57,200 and you said the extent of your
8 involvement was some general high-level
9 discussions?---There would have been on a - on a daily, every
10 couple of days basis.

11
12 **THE ACTING COMMISSIONER:** I'm sorry, I didn't understand
13 that. A couple of days' basis?---No, no. Every - every day
14 or two we would have been like in continuous discussion.

15
16 But there aren't enough you know hours in a month, there
17 aren't enough days in a month to bill \$40,200 which is what's
18 left over after you take Mr Kerfoot out. You would have had
19 to be in Paul Whyte's office you know eight hours a day, you
20 know five days a week, four weeks a month to earn that sort
21 of money. Where did it come from?---Again like I said, those
22 - those numbers don't quite seem right. I mean, and we've
23 traced all that money into my account?

24
25 **PANTANO, MS:** Yes?---Really? Bizarre.
26
27 You were paid for each of those invoices?---Okay.

28
29 **THE ACTING COMMISSIONER:** So can we draw the inference that
30 you were being paid for work that wasn't done?---No, I
31 wouldn't have thought so. But like I said we were doing
32 quite a bit with - with Paul and - and meeting with him like
33 on many occasions. And I think there was a couple of trips
34 that we did down to these properties we were developing and
35 - and even a couple up north.

36
37 It's the first time you've mentioned the trips to the
38 properties?---Sorry?

39
40 This is the first time that you've mentioned the trips to
41 the properties. Was this all in the month of November, was
42 it?---I can't recall specifically when it was.

43
44 **PANTANO, MS:** If you had to travel for this sort of work,
45 would you have recorded your kilometres so you could claim
46 it?---No, several times we were in Paul's car. We were out
47 there driving around, having a look around.

48
49 Right. Okay.

50
51 Can I have 1598779, please?

1
2 1598779^
3
4 **PANTANO, MS:** This is another email from your office,
5 "Please find attached":
6
7 Hi, Paul. Please find attached the MCS invoice for November.
8 Should you have any queries please don't hesitate to contact
9 either myself or Kent.
10
11 Now, this is a different invoice than the three we've just
12 shown you so if we can scroll down, page 4 is the invoice.
13 So while the date on the invoice is the 9th of the 12th
14 you'll see:
15
16 Pursuant to contract for services dated November 2009 -
17
18 - another \$22,000. And, yes, you were paid for this as well.
19 The Commission has your bank statements showing that this
20 money was transferred from the Department into your bank
21 account. So let's add 22,000 onto the 57,000 that you've
22 already been paid for November?---Yeah.
23
24 What were you doing?---As I mentioned, that like I said we
25 were in continuing discussions with - with Paul and quite a
26 - there's a few of us that were on that. But, yeah, it
27 doesn't quite make sense to me.
28
29 There's no description other than "Pursuant to contract for
30 services". This is quite different to the invoices that you
31 presented to Landgate which were quite - well, when I say
32 quite specific they were quite specific in comparison to
33 these ones. Is it because no work was actually done,
34 Mr Kerfoot?---I'm not Mr Kerfoot.
35
36 No, you're Mr Hunter. My apologies. Is it because no work
37 was done?---No, that wouldn't be the case.
38
39 That wouldn't have been the case? How are sure of that?---
40 Because I would have done like I said I remember many, many
41 discussions and - and trips and meetings with - with Paul.
42
43 It's quite a specific amount, 22,000 flat?---20,000.
44
45 Yes, with the GST too. Yes, so a \$20,000 fee is very - it's
46 quite an unusual number when you look at the previous
47 invoices from Landgate where your hourly rate was something
48 along the lines of \$247 and so many cents. I'll take you to
49 some more.
50
51 Can I have 1593110, please?

1
2 1593110^
3
4 **PANTANO, MS:** Again another invoice sent to Mr Whyte, as
5 requested by you. If we can scroll down:
6
7 Pursuant to contract for services -
8
9 - again a flat 20 grand and no description. What were you
10 doing, Mr Hunter?---I repeat my statement from before.
11
12 Some high-level discussions?---No, just - I mean it was many
13 discussions we had on many different projects.
14
15 But what work were you actually doing?---Again, I can't
16 recall exactly what we were doing.
17
18 Okay, the general gist of what you were doing? We've got
19 the discussions already down pat. We've got a couple of
20 trips down to look at some properties. What actual work
21 were you doing to bill the Department this amount of money?--
22 --Again I can't recall exactly what it was.
23
24 General gist? What were you doing?---I can't recall. It
25 was like 11 years ago. Like I said we met with Paul on many,
26 many occasions and we - - -
27
28 Yes?--- - - - discussed a whole lot, a range of things.
29
30 Yes. So we've established that you discussed lots of things
31 with him and we've established that you've gone and looked
32 at some properties, we've established those two things. But
33 that shouldn't equate to this amount of money being invoiced
34 to a government department for some high-level discussions
35 and a couple of trips to look at some property. What actual
36 work were you doing?---I can't recall specifically.
37
38 Generally?---We were talking about property development and
39 introductions to people and that's - that's what I can assume
40 I was doing.
41
42 Other than talking, what else were you doing? What was your
43 output? What were you delivering to the Department of
44 Housing to invoice for this amount of money?---I can't
45 specifically recall but it was like just talking and advising
46 and - and seeing if we could work within their framework.
47
48 Did you provide any reports?---Not that I can recall.
49
50 Right. Okay.
51

1 Can I have document 1608379, please?
2
3 1608379^
4
5 **PANTANO, MS:** Again an invoice to Mr - email to Mr Whyte.
6 If we can scroll down please, again now this is an invoice
7 for \$18,000, another flat fee. No description. This is for
8 January. Well, the date on the invoice is January. No
9 description whatsoever. If we can scroll down please,
10 another invoice; same date, in January.
11
12 Property consultancy services from Ken Henderson, 4 January
13 2010 to 15 January 2010 -
14
15 - eight and a half thousand dollars. Who was Ken Henderson?--
16 --Again vaguely. I can't recall, it was a long time ago but
17 I think he must have done - been on the same arrangement as
18 - as Ashley.
19
20 Right, contracting through Mining Corporate?---I believe so.
21 It looks like it.
22
23 Do you remember him?---Vaguely. I would have met him a few
24 times but - - -
25
26 Okay. So you've specified that this invoice relates to his
27 services and if we can scroll down, here we go:
28
29 Ashley Kerfoot. Contract for services January, bi-weekly
30 charge.
31
32 It's been specified. But if we can scroll back up to page 2
33 there is no description on this invoice, yet you are billing
34 the Department \$18,000. What for?---Same again, it would
35 have been ongoing discussions and trips and, you know,
36 introductions.
37
38 Why is that not itemised on here?---I don't know.
39
40 You did the invoices, Mr Hunter. It's your company. You're
41 an accountant. You're an educated individual. Why is there
42 no description on these invoices?---I don't have an
43 explanation for that.
44
45 Okay.
46
47 Can I have 5851677, please?
48
49 5851677^
50

1 **PANTANO, MS:** Again another email from your office to
2 Mr Whyte. If we can scroll down please to page 3, this is
3 an invoice for February and again we can see a description
4 of Mr Kerfoot's services and if we can scroll down to page 5,
5 again description of Mr Kerfoot's services. So again we can
6 see you've itemised when a contractor has done work for the
7 Department on your invoices.

8
9 Can I have 1572348, please?

10
11 1572348^

12
13 **PANTANO, MS:** Again another one to Mr Whyte. Scroll down,
14 again we can see invoice describing Mr Henderson's services
15 to the Department and I'll show you another one.

16
17 1578074?

18
19 1578074^

20
21 **PANTANO, MS:** Again another invoice to Mr Whyte and you can
22 see here "AJW consulting work" for the fortnight ended on a
23 certain date and you've got - there's kilometreage incurred
24 for the fortnight. So we can see that on many occasions you
25 do specify who's done the work but what we have also seen is
26 that there are many occasions where you don't and that's
27 what I'm asking you. Why on some have you said who's done
28 the work and possibly what they've done or the time frame,
29 but then on others there's nothing?---I don't have a - an
30 answer for that.

31
32 Is it because there was no work done, Mr Hunter?---No, that
33 won't be the case.

34
35 Because it's interesting that the invoices that the
36 Commission has for \$22,000 either don't have a description
37 or have a very vague description. There's a pattern that
38 we've been able to see. I'll pull up another \$22,000 invoice
39 that I haven't shown you yet.

40
41 1546396, please?

42
43 1546396^

44
45 **PANTANO, MS:** Again it's been sent to Mr Whyte and again in
46 March another invoice for 20,000 with no description,
47 Mr Hunter. Why?---(No audible answer).

48
49 These aren't one-off invoices. Month after month after
50 month, generated by you from your office, on your
51 letterheads, emailed to Mr Whyte. What work did you do?---

1 Like I said, same answer. Many and varied discussions and
2 visits and like working within our corporate sort of contact
3 base to see if we can get some things done and help Housing
4 out.

5

6 Help Housing out? Doing what, Mr Hunter?---We looked at a
7 few things, like there was a - like a remote housing product
8 that we - we looked at and we invested in and we were trying
9 to introduce that into Department of Housing. We built a
10 prototype down in Discovery Drive down in - where is it,
11 down south? And, yeah, did - put all of that together and
12 we did another prototype up in Geraldton and, yeah, we were
13 looking at getting these sort of panel-based houses up into
14 remote areas and, yeah, did a lot of work on that.

15

16 Well, did any of your contractors have any involvement in
17 those projects?---Sorry?

18

19 Did any of your contractors so Mr Henderson or Mr Kerfoot,
20 did they have any involvement in those?---Not - not those
21 three, no.

22

23 Who did?---That would have been myself and a couple of other
24 guys at work.

25

26 Okay. So presumably they're - like Mr Kerfoot's and
27 Mr Henderson's invoices, those other individuals that you've
28 just mentioned they would be also mentioned on the invoices?--
29 --Not necessarily, no. The - these guys were specific
30 contractors, whereas my employees were not necessarily
31 named.

32

33 **THE ACTING COMMISSIONER:** I understood you to say that you'd
34 invested in that prototype, is that true?---Sorry?

35

36 I understood you to say that you'd invested in that
37 prototype?---A broking firm that I was closely involved with,
38 they put about \$1.3 million into it.

39

40 Okay.

41

42 **PANTANO, MS:** Was that called Mattaki?---That is correct.

43

44 **THE ACTING COMMISSIONER:** So that was a project that you
45 did work on that companies associated with you had an
46 interest in?---Not companies, no. Investors. Private
47 investors.

48

49 People associated with you?---Not associated, but just - - -

50

51 That's not what you said?---Sorry?

1
2 That's not what you said. You said "We invested in the
3 project"?---Yeah, well, that was - - -
4
5 That wasn't true?--- - - - not quite true.
6
7 Okay?---That was in - we organised the investment into that
8 - into that company (indistinct).
9
10 **PANTANO, MS:** So then just - I want to get this straight.
11 Why would you bill the Department for that work?---We were
12 working with them to try and get that into like production
13 - there would have been - that would have been one part of
14 what we're doing. There's like - we were working on about
15 six or seven different things (indistinct).
16
17 But the Mattaki products, did the Department have any
18 investment in those?---Not that I'm aware of, no.
19
20 So why would they pay for you to come up with a prototype
21 when it's been privately invested?---Well, that was - well,
22 we did - we invested from private and that's like I said,
23 we're trying to get private equity and government working
24 together. And one of Paul's big things was low-cost housing.
25 So this made sense for us to work on that together.
26
27 What involvement did the Department have in it?---No specific
28 involvement. But if we built it and it worked and it was
29 low-cost, then we would have moved towards getting a full
30 blown contract and rolling it out. It didn't quite work out
31 that way.
32
33 So would the Department - why should WA tax payers contribute
34 to you coming up with a prototype of something that you could
35 then ultimately sell back to the Department for their use?
36 Why should tax payers fund that?---I'm just saying that's an
37 example of what we would have been working on.
38
39 Yes, so I'm asking, but why would you be billing the
40 Department for that?---It was all sorts - it was part of how
41 the arrangement was.
42
43 Sorry, what arrangement?---Well, just that invoicing. It
44 was because we were discussing several things to get things
45 moving at Housing.
46
47 So I've got this straight, you in your private capacity are
48 looking to develop of a prototype of Mattaki panel systems,
49 is that correct?---Well, I wasn't actually involved in the
50 management of it, but the guys there, they were the

1 technicians and the architects et cetera, so there was a
2 team of (indistinct).

3
4 But private individuals, not government though?---Private,
5 yes.

6
7 Right. And there were private investors into these panel
8 systems?---Correct.

9
10 And yet you're billing the government for your work on these,
11 is that correct?---Well, I just - I said I can't specifically
12 what the invoice is for. But it was of wide range of those
13 discussions and projects and things like, you know - - -

14
15 But in relation to Mattaki, the Mattaki panels, is it the
16 case that your work that you were doing with those, with
17 private investors, you were billing the Department for?---
18 There might have been a small part in there. And it's -
19 would have been discussions held with Department of Housing
20 and visits down to site to see the prototype et cetera of
21 that type of arrangement. Not actually for the work done in
22 the business, that was funded itself solely.

23
24 So what would you have billed the Department for in relation
25 to Mattaki?---I'm not specifically sure, but would have been
26 a wide range of subjects.

27
28 Mr Hunter, the Commission has information indicating that
29 like at Landgate, when you received invoices from Landgate,
30 were paying for invoices form Landgate, you then made
31 payments to Mr Whyte. Recall I showed you that diagram?---
32 Yep.

33
34 The Commission has another diagram indicating exactly the
35 same arrangement but now at Housing.

36
37 Can I have 0826^, please?

38
39 0826^

40
41 **PANTANO, MS:** Similar payments, different government
42 department, same individuals. Why?---Same answer. Just
43 like I said, like, to help people out and loans coming this
44 way and that way, it was just - - -

45
46 Mr Whyte wasn't transferring you money. He was authorising
47 the Department to transfer you money. Tax payers' money was
48 going into your bank accounts and then money was flowing out
49 of your bank accounts to Mr Whyte while he held his position
50 at the Department of Housing. Why? I'll put to you, Mr
51 Hunter, this is more than just helping a mate out. We've

1 got payments to his mortgage. We've got payments to his
2 personal account. We've got payments to his BetEasy account.
3 Why?---Like I said, it was just - that's what I did.
4
5 Why?---I'm generous.
6
7 **THE ACTING COMMISSIONER:** \$53,000 worth of generous? 53,000
8 that you'd forgotten about when we discussed - - -?---Yep.
9
10 - - - payments to Mr Whyte a little bit earlier?---I had
11 (indistinct).
12
13 I'm finding that very hard to believe.
14
15 **PANTANO, MS:** What's interesting, Mr Hunter, is that this
16 arrangement appeared to be going on at Landgate. And then
17 when Mr Whyte moved from Landgate to the Department of
18 Housing, you followed him. Despite the fact you still had
19 a year left on your contract with Landgate. Yet despite
20 that one year contract left, you moved to Housing, followed
21 Mr Whyte and took up a one month contract, which as we can
22 see, obviously got extended one way or another because you
23 kept invoicing, despite that initial contract only being for
24 one month. Can you see the pattern of behaviour that the
25 Commission is trying to understand?---Sure.
26
27 Did Mr Whyte ask you to pay him money in return for him
28 giving you work?---At no stage. Never. No.
29
30 Are you sure about that, Mr Hunter?---100 per cent. Just
31 never entered my mind. It was just - - -
32
33 Never entered your mind that you're paying a government
34 official at two different government departments after you
35 receive work from them over and over and over again, it never
36 occurred to you, which brings me to my question, that
37 contract was a 30-day contract for Mr Kerfoot. What allowed
38 him to continue invoicing the Department for work he did
39 through Mining Corporate?---That I don't know.
40
41 Was there another contract entered into?---Not sure.
42
43 You're the owner of a company who's hired somebody. Was
44 there any other contracts?---Not sure.
45
46 How are you able to continue invoicing the Department if you
47 had no more contracts, Mr Hunter?---You know, that's - like
48 that long ago, not sure how it all worked. It just worked.
49
50 Yes, but how? I'm trying to understand how it worked. How
51 did you know that you could keep invoicing the Department of

1 Housing when you didn't have a contract?---Cos we were
2 discussing and working with all these projects on an ongoing
3 basis.

4

5 Who told you to put the invoices in?---They would have just
6 been in the system from the time we put in.

7

8 No, no, no, no. So you had a 30 day contract. 30 days is
9 up. How did you know that you were still able to issue
10 invoices to the Department and get paid?---Ashley would have
11 and Ken would have come to me and said "Well, this is what
12 I've done for the month" (indistinct) invoicing.

13

14 Yes, but if you're not sure if you had a contract, who did
15 you speak to about whether you - whether it was okay for
16 you, Mining Corporate, to continue invoicing the
17 Department?---I just - never occurred to me that we didn't
18 have a contract.

19

20 You signed a contract which said it was for 30 days. Did
21 you have discussions with Mr Whyte where he said "Keep
22 sending me your invoices"?---Submission of these
23 contractors' timesheets et cetera, yeah, we would have just
24 put the invoice just in. And for whatever we built - - -

25

26 I know you put the invoices straight in. That's been
27 established. I'm trying to understand how you knew that it
28 was okay to keep doing that in the absence of a contract?--
29 -We were just - we were just thinking - assuming that - I
30 assume that the original contract was still good standing.

31

32 Did Mr Whyte say that it was?---Can't recall.

33

34 The Commission can see that after a certain period of time
35 in April, the payments from Mining Corporate to Mr Whyte
36 cease. You don't transfer any money. Yet, you continue to
37 invoice the Department for services of your contractors, so
38 Mr Kerfoot and Mr Henderson et cetera. But there's no more
39 payments to Mr Whyte. Why did they stop?---I - again, I -
40 that - that whole arrangement of just - maybe he just - he
41 had another money from other places, it's just - - -

42

43 Because the other interesting thing about, Mr Hunter, is
44 that while Mining Corporate was still work for the Department
45 of Housing, so you were still issuing invoices which
46 specified contractors' names, like we've seen, the invoices
47 that did stop were the \$20,000 invoices with no description
48 or little description. They stop. And so do the payments
49 to Mr Whyte. It's almost done simultaneously. Were those
50 \$20,000 invoices issued to the Department to cover your costs
51 to Mr Whyte personally?---My costs to what, sorry?

1
2 Were the invoices that you generated to the Department, the
3 \$20,000 invoices - - -?---Yep.

4
5 Were they - was the purpose of those invoices for you to
6 cover your outgoings to Mr Whyte?---My outgoings, what
7 outgoings, sorry?

8
9 Okay. Let's go 0826^, please?

10
11 0826^

12
13 **THE WITNESS:** As in like a - specifically for those
14 outgoings?

15
16 **PANTANO, MS:** Yes?---No, they were - they were issued for
17 work done that we did, like I said, on a various number of
18 projects.

19
20 Because those \$20,000 invoices, Mr Hunter, you don't issue
21 them anymore after the 12th of the 4th 2010, which is what
22 the Commission can see is one of the last payments you make
23 to Mr Whyte. So there's no more payments to Mr Whyte from
24 you. And there's no more \$20,000 invoices. But there are
25 still what appear to be legitimate invoices with contractors'
26 names and what appears to be legitimate work. But no more
27 \$20,000 invoices. Can you see the connection I'm trying to
28 make?---Yep.

29
30 So I'll ask you again, were the \$20,000 invoices that you
31 were issuing, were they for no work that had been done?---
32 That is not correct.

33
34 Were they issued for you to be able to reimburse yourself
35 using tax payers' money for the money that you were
36 transferring to Mr Whyte?---No, that's not true.

37
38 It's just coincidental, is it?---They're just payments. So
39 not associated. They were just from a mate to a mate.

40
41 Right. You said earlier on - actually, you said on many
42 occasions that you were quite profitable during certain times
43 of your career in other business ventures. If that was the
44 case, why was there a need for you to do work with Landgate
45 and the Department of Housing?---There was no need. I just
46 - as in discussions with Paul about big brief towards
47 (indistinct) low cost housing et cetera, and I just -
48 everything I did was to help people out. And if he came to
49 me with a project, I'd have a look at it and say "Yeah, I
50 want to help you out with this" and I thought it was a good
51 match between me and capital raising. I had this low cost

1 housing product and he had - you know, he was really high up
2 there and I think he - you know, involved with Keystart et
3 cetera here. And again, I just assumed he was at that -
4 really, really good at his job and professional and I looked
5 up to him. And it's like, well, let's get together and do
6 something and it's made perfect sense for me to work with
7 him.

8
9 Was it so Mr Whyte could use you as a conduit to obtain
10 money?---Sorry, what?

11
12 Were your - was your employment contracts through Landgate
13 and the Department of Housing so Mr Whyte could use you as
14 a conduit for him to obtain money personally?---Not as far
15 as I'm concerned, no.

16
17 Pardon?---Not as far as I'm concerned, no.

18
19 Again, the one thing that's interesting, Mr Hunter, is that
20 when your payments to him cease in April of 2010, I asked
21 you did you know why and you said "It could be because he
22 was getting money from elsewhere". Were you aware that
23 Boldline Nominees were then getting significantly more money
24 from the Department following that time?---I had no knowledge
25 of that.

26
27 Had you heard of a company called Simple Abundance?---No.

28
29 Can I have 0822^, please?

30
31 0822^

32
33 **PANTANO, MS:** Mr Hunter, I want to show you this. It's a
34 diagram again the Commission has prepared. And it shows the
35 total amount of money that the Landgate transferred to you
36 during a set time period. So just short of \$124,000. And
37 then the Department of Housing paid Mining Corporate just
38 shy of \$1.2 million. So all up, Mining Corporate received
39 \$1.322 million. Just over. Of that amount, the Commission
40 can see that just over \$570,000 was paid out in salaries.
41 You can see of that almost \$30,000 was paid to Mr Whyte's
42 mortgage. \$80,500 was paid to Mr Whyte's BetEasy account
43 and \$10,000 was paid to Mr Whyte's personal account. Mr
44 Hunter, they are very different sums to the one or two
45 payments per year that you made, or you said you made, to Mr
46 Whyte for betting. It's also very different to transfers
47 that you said you made for the horse syndicate, which
48 occurred in early 2000. Because it's all late 2000 and early
49 2011. Is there anything more you wish to tell us about those
50 payments?---No, that's - that's just how - that - my
51 perception of how it worked is just - yeah, helping him out.

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You just forgot about these additional payments when I asked in quite a lot of detail early this morning, is that right?--Yeah, I - I'm astounded by the numbers there, but they are what they are.

One additional thing I just want to ask you about, in some of your bank statements - and I haven't showed them to you as yet, but the Commission can see that there appeared to be references to - sorry, there appear to be transfers from your accounts with the reference R Whyte?---Yep, that would have been Ronald.

Pardon?---That would have been his brother, I'm assuming.

Did you pay towards Mr Ronald Whyte's betting account?---Not that I'm aware of, but possibly.

Did Mr Paul Whyte ever ask you transfer money to his brother's betting account?---Not that I'm aware of, no.

I'm finished with that document, thank you.

One moment.

Commissioner, I have no further questions and Mr Hunter can be released from his summons.

THE ACTING COMMISSIONER: Okay.

Mr Hunter, that concludes your questioning for today. I've made a direction that you are not to discuss your evidence with any person who is still to give evidence. You may discuss it with other people because these have been public hearings?---Sure.

But you're not to discuss it with any person who's not given evidence?---Do I get a list of those - sorry, am I allowed to speak?

Yes, there's a list available of the coming witnesses on the website?---The website. Very good. Thank you, sir.

You're released from further attendance. We'll adjourn.

(THE WITNESS WITHDREW)

AT 1.10 PM THE MATTER WAS ADJOURNED ACCORDINGLY

**Certificate Made Under Section 50A of the
Evidence Act 1906**

The transcript of Kent Michael Hunter heard on Thursday,
10 December 2020

was made in good faith and, subject to any qualification referred to below, is correct, accurate and complete transcription of the contents of the recording;

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Certified on this 11th day of December 2020 by: Glenda Judge, Sheila Robbshaw and Joshua Stevenson

Full Name: Glenda Judge
Sheila Robbshaw
Joshua Stevenson

Occupation: Transcriber and officer of the Commission under the Corruption, Crime and Misconduct Act 2003 ss 182, 3 who has taken an oath before the Commissioner.

Signature: (Glenda Judge) (Sheila Robbshaw) (Joshua Stevenson)

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