

INQUIRY UNDER SECTION 143 OF THE CASINO CONTROL ACT

Before Ms Gail Furness SC

At level 8, John Maddison Tower
88 Goulburn Street, Sydney

On Monday, 2 April 2012 at 10am

Counsel Assisting: Mr Michael Wigney SC
 Ms Leigh Sanderson

1 MS G FURNESS SC: This is a public hearing which is being
2 held in connection with an inquiry under section 143 of the
3 Casino Control Act. The terms of reference for the inquiry
4 are to inquire into and report upon the following matters:
5 firstly, the circumstances surrounding the cessation of the
6 employment with Echo Entertainment Group of Mr Sid Vaikunta
7 as managing director of The Star casino, including in
8 relation to Echo's obligations to the authority under the
9 Casino Control Act and otherwise to inform the authority of
10 any relevant information; secondly, any issues relevant to
11 the authority's responsibilities under the act that arise
12 from information received by the authority or by this
13 inquiry in relation to the casino since 2 December 2011;
14 and, finally, any matters relevant to those matters I have
15 referred to.

16
17 The purpose of these public hearings is to hear
18 evidence concerning the following: firstly, the response
19 by The Star and Echo to the allegations against the former
20 managing director; secondly, whether there were any
21 attempts to influence the response by The Star and Echo to
22 those allegations; and, finally, certain allegations made
23 publicly against The Star since 2 December 2011.

24
25 This public hearing will be conducted in the following
26 manner insofar as representatives are concerned: the
27 witnesses giving evidence will be entitled to be
28 represented while they are giving evidence, and their
29 representative will be entitled to ask any relevant
30 questions after counsel assisting has done so.

31
32 Witnesses' representatives are entitled to remain at
33 the Bar table during the evidence given by witnesses other
34 than their own. However, only by leave may they ask
35 questions of those other witnesses, and leave will only be
36 granted if those questions are both relevant to the matters
37 to be determined by this inquiry and concern matters that
38 have not already been dealt with by counsel assisting.

39
40 Can I take appearances. Mr Wigney?

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42 MR M WIGNEY SC: Ms Furness, I appear with Ms Sanderson as
43 counsel assisting.

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45 MR A SULLIVAN QC: Ms Furness, I seek leave to appear on
46 behalf of The Star Pty Limited and Echo Entertainment Group
47 Limited, with my learned friend Mr Williams.

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MS FURNESS: Are you also appearing for individuals, Mr Sullivan?

MR SULLIVAN: I may, but not at this stage, having no specific instructions.

MR C STEIRN SC: Ms Furness, I seek leave to appear on behalf of Mr Norman Lipson.

MS N SHARP: Ms Furness, I seek leave to appear on behalf of Mr Peter Grimshaw.

MR D C PRICE: Ms Furness, my name is Price. I seek leave to appear on behalf of Ms Ward and Mr Culpan.

MS FURNESS: Thank you. Mr Wigney?

MR WIGNEY: Ms Furness, in 2011, the then Casino, Liquor and Gaming Control Authority conducted an investigation into the suitability of The Star to hold a casino licence and whether it was in the public interest that the casino licence should continue in force. That investigation under section 31 of the Casino Control Act had to be undertaken because the legislation - that is, the Casino Control Act - required such an investigation to be undertaken every five years. It was not held in response to any particular complaint, allegation or event. The investigation was completed by 2 December 2011, and a report was released on 22 December 2011.

Following the section 31 investigation, the authority formed the opinion that The Star Pty Limited is a suitable person to continue to give effect to the casino licence, and it is in the public interest that the casino licence remains in force. The findings and opinion of the authority, based on the report, were communicated to the responsible minister at the time.

It is, however, relevant to this inquiry and important to note that the report was not, as appears to have been suggested by some, a "clean bill of health" in relation to the operation of the casino. In fact, the investigation highlighted a number of matters of concern in relation to the operation of the casino and made a number of recommendations. For example, recommendations were made to ensure compliance with responsible service of alcohol

1 obligations; to revise the indicators of problem gambling;
2 to ensure that key performance indicators are not linked to
3 the number of incidents reported; and to make sure that
4 cash disbursements are properly made.

5
6 Recommendations were also made in relation to the
7 following matters: the operation of what is referred to as
8 "junkets"; the complaints-handling process at The Star;
9 entry to the private gaming rooms; relationships with law
10 enforcement agencies; and quick responses to criminal
11 conduct.

12
13 Suffice it to say that a copy of the summary of the
14 report and a list of the recommendations that were made in
15 it will be made available to the media and interested
16 persons today.

17
18 Following the investigation under section 31 of the
19 act, a number of events occurred relating to the casino.
20 It is those subsequent events that have given rise to this
21 inquiry, which, as you know, Ms Furness, is under
22 a separate provision of the Casino Control Act. The
23 inquiry should not be considered to be some continuation of
24 the section 31 investigation that was completed last year.

25
26 The subsequent events were as follows: first, on
27 2 February this year, Echo Entertainment Group Limited,
28 which, through The Star Pty Limited, operates The Star,
29 issued a Stock Exchange announcement which informed the
30 market, amongst other things, that the employment of the
31 managing director of The Star, Mr Sid Vaikunta, had ended
32 as a result of "behaviour in a social/work setting".

33
34 Perhaps because of its proximity to the conclusion of
35 the section 31 investigation, the announcement generated
36 a good deal of public discussion and debate about the
37 operation and management of The Star. The discussion and
38 debate included whether Echo was obliged to notify or
39 should have notified the authority of this event and the
40 circumstances that led to it.

41
42 Shortly following being made aware that Mr Vaikunta's
43 employment with The Star had ended, pursuant to section 32
44 of the Casino Control Act, the authority required The Star
45 and Echo to provide it with further information concerning
46 the circumstances of Mr Vaikunta's departure. Whilst
47 information was supplied pursuant to that requirement,

1 given that information that was supplied, and given the
2 surrounding public interest, the authority decided to hold
3 this inquiry under section 143 of the act.
4

5 It is this specific event - that is, the end of
6 Mr Vaikunta's employment with The Star in early February
7 this year - which is the subject matter of the first term
8 of reference of this inquiry, which is, as you have said,
9 the circumstances surrounding the cessation of the
10 employment with Echo Entertainment Group of Mr Sid Vaikunta
11 as managing director of The Star casino, including in
12 relation to Echo's obligations under the Casino Control Act
13 and otherwise to inform the authority of relevant
14 information.
15

16 Since this inquiry commenced on 16 February this year,
17 The Star and Echo have been summonsed to and have produced
18 a very large quantity of relevant documents concerning its
19 investigation into the allegations made against the former
20 managing director that led to the end of his employment.
21

22 Those documents include transcripts and notes of the
23 accounts given by the complainants and all witnesses in
24 relation to the events. Private hearings have been held
25 and evidence obtained from all relevant participants,
26 including the complainants, the investigating team and the
27 decision-makers.
28

29 As has already been made clear, the events which were
30 the subject of The Star and Echo investigation into the
31 conduct of the former managing director happened after the
32 section 31 examination had been completed and after the
33 report had been written and provided to the authority.
34

35 It follows, therefore, that none of the material
36 obtained as part of this inquiry - that is, the inquiry
37 pursuant to section 143 of the Casino Control Act - formed
38 part of or, indeed, could have formed part of the material
39 that was gathered and considered as part of the section 31
40 investigation process.
41

42 The inquiry has formed the opinion and is satisfied
43 that it is in the public interest that an account of how
44 The Star and Echo responded to the allegations against
45 Mr Vaikunta be given in public. This can and will be done
46 without revealing the identities of the two individuals who
47 made the complaints against Mr Vaikunta; this is a matter

1 that need not and should not be made public.

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1 since 2 December 2011. The 2 December 2011 date, as you
2 will appreciate, and as I have already said, was the date
3 that the section 31 inquiry was concluded. So these are
4 post-section 31 inquiry events.
5

6 As I indicated earlier, the events the subject of the
7 first term of reference happened after the report of the
8 section 31 investigation was completed. The publicity
9 surrounding the announcement of the cessation of the
10 employment of the former managing director and the
11 announcement of this inquiry resulted in, or at least was
12 followed by, a number of people making claims and
13 allegations against The Star and its operator.
14

15 Most of those claims and allegations were made
16 privately and some were made anonymously. Some of the
17 claims and allegations, however, were made publicly in the
18 media and in circumstances where the person making the
19 claim identified themselves.
20

21 Of the two dozen or so persons who have approached the
22 inquiry, just over a third of their allegations have been
23 referred to the police. A number of those allegations
24 cover the same types of matters. They generally relate to
25 suspicions of drug taking and concerns about the presence
26 of criminals at The Star casino.
27

28 About a third of the allegations that have been made
29 raise concerns not relevant to the authority's functions as
30 a regulator or relate to events that occurred many years
31 earlier.
32

33 In relation to the remaining matters, some concern the
34 events covered by the first term of reference to which
35 I have already referred. Investigations are underway or
36 have been completed in relation to a small number of
37 specific accounts of primarily bullying and harassment of
38 individual staff members at The Star.
39

40 More pertinently, since 2 December 2011, as I have
41 said, at least four people have publicly identified
42 themselves and complained about the casino in respect of
43 matters relevant to the functions of the authority. They
44 have been summonsed to give evidence about those
45 allegations at these public hearings. Their names are
46 Tim Roach, a former dealer supervisor with The Star,
47 Mark Boyd, who is secretary of United Voice NSW, Elizabeth

1 Ward, a former acting casino duty manager with The Star and
2 Anita Soraya, a former trainee security officer with
3 The Star.
4

5 It should be emphasised, Ms Furness, that whilst these
6 four witnesses have publicly aired their claims after
7 2 December - that is after the conclusion of the section 31
8 investigation - many of the claims and issues raised by
9 them were, in fact, investigated as part of the section 31
10 investigation and indeed were addressed in the report.
11

12 Indeed, some of the evidence that will be led from
13 some of these witnesses relates to a specific event that
14 was detailed in the section 31 report as a case study about
15 the response of the casino to a substance found in the
16 private gaming rooms in 2010. The adequacy of this
17 response, as outlined in the report, however, continues to
18 be raised and, as I have said, continues to be raised
19 publicly. That is why it is again to be the subject of
20 some public evidence in this inquiry.
21

22 The investigations manager of The Star will also, we
23 anticipate, be called to give evidence about The Star's
24 responses to some of the allegations and the investigations
25 that have been conducted in relation to them; that is, some
26 of the allegations that are the subject of the second term
27 of reference.
28

29 James Robins, a casino gaming manager, will be called
30 to give evidence about the case study to which I have just
31 referred. It is also expected or anticipated at this stage
32 that a senior Echo official will be called to give evidence
33 in these public hearings.
34

35 Ms Furness, that is all I propose to say in opening.
36 It remains, before we call the first witness, to make an
37 application as foreshadowed under section 143B, but perhaps
38 I can do that after what I understand is to be a short
39 adjournment.
40

41 MS FURNESS: We will adjourn for the purpose of the camera
42 leaving us and we will resume in 10 minutes, thank you.
43

44 **SHORT ADJOURNMENT**
45

46 MR WIGNEY: Ms Furness, I referred in opening to an order
47 to be made pursuant to section 143B relating to the

1 identity of the complainants. I understand that a form of
2 that order has been provided and indeed made, but perhaps
3 it is prudent for that to be read on to the record, perhaps
4 by yourself or myself, so that the assembled media are
5 aware of the nature of order.

6

7 MS FURNESS: Certainly. I take it no-one at the Bar table
8 has any objection to me making that order.

9

10 MR STEIRN: No.

11

12 MR SULLIVAN: No.

13

14 MS FURNESS: Until further order, the inquiry directs that
15 any evidence which reveals the name or any identifying
16 information of the first complainant or which reveals the
17 name of the second complainant is not to be published at
18 all. Thank you, Mr Wigney.

19

20 MR WIGNEY: I call, please, Mr Peter Grimshaw

21

22 <PETER COLIN GRIMSHAW, sworn: [10.41am]

23

24 <EXAMINATION BY MR WIGNEY:

25

26 MR WIGNEY: Q. Can we have your full name, please?

27 A. Peter Colin Grimshaw.

28

29 Q. Mr Grimshaw, I want to start by asking you essentially
30 some formal matters primarily about your employment
31 background; do you follow?

32 A. Yes.

33

34 Q. Is it the situation that you acquired a bachelor of
35 arts from the University of Sydney majoring in
36 communication?

37 A. No.

38

39 Q. What was your major, if it wasn't arts?

40 A. No, I didn't really major at all. I went straight
41 from school to a copyboy at the Daily Telegraph and worked
42 my way through a cadetship with the Telegraph.

43

44 Q. Having worked your way through a cadetship with the
45 Telegraph, you then became a journalist for a number of
46 years?

47 A. Yes.

1
2 Q. Did you remain at the Telegraph throughout that
3 period?
4 A. About 18 years.
5
6 Q. At some stage during that lengthy career with the
7 Telegraph, did you become the state political
8 correspondent?
9 A. I did.
10
11 Q. Did you leave the employ of the Telegraph in about
12 1990?
13 A. Yes.
14
15 Q. Did you, in that year, become the senior press
16 secretary for the then Minister for Transport and the
17 Olympics?
18 A. Yes.
19
20 Q. That was Mr Bruce Baird?
21 A. Yes.
22
23 Q. Did you remain in that position for approximately four
24 years?
25 A. Yes.
26
27 Q. Was it the situation that, in the office of then
28 minister Bruce Baird, the current Premier was his chief of
29 staff at that time?
30 A. Yes.
31
32 Q. Did you come to know the Premier in that position, the
33 current Premier?
34 A. Yes, I did.
35
36 Q. As I'll come back to in due course, have you remained
37 on friendly terms with him since that time?
38 A. Yes.
39
40 Q. Dealing with your duties and responsibilities as
41 senior press secretary, did they include dealing or
42 liaising with the media when and if required?
43 A. Yes.
44
45 Q. In that context, did you remain in contact with many
46 of your journalist colleagues that you had met and
47 associated with during your time at the Telegraph?

1 A. Yes.
2
3 Q. In this position, in Mr Baird's office, that is the
4 office of Mr Bruce Baird, did you also come into contact
5 with many serving politicians?
6 A. Yes.
7
8 Q. Some of whom are continuing to serve the government
9 today?
10 A. Correct.
11
12 Q. In 1994 or thereabouts, did you leave the employ of
13 Mr Baird's office and commence employment with the then
14 Star City Casino?
15 A. Yes.
16
17 Q. At that stage in general terms was the Star City
18 Casino controlled by Tabcorp?
19 A. No. When I joined it was run by the American
20 Showboat.
21
22 Q. But in due course, it became controlled by Tabcorp?
23 A. It became controlled by Tabcorp, yes.
24
25 Q. Your position at Star City Casino, was it in media and
26 government relations?
27 A. I had numerous roles over the period I was there, but
28 ranging from public relations to media relations and
29 government relations.
30
31 Q. In due course, did you become the media and government
32 relations director?
33 A. Yes.
34
35 Q. Essentially in charge of media and government
36 relations for The Star?
37 A. Yes.
38
39 Q. When did you take up that position?
40 A. I probably had it for about the last six or seven
41 years that I was there.
42
43 Q. In any event, you stayed in the employ of Star City
44 Casino over a period of some 16 years; is that right?
45 A. Yes.
46
47 Q. Dealing in particular with your position as director

1 of media and government relations, did your duties and
2 responsibilities again include dealing and liaising with
3 the media when and if required?

4 A. Yes.

5

6 Q. Did that also include liaising with government offices
7 or bodies?

8 A. Yes.

9

10 Q. They - that is the government offices or bodies - were
11 those offices or bodies with responsibilities primarily in
12 the areas of gaming and tourism; is that fair to say?

13 A. Yes.

14

15 Q. Did your duties and responsibilities, again focusing
16 on your period as the director of media and government
17 relations, extend beyond those to which you have just
18 referred?

19 A. Occasionally other duties, but very rarely, dealing
20 with investors and other minor - other issues.

21

22 Q. May we take it again that, in your position as media
23 and government relations director, you maintained contact
24 with many of your journalist colleagues from your days at
25 the Telegraph?

26 A. Correct.

27

28 Q. You also in the course of your duties made new
29 contacts amongst the media; would that be fair to say?

30 A. Yes.

31

32 Q. Would it also be fair to say, in particular in
33 relation to your government liaison responsibilities, that
34 you made and maintained a number of contacts in the
35 government and the public service?

36 A. Yes.

37

38 Q. I'll come back in a moment to deal with the
39 circumstances in which you left the employ of the Star City
40 Casino, but for present purposes, did you leave the employ
41 of Star City or The Star, as it then became, in
42 about December of 2009?

43 A. Yes.

44

45 Q. So you served there for almost 16 years?

46

47 MR SULLIVAN: It was 2010?

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THE WITNESS: Ten.

MR WIGNEY: Q. Exactly when was it that you left?

A. December 2010.

Q. I'm sorry, December 2010. Did you get another job straight away when you left in December 2010?

A. In January 2011, I worked on a voluntary basis for the then opposition during the election campaign and ended up with a role with the government in March when they won the election.

Q. Sorry, did you say in a voluntary position?

A. Yes.

Q. Meaning you weren't paid for your services?

A. Correct, yes.

Q. Did you, in that voluntary position, in particular provide advice and assistance to Mr O'Farrell, the now Premier?

A. Yes.

Q. Was that your prime role or responsibility during that period of voluntary service?

A. Yes, it was mainly to help with media in relation to the election, but I wasn't the main person to contact.

Q. As you've indicated, I think in March 2011, Mr O'Farrell was sworn in as Premier and were you duly appointed his or his office's communications director?

A. Yes.

Q. Subject perhaps to your present, as I understand it, suspension, you've remained in that position to this day?

A. Yes.

Q. Having regard to the work history to which you have just referred to in your evidence, you would agree that you are a man with extensive contacts in the media; is that fair to say?

A. Yes.

Q. Again it's fair to say that you are a man with extensive experience in dealing with the media?

A. Yes.

1
2 Q. Would you also agree with this proposition that you
3 are, having regard to where you've worked, a man with
4 extensive and excellent political connections?
5 A. In New South Wales, yes.
6
7 Q. You have known the Premier for well over 15 years?
8 A. Yes.
9
10 Q. And you obviously, as communications director in his
11 office, have a close relationship with him; would you agree
12 with that?
13 A. I have a good relationship with him, yes.
14
15 Q. Do you have a good relationship with other serving
16 ministers?
17 A. Yes.
18
19 Q. I'll come back to this in due course, but you are a
20 close personal friend of the Minister for Tourism, Major
21 Events, Hospitality and Racing; is that right?
22 A. I am.
23
24 Q. And indeed, I think also Minister for the Arts?
25 A. Yes.
26
27 Q. That's Mr Souris?
28 A. That's right.
29
30 Q. As indicated, I want to deal briefly with the
31 circumstances in which you left the employment of The Star;
32 do you follow?
33 A. Yes.
34
35 Q. Is it the situation that - again correct me if I've
36 got the dates wrong here - in general terms, there was a
37 change in senior management at the then Star City Casino
38 in about mid-2009?
39 A. I think that's right.
40
41 Q. Again putting it in general terms, did that change in
42 senior management include the appointment of Mr Larry
43 Mullin as the chief executive of casinos at Tabcorp?
44 A. Yes.
45
46 Q. That essentially made him chief, in some respects, the
47 chief executive in relation to the Star Casino; is that

1 right?
2 A. Yes, he oversaw the casino operations, yes.
3
4 Q. Again - and of course no criticism is intended,
5 Mr Mullin - was from the United States?
6 A. Yes.
7
8 Q. He had previously been a senior officer of a casino in
9 Atlantic City; is that right?
10 A. Yes.
11
12 Q. As you said, he effectively headed up or at least was
13 ultimately responsible for the management of the Star City
14 Casino?
15 A. Yes, not day-to-day but overall, yes.
16
17 Q. At some stage shortly after Mr Mullin's appointment
18 claim, did he appoint a gentleman by the name of Mr Sid
19 Vaikunta to come in and perform day-to-day management of
20 the Star City Casino?
21 A. He came in originally doing other roles, but
22 eventually he was appointed as managing director of Star
23 City Casino.
24
25 Q. Like Mr Mullins he was from the United States; is that
26 right?
27 A. Yes.
28
29 Q. And he had experience in relation to the management of
30 the casinos in the United States?
31 A. Yes. He'd worked for casinos in the United States,
32 that's right.
33
34 Q. Putting this in fairly general terms, was it the
35 situation that, relatively shortly after Mr Vaikunta's
36 appointment as managing director of Star City, he
37 effectively put in place a restructure of your position?
38 A. It was some months later. It was quite some months
39 later, yes.
40
41 Q. Approximately when?
42 A. I think he started in February and the restructure
43 occurred around September, August/September of 2010.
44
45 Q. Of 2010?
46 A. Yes.
47

1 Q. Did that restructure, again in general terms, have the
2 effect of taking away your public relations
3 responsibilities and giving those responsibilities to, in
4 general terms, the marketing area?
5 A. Yes.
6
7 Q. That left you with some diminished responsibilities in
8 your position; is that right?
9 A. Yes, it did.
10
11 Q. That restructure was against your wishes, was it not?
12 A. No, we had a discussion about it and I said to
13 Mr Vaikunta, "If that's the way you'd like to do it, then
14 that's the way it should be done."
15
16 Q. You considered it effectively to be a demotion, did
17 you?
18 A. No, not at all, no.
19
20 Q. Do you disagree with the proposition that you were
21 deeply aggrieved by that restructure?
22 A. To be honest, I was already looking to join the
23 government, the incoming government, as it appeared they
24 were going to win the election. So I was quite relaxed
25 about the restructure and I saw this as way of moving out.
26 I left on very good terms with them.
27
28 Q. So you disagree with the proposition that you were
29 deeply aggrieved by the restructure?
30 A. Yes, I do disagree.
31
32 Q. Do you disagree with the proposition that you left on
33 bad terms?
34 A. Yes. I left on good terms. They wanted to give me a
35 farewell. They tried to keep me there. They offered me
36 more money. So the terms were good. However, I was quite
37 content to take my leave and go and pursue the job within
38 the government.
39
40 Q. You say, do you, that they - that is the management of
41 The Star or Star City - tried to keep you there; is that
42 right?
43 A. Yes.
44
45 Q. Wasn't it the situation that you, as a result of this
46 restructure, effectively demanded a redundancy?
47 A. I certainly asked for a redundancy because I could see

1 that my role was diminished and there wasn't a role for me
2 there. So I went back to Mr Vaikunta, after he decided to
3 move the public relations role into another area, and
4 said, "I don't have a full job any more. What other areas
5 do you think we can find for me to do because this is not a
6 real job any more." He came back with a couple of options
7 which were not very realistic or in my area of expertise
8 and I said, "Hey, why don't we not worry about this. Let's
9 just take a redundancy and I'll move on."

10
11 Q. Is there a difference between asking for a redundancy
12 and demanding a redundancy?

13 A. Well, I didn't think I was in a position to demand it,
14 but I could certainly ask for it, yes.

15
16 Q. Wasn't it the situation that, despite you asking for a
17 redundancy, you were, in effect, required to continue
18 working at The Star for some further months against your
19 wishes?

20 A. What I did, I agreed to try and find a replacement for
21 me. That was part of the agreement that we came to when
22 I left. So I worked through that. Then when the
23 replacement came on, I was required to do some more work
24 for the other arm of Tabcorp, which was their racing area,
25 because they were still negotiating a package with the
26 government so I was required to stay on during that period
27 to get the racing package through.

28
29 Q. Do you disagree with the proposition that you, to get
30 your redundancy that you'd asked for, were required
31 essentially against your wishes to continue to work at The
32 Star or at Star City?

33 A. I agree I had to keep working when I thought I'd done
34 my bit in securing a replacement and I thought I should be
35 allowed to go then.

36
37 Q. So you would disagree, would you, with the proposition
38 that, at the end of the day, the end of your employment
39 with The Star or Star City was an acrimonious one?

40 A. It wasn't acrimonious. I just thought it was a bit
41 rough to make me keep going when the agreement had been to
42 let me go as soon as I found a replacement. Look, I didn't
43 have another job to go to, but it wasn't the end of the
44 world. I was working from home, but yes, I'd rather have
45 gone.

46
47 Q. When you say it was a bit rough, was there anyone in

1 particular that you took that issue up with; that is, that
2 you let them know that you considered it to be a bit rough?
3 A. Look, my recollection is I actually took it up with
4 David Attenborough, who was the head of Tabcorp, which is
5 the wagering division, because it was his area that I sort
6 of had to keep working in. I remember saying, "Hey,
7 I don't want to keep going with this package. I want to
8 move on."
9
10 Q. Your view that it was a bit rough, was it something
11 that you took up with Mr Vaikunta?
12 A. Not that I recall.
13
14 Q. In your position, who did you report to, in the --
15 A. No, I reported to Mr Vaikunta.
16
17 Q. So wasn't he the logical person for you to take these
18 issues to?
19 A. Well, not really, because he'd actually let me go. I
20 was finished on the casino side. I was still required to
21 work on the racing side.
22
23 Q. Just to be clear about this, all up, how long did you
24 work under the new management regime under Mr Vaikunta;
25 that is, how long were you working there where you reported
26 to Mr Vaikunta?
27 A. I think he started in February of 2010 as managing
28 director, and after I got a replacement, I think I left
29 around September of that year, so six or seven months.
30
31 Q. How would you describe your relationship with
32 Mr Vaikunta during that time, February 2010 to
33 roughly September 2010 when you reported to him?
34 A. I thought we got on pretty well.
35
36 Q. How was your relationship with him at the end of the
37 your employment as at 2010 or thereabouts?
38 A. My relationship was fine. It really ended in a
39 strange way as in that I found a replacement. He came in
40 and started working in my office, so I started working from
41 home. So I didn't actually have a "Goodbye, farewell, see
42 you later"; I just faded into the distance.
43
44 Q. Did you form an adverse view in relation to
45 Mr Vaikunta and his management of The Star in the months
46 prior to your leaving The Star in September 2010?
47 A. Yes, I did.

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Q. Did you form an adverse view about Mr Mullin's position as a senior management figure at Tabcorp responsible for casinos?

A. Not to the same extent, but - but, yes.

Q. You've referred to "the same extent". The adverse view that you formed in relation to Mr Vaikunta and his management of Star City, how would you describe that?

A. My adverse view was they didn't have the same respect for compliance for cultural issues which had been built up over the years. In the year 2000 we had an incredibly negative licence review and it was a bad experience to go through. After that, we put in place the most extensive compliance cultural changes which made it a great place to work and a place where you didn't think that anything was going to go wrong or that if something were to go wrong, it would be dealt with properly. I felt that Mr Vaikunta came in and didn't have the same regard for our cultural and compliance issues.

Q. We will come back in due course to deal with some of the matters that you have just referred to that you had a view about, but was it the situation, Mr Grimshaw, that your views that you have just articulated were influenced by the circumstances in which your employment with The Star or Star City ultimately ended?

A. Once again, I was quite relaxed about going. That was the job I was probably going to go to anyhow, so it wasn't that way. But even in regard to that, Mr Vaikunta had given me several assurances that he wouldn't be moving that PR role and he did move the PR role. Now, in the end it didn't worry me that much, but it was an indication that I just couldn't rely on him and it went, in my view, to the manner in which he dealt with me.

Q. So it did influence your view?

A. To some extent.

Q. To what extent?

A. Well, to - can you repeat the question?

Q. To what extent was your adverse view in relation to Mr Vaikunta or his management, that you have just articulated, influenced by the circumstances in which your employment ended?

A. Not to a great extent. I was relaxed about leaving

1 the casino.

2

3 Q. Is that an honest answer - you were relaxed about
4 leaving the casino?

5 A. The honest answer is I think I would have gone and
6 joined the government anyhow, so to get the opportunity of
7 getting a redundancy and then going and joining the
8 government was actually - I was actually quite fine about
9 it.

10

11 Q. When you say "relaxed about going and joining the
12 government", you are referring to the voluntary role that
13 you took up with the then opposition; is that right?

14 A. Correct, but I think there was a very good chance of
15 them becoming the government a few months later.

16

17 Q. So you were relaxed about ending a well-paid job;
18 would you agree with that?

19 A. Yes.

20

21 Q. Which you enjoyed?

22 A. Yes, but I was getting bored.

23

24 Q. In respect of which you had significant
25 responsibilities?

26 A. Yes.

27

28 Q. Where you had worked for 16 years?

29 A. Mmm-hmm.

30

31 Q. You say you were relaxed about leaving that job and
32 going into an unpaid voluntary position; is that what you
33 are saying?

34 A. I was, because I could see a much - a dream job for me
35 at the end of that voluntary period.

36

37 Q. Before we move on, can I just deal with one other
38 thing that occurred during your employment at the casino.
39 It was the situation, wasn't it, that you met and formed
40 a close personal relationship with a woman who worked at
41 The Star, or Star City; is that right?

42 A. Yes.

43

44 Q. Again, you appreciate from what I have said in the
45 opening that it is important that we avoid any reference,
46 obviously, to her name or any identifying matters - do you
47 follow?

1 A. If it is okay, I will call her "my partner".
2
3 Q. That's exactly what I was going to suggest. You have
4 heard me refer to the fact that she will be referred to as
5 "the second complainant" in some circumstances, but you are
6 content to have her referred to as "your partner"; is that
7 right?
8 A. Correct.
9
10 Q. During the time that you were at The Star, you formed
11 a close personal relationship with your partner?
12 A. Yes.
13
14 Q. And she was in a fairly senior position?
15 A. Yes.
16
17 Q. A position of some responsibility?
18 A. Yes.
19
20 Q. And that relationship with your partner more or less
21 continued during 2010, 2011 and up to this day; is that
22 right?
23 A. Yes. We have been together for about two years.
24
25 Q. When I said "more or less", like any relationship, you
26 may have had some ups and downs but it effectively
27 continued during that period?
28 A. Yes.
29
30 Q. Can I move, then, to a slightly different topic,
31 please, Mr Grimshaw. During, relevantly, 2011, did you
32 continue to follow or monitor what was going on at The Star
33 casino?
34 A. Yes.
35
36 Q. And was that because, for example, your partner still
37 worked there?
38 A. Obviously.
39
40 Q. In a relatively responsible, senior position?
41 A. Yes.
42
43 Q. You had worked there for some 16 years?
44 A. Yes.
45
46 Q. And did it also follow, from at least March of 2011,
47 because you worked in a senior communications position with

1 the now government - that's right, isn't it?
2 A. I did work in that role, but it wasn't relevant to the
3 casino, except if something came up about the casino in
4 that role, which it didn't.
5
6 Q. But wasn't that also one of the reasons that you
7 continued to follow and monitor what was going on at The
8 Star?
9 A. Can you ask the question again?
10
11 Q. Wasn't the fact that you were in a senior
12 communications position in the government another reason
13 that you closely followed what was going on at The Star
14 during 2011?
15 A. No, but if something happened at The Star which was
16 relevant to the government, I would have taken an interest
17 in it.
18
19 Q. You were certainly aware, were you not, that during
20 2011 the authority - that's the then Casino, Liquor and
21 Gaming Control Authority - was conducting an investigation
22 into The Star?
23 A. I was.
24
25 Q. And you were aware, weren't you, that that
26 investigation was an investigation that was required to be
27 conducted at periods of five years by the authority?
28 A. Yes.
29
30 Q. It wasn't into any specific allegation or set of
31 allegations or, indeed, any specific event; right?
32 A. Correct.
33
34 Q. And you were aware during 2011 that Ms Furness of
35 senior counsel had been retained to assist the authority in
36 relation to that investigation?
37 A. Yes.
38
39 Q. In March 2011 did you attend and effectively give
40 evidence to Ms Furness?
41 A. Yes.
42
43 Q. On a private basis?
44 A. On a private basis.
45
46 Q. How did that come about?
47 A. I wrote an email to CLGCA requesting the opportunity

1 to appear before the inquiry, stressing that it was on
2 the basis of being a former employee, not in any
3 relationship to my role within the Premier's office.
4

5 Q. In that answer you referred to "CLGCA". I may be
6 chastised for this in due course, but that unfortunate
7 acronym perhaps may be one of the reasons why the name of
8 the authority was changed, but you are referring to the
9 relevant regulatory authority; correct?

10 A. Correct.
11

12 Q. May we take it from the evidence that you have just
13 given that it wasn't the situation that you were summonsed
14 to appear in any formal way to give evidence before
15 Ms Furness?

16 A. Correct.
17

18 Q. It was something that was instigated by you?

19 A. Yes.
20

21 Q. May we take it that you did that because you were of
22 the view that you were able to give some relevant
23 information to Ms Furness in relation to the operations of
24 the casino?

25 A. Yes.
26

27 Q. Without going into any detail about the evidence that
28 you gave to Ms Furness in March of 2011, did you
29 essentially express to her the opinions and views that you
30 earlier expressed in your evidence in relation to your
31 views about the new management under Mr Mullin and
32 Mr Vaikunta?

33 A. Yes. I expressed the view that the standards had
34 deteriorated and I was concerned about where it was going.
35

36 Q. I apologise if I have already asked you this. These
37 views about the way that management was going were formed,
38 what, as a result of six months working there under the new
39 management?

40 A. Well, Mr Mullin had been there for a bit longer than
41 that.
42

43 Q. Mr Vaikunta?

44 A. I was directly under Mr Vaikunta for six to eight
45 months, yes.
46

47 Q. So these views, you say, were formed over that, you

1 would agree, fairly short period of time?

2 A. If you regard six, eight months as a short period of
3 time.

4

5 Q. And again, without going into any detail, these views
6 or opinions that you expressed earlier, and you expressed
7 to Ms Furness in March 2011, were that, essentially, the
8 culture of the casino had headed downwards after the
9 appointment of the new management; is that right?

10 A. Yes.

11

12 Q. I think you indicated that new management had given
13 less importance to responsible gambling; is that right?

14 A. Yes.

15

16 Q. Less importance to the responsible service of alcohol;
17 is that right?

18 A. Yes.

19

20 Q. And - you may have referred to this earlier, but you
21 certainly referred to it in your evidence before
22 Ms Furness - your opinion that the complaints system at the
23 casino was not taken seriously by senior management; is
24 that right?

25 A. I felt it was open - I didn't think it was an
26 effective system, especially in relation to anyone at
27 a senior level.

28

29 Q. Is that effectively, without going into any great
30 detail, a fair summary of the opinions and views you gave
31 to Ms Furness in March 2011?

32 A. Yes.

33

34 Q. Do you recall, during the evidence that you gave to
35 Ms Furness in March 2011, being asked whether you had any
36 concrete information or examples to give to Ms Furness to
37 support what you would agree are your views or opinions?

38 A. Yes.

39

40 Q. Do you recall being asked whether you had any concrete
41 information or examples?

42 A. Yes, I do recall.

43

44 Q. Do you recall giving evidence of, effectively, two
45 matters that you considered to be concrete information or
46 concrete examples?

47 A. I don't recall them, no, but if you remind me, I may.

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Q. Let me try to refresh your memory. Do you recall in that context - that is, in the context of being asked to provide concrete examples - referring to a draft report from an organisation known as Barrington or Barringtons?

A. Yes, I do.

Q. And that organisation was an organisation that, amongst other things, prepared reports relating to the responsible service of alcohol; is that right?

A. Yes.

Q. And did you have a copy of the draft report?

A. Yes, I did.

Q. I will come back to that. Did you point out, as a way of giving a concrete example, that, to your recollection, the draft report was altered prior to being finalised?

A. Well, I'm not sure if I put it in those words. My recollection is that normally what happened with a Barringtons report was they would come in, they would do a review, we would give our comments, it would go back to Barringtons and it was often changed.

Q. The draft report from Barringtons that you had with you made some adverse statements or findings in relation to some specific matters relating to the responsible service of alcohol; right?

A. Yes.

Q. Did you express the belief to Ms Furness that the final version of that Barringtons report was watered down to remove reference to those adverse statements or findings?

A. I don't remember making the assertion, but I certainly alluded to maybe - whether that happened or not.

Q. Again, this is in the context of you being asked to provide a concrete example of what was otherwise simply your views and opinions; right?

A. I don't recall that, but I accept it when you say it.

Q. Do you also recall, again in the context of being asked to provide concrete examples, referring to, in your evidence, a system called Chip Chat; is that right?

A. Yes.

1 Q. What was that - some sort of complaints system?
2 A. No, it was an in-house magazine.
3
4 Q. Did you suggest that something had changed in relation
5 to Chip Chat under new management?
6 A. I felt there was less emphasis on RSA, RG and the
7 other compliance issues.
8
9 Q. In that in-house magazine?
10 A. Yes.
11
12 Q. Which was obviously designed to educate or inform
13 staff about those important concepts; right?
14 A. It was a mixture of social news and important in-house
15 news, compliance news.
16
17 Q. You have indicated that the adverse views or opinions
18 you had formed about new management were formed over that
19 roughly six-month period, up to September 2010; right?
20 A. Yes.
21
22 Q. Was this information that you gave in relation to Chip
23 Chat and the Barrington report information that came to you
24 whilst you were still at the casino?
25 A. Yes.
26
27 Q. It wasn't information that was provided to you by your
28 partner?
29 A. Definitely not.
30
31 Q. When you left the employ of the casino, did you retain
32 any documentation?
33 A. I had a few documents.
34
35 Q. What were they?
36 A. I can't recall, but when you mention the Barrington
37 ones, I remember I had that. I would have to have my
38 memory jogged about what else I had.
39
40 Q. Why did you keep the draft Barrington report?
41 A. I just had a few things in my cupboard, because they
42 were issues which may come up in my role as the media
43 director, and then, when I went to the inquiry, I went to
44 see what I had and there were a couple of documents there.
45
46 Q. Sorry, you kept it in, did you say, your cupboard?
47 A. Yes.

1
2 Q. At work?
3 A. No, no, at home.
4
5 Q. Why did you keep a draft report in your cupboard at
6 home?
7 A. As I said, if there was an issue which was coming up,
8 which I may have to deal with on a media basis, I would
9 take the document home. More often than not, I would chuck
10 it out. Sometimes, it was just still in the cupboard.
11
12 Q. Were you conscious of the fact that - as I'm sure you
13 agree - when you ended your employment you should have
14 returned all relevant confidential documents to your
15 employer?
16 A. Well, yes, I'm aware I probably should have done that,
17 and I destroyed them straight after I --
18
19 Q. But you didn't destroy the draft Barrington report?
20 A. No, but I destroyed it after I went to see Ms Furness.
21
22 Q. Why didn't you destroy it beforehand?
23 A. Because I didn't even know it was there. I knew there
24 were a few things in my cupboard, thought had I better take
25 something along to the inquiry to back up my claims, and
26 I saw it was in there. But I make the point that they
27 weren't the main things I raised with the inquiry. The
28 main things I was raising in the inquiry were relating to
29 the new management's attitude towards responsible service
30 of alcohol, responsible gambling and compliance issues.
31
32 Q. We understand that, Mr Grimshaw, but, as I think you
33 agreed in your evidence before, you expressed those
34 opinions to Ms Furness and she asked you for concrete
35 examples to back up what, essentially, were just your
36 opinions, right?
37 A. Yes.
38
39 Q. And one of your opinions related to responsible
40 service of alcohol, right?
41 A. Yes.
42
43 Q. That is, the attitude to that had gone downhill under
44 new management?
45 A. Yes.
46
47 Q. And you produced the draft Barrington report as an

1 example of a concrete piece of information to support the
2 opinion that you had formed; right?

3 A. Yes.

4

5 Q. You referred to having some other documents in your
6 cupboard at home. Did they also include incident reports -
7 that is, amongst those documents?

8 A. Not that I recall.

9

10 Q. After you left the employment of Star City, did your
11 partner at any time give you any internal Star
12 documentation?

13 A. Never.

14

15 Q. You say, do you, that the opinions that you expressed
16 to Ms Furness, that you have articulated in your evidence
17 today, were not motivated by any ill will or grievances
18 that arose from the circumstances in which your employment
19 had ended at The Star?

20 A. No, they were based on the fact that I thought the
21 standards at the casino were dropping. I had been at the
22 casino for a long time. I really liked the casino.
23 I didn't want to see the standards drop again.

24

25 Q. Not motivated at all by any adverse views you had
26 formed as a result of the circumstances of your departure?

27 A. As I said earlier on, I was happy about the
28 circumstances in which I was able to depart.

29

30 Q. Do you recall, Mr Grimshaw, that in May of 2011 you
31 were requested to attend and give some further evidence to
32 Ms Furness?

33 A. Yes.

34

35 Q. Putting it in general terms, do you recall that you
36 were advised, in the course of that evidence in May of
37 2011, that the final version of the draft Barrington report
38 that you had produced to Ms Furness in March had been
39 located?

40 A. Yes.

41

42 Q. And were you informed of the fact that the final
43 version of that report was in fact in essentially the same
44 terms or exactly the same terms as the draft that you had
45 provided to Ms Furness?

46 A. Yes.

47

1 Q. So the original belief that you expressed to
2 Ms Furness in March of 2011, in fact, turned out to be
3 quite incorrect?
4 A. My view on the Barringtons report did, but it didn't
5 change my view overall on the company's attitude towards
6 the responsible service of alcohol.
7
8 Q. That being one of the two concrete examples you gave
9 to Ms Furness in March of 2011; right?
10 A. Yes.
11
12 Q. Were you also advised, when you went to see Ms Furness
13 in May of 2011, that the second concrete example or
14 concrete information that you had provided to Ms Furness
15 in March of 2011 - that is, relating to the Chip Chat
16 publication - had been investigated by the authority? Were
17 you advised of that?
18 A. Yes.
19
20 Q. And that the authority, having looked through, no
21 doubt, many editions of Chip Chat, had found no change or
22 issue with the subsequent versions of that publication?
23 A. I was advised that, yes.
24
25 Q. So would you agree that the second of the concrete
26 examples or pieces of information that you gave to
27 Ms Furness in March of 2011 to support the opinions that
28 you had expressed again turned out to have no foundation?
29 A. Well, I accepted the response from Ms Furness,
30 obviously.
31
32 Q. It was the situation that you were advised that
33 because those two concrete examples were found to have no
34 foundation, you had been asked to come back in to provide
35 a comment or an explanation for that; does that accord with
36 your recollection?
37 A. Well, I didn't know why I had been called back. When
38 I got there, Ms Furness explained the response to those two
39 issues.
40
41 Q. And you didn't offer any explanation for how the
42 concrete information that you had had turned out to be
43 incorrect?
44 A. I accepted the explanation.
45
46 Q. I am sorry, accepted what explanation?
47 A. That there had been no change to the Barrington report

1 and there had been no change to Chip Chat.

2

3 Q. But my question was: were you able to provide,
4 yourself, an explanation about how the two concrete
5 examples you had given turned out to be incorrect?

6 A. No, I think when I gave them, that was my view. My
7 view was wrong.

8

9 Q. And you were unable to give any other concrete
10 examples or concrete information to support the opinions
11 that you had expressed about the new management that you
12 have articulated today; right?

13 A. No, I don't think that's right. Would you like me to
14 elaborate?

15

16 Q. No, just bear with me. My question is: during
17 the May interview, when you had been specifically asked to
18 come back to address why your two concrete examples were
19 found to have no foundation, you did not provide any other
20 concrete information or examples during that evidence -
21 that's correct, isn't it?

22 A. Well, whether it was at the May one or the March one
23 I'm unsure, I went through a range of issues which I was
24 concerned about and gave oral evidence as to what I had
25 seen and what I had experienced.

26

27 Q. But wasn't your oral evidence really nothing more than
28 your impressions or your feelings about what had happened?

29 A. No, it was concrete examples where the managing
30 director had come in and said, "The current casino has too
31 much compliance. They tell customers what they can't do;
32 they tell customers not to have fun." There were totally
33 legitimate explanations and examples of where they had
34 allowed the compliance and the cultural issues to lower
35 standards.

36

37 Q. You are aware that both of those sessions during which
38 you gave evidence to Ms Furness were recorded?

39 A. Yes.

40

41 Q. And, in due course, transcripts prepared?

42 A. Yes.

43

44 Q. I don't want to go through it any more, because the
45 record stands, but do you say that you gave other concrete
46 examples to Ms Furness during that evidence?

47 A. I say that I explained areas where I saw that the

1 standards had dropped, such as having forums where the
2 managing director would basically scoff at the standards
3 which were in place at the casino, and --
4

5 Q. I am sorry, Mr Grimshaw, my question was: did you
6 tell Ms Furness these things in your evidence? Is that
7 what you are saying, or is this stuff that you are just
8 coming up with today?

9 A. No, my recollection is I told Ms Furness.

10
11 Q. As I said, the record will speak. Let me just put
12 aside for a moment the specific information that you
13 provided to the authority via Ms Furness at the section 31
14 stage, and let me ask you about your state of mind in the
15 latter part of 2011, after you had provided evidence to
16 Ms Furness - do you follow?

17 A. Yes.

18
19 Q. Did you believe that the information that you had
20 provided to Ms Furness would lead to an adverse finding
21 against Mr Vaikunta or current management of The Star?

22 A. Not based on my evidence alone, but I felt that there
23 would probably be a number of people who would go forward
24 with evidence and, cumulatively, there was a chance that
25 there would be an adverse finding.
26

27 Q. Did you believe that the information that you had
28 provided to Ms Furness would assist in or result in the
29 removal of Mr Vaikunta from his position?

30 A. I felt it would form part of the evidence against
31 Mr Vaikunta.
32

33 Q. And was that your intention when you gave evidence to
34 Ms Furness?

35 A. My intention when I went to see Ms Furness was to try
36 to make sure that the standards of the casino were returned
37 again. My view was that the management team in there at
38 the time was going to lower standards, not raise them.
39

40 Q. Your intention was to have Mr Vaikunta removed in due
41 course, wasn't it?

42 A. I thought that Mr Vaikunta was not a suitable person
43 to run the casino.
44

45 Q. Your intention was, in due course, to have Mr Vaikunta
46 removed, wasn't it?

47 A. No, but I didn't think that Mr Vaikunta should be

1 there. I didn't have - I didn't set out for anything,
2 I just set out to tell Ms Furness exactly what my views
3 were on the casino, and part of that was, as I said,
4 I didn't think Mr Vaikunta was a suitable person to run the
5 casino.

6
7 Q. Whatever your intentions or motivations were - and
8 I will come back to that shortly - you would certainly
9 agree that in the latter part of 2011 you certainly had an
10 adverse view about senior management at the casino - that
11 is, Mr Vaikunta in particular, but also Mr Mullin; would
12 you agree?

13 A. Yes.

14
15 Q. Would you agree with this proposition: even before
16 the events of 2011 - and you appreciate what I'm talking
17 about there, don't you?

18 A. Yes.

19
20 Q. Even before the events of December 2011, you wanted
21 Mr Vaikunta to go, didn't you?

22 A. Yes, as I said before, I didn't think Mr Vaikunta was
23 a suitable person to run the casino.

24
25 Q. You wanted him to go, didn't you?

26 A. No, I didn't think he was the right person to run the
27 casino. It wasn't my decision to decide whether he goes or
28 not. What I think most people are supposed to do, if they
29 have evidence or information they should take it to an
30 inquiry, that's what I did.

31
32 Q. You had a personal dislike for Mr Vaikunta, didn't
33 you?

34 A. I didn't like Mr Vaikunta, no.

35
36 Q. And you had a personal dislike for Mr Vaikunta, in
37 part because of the circumstances in which your employment
38 ended - that's right, isn't it?

39 A. No, no, it is not.

40
41 Q. You are aware, Mr Grimshaw, aren't you, that the
42 authority has obtained by summons from Echo Entertainment
43 a print-out of some text or SMS messages that had been sent
44 from and received by your partner's former mobile phone -
45 do you agree with that?

46 A. Yes, I'm aware of that.

47

1 Q. And information available to the inquiry suggests that
2 the other mobile phone from which these messages - that is,
3 from your partner's phone - were sent and received was
4 recorded as being the phone of Colin G - are you aware of
5 that?

6 A. Yes.

7
8 Q. And your middle name is Colin, is it?

9 A. Correct.

10

11 Q. I just want to ask you some questions about some of
12 the texts in that print-out. Perhaps I will ask for
13 a folder to be provided to you that has some of those text
14 messages in it.

15

16 MR STEIRN: Is it possible for us to also have a copy of
17 these documents so that we can follow the
18 cross-examination?

19

20 MR WIGNEY: Ms Furness, what you indicated in your opening
21 remarks was that if anyone was to examine any of the
22 witnesses following my examination, they would have to seek
23 leave and demonstrate a basis upon which they could
24 examine.

25

26 In relation to any such persons, or representatives of
27 any such persons, I think it would be fair to say that it
28 would be proper to provide them with copies of these text
29 messages. Now, that would, at first blush, obviously
30 include Mr Grimshaw's own representative. But in terms of
31 Mr Steirn's position, I'm not sure what proper reason he
32 would have to examine Mr Grimshaw, at least at this stage,
33 particularly in relation to being provided with the full
34 text of all of these text messages, as it were, because, as
35 I have indicated, they contain a deal of very personal and
36 confidential material that I don't propose to go to at all.

37

38 My position is that, at this stage, we will provide it
39 to Mr Grimshaw's representative but no-one else, unless
40 a proper basis is established.

41

42 MS FURNESS: Mr Steirn, the emails to which Mr Wigney
43 refers are indeed very personal in nature and I am very
44 keen that their disclosure is limited. On that basis, they
45 will be made available to Ms Sharp but not to any others.

46

47 MR STEIRN: I accept that, but as I understand the terms

1 of inquiry, my client may well be, through dint of
2 circumstances, inextricably bound up. As you would know,
3 Ms Furness, there are emails. As I understand it, there is
4 an email nominating Mr Lipson in an email which was
5 forwarded to other parties. To that extent, that might be
6 the only entanglement, but surely it would be a matter for
7 me to judge at the end of the day without disclosing the
8 contents to anybody else.

9
10 MS FURNESS: These are SMS messages that Mr Wigney is
11 dealing with, not emails at the moment, firstly.

12
13 MR STEIRN: I thought counsel assisting did mention
14 emails.

15
16 MR WIGNEY: I did, but in this context we just have texts.
17 Can I short-circuit the argument by saying to the extent
18 that some of these texts do refer to Mr Steirn's client, I
19 will provide copies of those particular messages. I wonder
20 if that satisfies him. So he won't get the whole bundle.
21 He will get those where his client is concerned in any way.

22
23 MR STEIRN: I'll wait and see and perhaps renew the
24 application at a suitable time.

25
26 MS FURNESS: You may, if you wish, Mr Steirn. Perhaps
27 Ms Sharp could be provided with the bundle.

28
29 MS SHARP: I'd be grateful for that.

30
31 MR SULLIVAN: Ms Furness, because we have copies of all
32 these documents, I don't need to make a formal application.
33 I should indicate, subject to what my learned friend
34 Mr Wigney does, that I'll be seeking leave to ask questions
35 of Mr Grimshaw on matters not covered or not covered to the
36 extent that we would like to have them covered by
37 Mr Wigney. We respectfully I submit, given the nature of
38 the terms of the inquiry, that we would have a relevant
39 interest in doing that. I foreshadow that now. Although
40 we are not asking for a copy of these documents as we do
41 have copies, because, of course, we were the people who
42 provided them to you, we will be relying upon them in that
43 cross-examination.

44
45 MS FURNESS: Mr Sullivan, can I firstly say, I assume you
46 have a copy with you and I know that you will be able to
47 follow Mr Wigney's questions. In respect of the first

1 matter you raised, any application you make will be
2 dependent upon what evidence is elicited by Mr Wigney and
3 certainly you may make an application at the appropriate
4 time. Now is not the appropriate time.

5
6 MR SULLIVAN: Thank you very much.

7
8 MR WIGNEY: To a certain extent, we are flying by the seat
9 of our pants in relation to procedures here, Ms Furness.
10 One thing that I had not adverted to previously is that
11 it's now 11.30, which is customarily the time, that court
12 proceedings have a morning tea adjournment. I'm not
13 suggesting that I need or want one. I'm just raising it
14 for the consideration that there should be a break.

15
16 Q. Mr Grimshaw, you've been provided with a volume of
17 documents that contains a fairly lengthy printout. Just so
18 we know how to navigate our way through this, I'm going to
19 refer primarily to the sequence number of these text
20 messages. You will see that the column on the very far
21 left-hand side contains numbers; right?

22 A. Yes.

23
24 Q. So that's the sequence number?

25 A. Yes.

26
27 Q. Go, firstly, to the page that commences with the
28 sequence number in the top left-hand corner 3316. They are
29 not otherwise paginated. Just drop down to an example of
30 these entries so you can understand how this printout
31 works. Go to sequence number 3927. You will see that
32 there is a phone number in the very next column, which
33 I won't read out, but that was your mobile phone number,
34 was it not?

35 A. Yes.

36
37 Q. Then there's a reference to "Colin G", which you have
38 already given evidence about. Then we have the date upon
39 which the message was sent; do you see that?

40 A. Yes.

41
42 Q. The next column is the time column, which provides the
43 time at which the text message was sent or received; do you
44 see that?

45 A. Yes.

46
47 Q. You can ignore that; I think that's probably Greenwich

1 mean time plus 10. Then the next column indicates where
2 the message was relevantly either read or, you will see,
3 the next entry is a sent text; do you see that?

4 A. Yes.

5

6 Q. Then you will see the part of the phone in which that
7 message was stored. Then, relevantly, you will see there
8 is a column where it indicates whether the text was an
9 incoming text, that is incoming to your partner's phone; do
10 you see that?

11 A. Yes.

12

13 Q. Denoted by the word "incoming". And when it was a
14 text sent from your partner's phone, it's recorded as being
15 an outgoing text; do you see that?

16 A. Yes.

17

18 Q. What I propose to do during the course of your
19 evidence, not all at the one time, is to read to you some
20 of the text messages that were sent to or sent from your
21 partner's phone and please accept my assurances that I will
22 avoid reading out salutations, expressions of endearment or
23 other personal matters; do you follow?

24 A. Yes.

25

26 Q. The first text I want to take you to is sequence 3931,
27 which is on that page that you're already on. You will see
28 that that is a text that was sent on 22 November at 10.19am
29 in the morning and it was sent from your phone to your
30 partner's phone; right?

31 A. Yes.

32

33 Q. May we take it that you were essentially the only
34 person that sent text messages from your phone?

35 A. Yes.

36

37 Q. So we can safely assume that whatever is recorded as
38 an incoming message on this collection of data was a
39 message sent from your phone?

40 A. Yes.

41

42 Q. I think that would be fairly obvious from the content
43 of some of the messages, in any event?

44 A. Yes.

45

46 Q. Again, avoiding personal matters, what you say in this
47 text, relevantly commencing on the second last line is -

1 again I'll read out the obvious abbreviations - "What are
2 you up to? Any word on Mr Nasty?" Do you see that?

3 A. Yes.

4

5 Q. This was a text sent by you. What's the reference to
6 "Mr Nasty" a reference to?

7 A. It's a flippant reference to Mr Vaikunta. I give
8 nicknames to everyone. You put it down in a text message
9 form and it looks a lot worse than it's when you're texting
10 your partner and mucking around.

11

12 Q. It's not a compliment; it's not a complimentary
13 nickname, is it?

14 A. It's not a compliment, but it's just me, and that's
15 the sort of thing I do.

16

17 Q. Does it not demonstrate your personal animosity
18 towards Mr Vaikunta that you refer to him as "Mr Nasty"?

19 A. Yes. I think this is back in November; and, by that
20 stage, he wasn't treating my partner very well and
21 I certainly, you know, threw in a nickname which, as I say,
22 doesn't look so great in print, but when you are mucking
23 around with your partner, it's just flippant.

24

25 Q. What you say is, "Any word on Mr Nasty?" Is it fair
26 to say that you expected that she may have some word on
27 Mr Vaikunta having regard to the fact that she still worked
28 at the casino and indeed worked closely with him?

29 A. So I don't know what that was relating to, but it may
30 be, you know, "What's happening at work, you know, with you
31 today?", or whatever. I have no idea what it's in relation
32 to.

33

34 Q. You are not able to assist us as to why you are asking
35 your partner "Any word on Mr Nasty"?

36 A. She might have been expecting something from him. She
37 may have been having a meeting with him. I don't know what
38 was happening.

39

40 Q. You will see what appears to be her response to that
41 text message was sent from your partner's phone to you at
42 11.05am on the same day?

43 A. Yes.

44

45 Q. Again avoiding the personal matters, you are partner
46 says, "No word on Nasty. You got word?", meaning "Have you
47 got any word on Mr Nasty"; right?

1 A. Yes.
2
3 Q. It's not your text. This is your partner sending this
4 text, but can you think of any reason why your partner
5 would think that you might have some word about Mr Nasty
6 given that you no longer worked at the casino?
7 A. No, I can't. I can't place what that conversation was
8 about.
9
10 Q. You're not able to say why your partner would
11 apparently think that you might have some information about
12 what Mr Nasty was up to?
13 A. I can't think of what it was relating to.
14
15 Q. Let's go over to the next page, please. I want to
16 take you again in a similar vein to a text message
17 commencing with the sequence 3979. You will see this is a
18 text sent by your partner to you on 23 November 2011 at
19 11.37am; do you see that?
20 A. Yes.
21
22 Q. Amongst other things that text message includes the
23 words, "Harbidge running the show as usual and Sid licking
24 his arse." I think there is perhaps a mention of "Elton".
25 Was that Elton John, but not in that context perhaps?
26 A. Yes. That's not in that context.
27
28 Q. That was something do with Elton John coming out to
29 Australia to sing somewhere?
30 A. Correct, yes.
31
32 Q. The reference to Harbidge, he was the managing
33 director property at The Star or Echo, was he?
34 A. Yes.
35
36 Q. Your response to that text sent one minute or less
37 later, which is sequence 3980, "Fuck me. I hope you get
38 rid of Harbidge when you get rid of Mr Nasty"; do you see
39 that?
40 A. Yes.
41
42 Q. Don't go over the page for a moment. "When you get
43 rid of Mr Nasty", this demonstrates again that you were
44 quite intent on Mr Vaikunta being removed from his
45 position; right?
46 A. No. It represents us being flippant with each other
47 where we're saying the section 31 report is coming out

1 soon, you know, is that going to result in Mr Vaikunta
2 leaving the company?

3

4 Q. It's not that it is going to result in it; you were
5 expressing a positive wish for that to happen, weren't you?

6 A. Yes, we're mucking around and we're going, you know,
7 "Are you going to get rid of him? Is he going to go?"
8 It's flippant.

9

10 Q. Your partner's response to your text sent some minutes
11 later, sequence 3981, 23 November 2011, 11.40am,
12 relevantly, "It rests with you." Again ignoring the terms
13 of endearment.

14 A. Yes.

15

16 Q. So this is your partner saying to you that -
17 relevantly, from the previous text, referring to getting
18 rid of Mr Nasty - "It rests with you." Again this is not
19 your text. Are you able to explain to us how it could be
20 that your partner is saying to you that whether or not
21 Mr Vaikunta's position is terminated rests with you; that
22 is, Mr Grimshaw? Why is she saying that?

23 A. She's saying that, and once again it's in a joking
24 manner, as if I've got the power to do something about it.
25 The fact that I went to section 31 and gave evidence and,
26 you know, "It's up to you now whether your evidence was
27 good enough to sway the inquiry." There is no - it's
28 totally flippant again.

29

30 Q. Whether you've got the power?

31 A. Well, she's actually joking as if I do have the power.
32 I mean there's an independent inquiry on, which clearly
33 wasn't influenced by me because it found totally against
34 what I suggested at the inquiry.

35

36 Q. Let me suggest this to you: you have agreed with the
37 proposition that you are a man with extensive contacts in
38 the media; correct?

39 A. Yes.

40

41 Q. Extensive experience about dealings and how to deal
42 with the media; correct?

43 A. Mmm-hmm.

44

45 Q. Extensive contacts, political contacts, high-level
46 political contacts; correct?

47 A. Yes, which I'd never abuse.

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Q. Is it in that context that your partner is saying to you that it rests with you in relation to the removal of Mr Vaikunta?

A. No. She's being flippant and saying, "It's all up to you."

Q. Again there are some irrelevancies in the rest of that text, I think; others may beg to differ. In the next text, again coming from your partner to you 30 seconds or so later, your partner says, "I think it's story time"; do you see that, sequence 3982?

A. Yes.

Q. Again, to be fair, it's not your text, it's your partner's text to you, but are you able to explain what your partner meant by, "It's story time"?

A. I can't be sure unless she was talking about going to the chairman about the way she was being treated. Maybe it was that, but I just don't know.

Q. Your reference to the chairman in this context is because his name is Mr Story, John Story?

A. Right.

MS FURNESS: Mr Wigney, what's the date of this text message?

MR WIGNEY: It's 23 November 2011. Would you like a copy?

MS FURNESS: No, I have a copy. It's just that the date wasn't clear to those who don't have access to the documents and we do.

MR WIGNEY: I'm sorry about that.

Q. Would you agree with this proposition: one way of reading this is what you've just said, and that is, she was thinking about going to Mr Story, the chairman; right?

A. Correct.

Q. About what?

A. About the way she was being treated.

Q. Is this another available explanation that what your partner was talking about in terms of "story time" was not anything to do with Mr Story but it was related to going to

1 the media?
2 A. I can't guess what --
3
4 Q. It would just be speculating?
5 A. Yes.
6
7 Q. You didn't have a conversation at any stage with your
8 partner that you can now recollect in relation to this
9 exchange?
10 A. No, I can't - no, not that I recall.
11
12 Q. Let me then take you to, again on the same page,
13 another few sequences of text messages between yourself and
14 your partner, starting with sequence 3990. All of the
15 following texts are all sent on the same day, that is
16 23 November 2011. So starting with 3990, do you have that?
17 A. Yes.
18
19 Q. Perhaps no explanation is required in relation to
20 this. Your partner says, "I hate this place." Then she
21 says, "Please fix it." Do you see that?
22 A. Yes, I do.
23
24 Q. Your partner worked at the casino; right?
25 A. Yes.
26
27 Q. You didn't; right?
28 A. Yes.
29
30 Q. Again to be fair, this is not your text, it's your
31 partner's text, but she is asking you to fix it; right?
32 A. Yes.
33
34 Q. Why? Are you able to offer an explanation?
35 A. Yes, I can. I mean that's her expression. Whenever
36 something is wrong, her expression to me every time is
37 "Come on, fix it. Fix it." That is her expression. She
38 will say that, when we're out, five times a night.
39
40 Q. Your response a minute or so later, "Only 23 days to
41 go"; do you see that, sequence 3991?
42 A. Yes.
43
44 Q. I think it's fairly obvious, isn't it, Mr Grimshaw,
45 that that is a reference to the fact that the section 31
46 report was due to be released some 23 days after the date
47 of this text; right?

1 A. Yes.
2
3 Q. So that's you pointing that out to your partner;
4 right?
5 A. Yes.
6
7 Q. Your partner's response again, about a minute later
8 still on 23 November 2011, "I'm not positive"; do you see
9 that?
10 A. Yes.
11
12 Q. Then you response, "Oh, I am. Say goodbye to
13 Mr Nasty"; right?
14 A. Yes.
15
16 Q. What were you talking about there?
17 A. I actually felt confident that the section 31 report
18 would bring down an adverse finding against him, so I was
19 actually confident. I was very wrong and clearly I didn't
20 have much influence.
21
22 Q. Putting aside what you have told Ms Furness that we
23 have already addressed in some detail, you weren't aware of
24 what anyone else told the inquiry, were you?
25 A. No, I wasn't aware of what anyone else told the
26 inquiry, but it was suggested to me during the hearing that
27 there were other people were coming forward with evidence.
28
29 Q. Who suggested that to you?
30 A. Ms Furness.
31
32 Q. But the only actual information that you knew about
33 was the information you had provided; right?
34 A. And clearly I was wrong; I thought my information on
35 the decline in the standards was fairly powerful, but
36 clearly I was wrong.
37
38 Q. You thought it was enough, didn't you?
39 A. No, I didn't think it was enough. I knew there were
40 other people coming forward with evidence too and
41 I actually thought that people's combined views on the way
42 things were going down would result in an adverse finding.
43
44 Q. Did it ever cross your mind that what you had said
45 about your opinions wasn't enough in circumstances where
46 you had been asked to give concrete examples? You gave two
47 and none of them had any foundation. Didn't that sort of

1 shed any light on the prospects of your information having
2 any impact?
3 A. I just said earlier on, I didn't think that my
4 evidence came down to those two examples. I thought
5 I'd provided a lot more than that, but clearly not.
6
7 Q. "Say goodbye to Mr Nasty"?
8 A. It's flippant. As if I'd write that if it was a
9 serious matter. It's a flippant matter to my partner
10 going, "Oh, I'm confident, you know. Say goodbye to
11 Mr Nasty."
12
13 Q. Do you cavil with the proposition that you had an
14 intention to do whatever you could to have Mr Vaikunta
15 leave his post at the casino? Do you cavil with that
16 proposition?
17 A. No, I don't know what cavil means, but I don't agree
18 with it, no.
19
20 Q. I'm sorry, you're a communications director and you
21 don't know what "cavil" means?
22 A. Oh, I worked for the Telegraph --
23
24 MS SHARP: That is an unnecessary comment. I object to
25 that.
26
27 MR WIGNEY: I'm sorry.
28
29 MS FURNESS: We will move on.
30
31 MR WIGNEY: Q. Put that aside for a moment please,
32 Mr Grimshaw. Moving on to a slightly different topic, and
33 I will come back to some aspects of that in due course,
34 I think you have already agreed in your evidence that you
35 knew a lot of journalists; correct?
36 A. Yes.
37
38 Q. And you retained extensive contact in both the print
39 and other forms of media; correct?
40 A. Yes.
41
42 Q. You knew a journalist by the name of Heath Aston, did
43 you not?
44 A. Yes.
45
46 Q. I'm talking at the moment in the later period of 2011
47 although obviously you still know him; correct?

1 A. Yes.
2
3 Q. Was he a long-standing colleague, someone you'd known
4 for a long time?
5 A. I met him when I moved into government.
6
7 Q. When?
8 A. I met him at the start of 2011.
9
10 Q. You knew that he perhaps, amongst other things, wrote
11 for the Sun Herald; correct?
12 A. Yes.
13
14 Q. I think as state political correspondent or something
15 along those lines?
16 A. Yes.
17
18 Q. You knew at this time, I think as you have already
19 agreed - that is, we're talking about the period November
20 and up to early December of 2011 - that the section 31
21 investigation report was imminent in terms of its being
22 finalised and furnished?
23 A. Yes.
24
25 Q. You wanted an adverse finding against senior
26 management of The Star in particular in relation to
27 Mr Vaikunta to be reported in that report, didn't you?
28 A. I felt that that was what should happen.
29
30 Q. Did you provide information to Mr Aston about the
31 casino in late November or early December of 2011?
32 A. He came to me during that period with several stories
33 he was working on. I provided information to help him with
34 his stories, but none of it related in any way to my work
35 at the Premier's office or information I obtained during
36 the period that I was in the Premier's office.
37
38 Q. Thank you for that, but do you agree that you provided
39 information to Mr Aston did you about the casino?
40 A. Mr Aston was working on stories and asked me for help
41 on a couple of issues. Just as I'd help any journalist on
42 any issue, I was happy to talk to him about that issue as
43 well.
44
45 Q. And you provided him with information?
46 A. I provided some information, yes.
47

1 Q. You provided him with specific information?
2 A. I'm not sure what the difference between specific and
3 information is, but yes.

4
5 Q. I'll come to that in a moment. You provided him with
6 documents?

7 A. No, I didn't provide him with any.
8

9 Q. Could I take you, please, to a printout of a story
10 under the byline of Mr Aston of 4 December 2011. I will
11 provide a copy of this to you and a copy to your counsel
12 and Ms Furness. Just take a moment to read that article.
13 I obviously don't want to take up the time to read it all
14 out, but just have a quick look at it. Is it familiar to
15 you?

16 A. Yes.
17

18 Q. It's headed "Casino giveaway takes away"; do you see
19 that?

20 A. Yes.
21

22 Q. Tell me if you need further time to read it, but it is
23 a report that refers to and relates to a program run by The
24 Star at this time called Absolute Rewards; correct?

25 A. Yes.
26

27 Q. The first line says:

28
29 *A woman walks into the casino to pick up a*
30 *free work offered to her in a promotional*
31 *giveaway.*
32

33 Do you see that?

34 A. Yes.
35

36 Q. Then it refers to the fact that she then lost some
37 money gambling at the casino; right?

38 A. Yes.
39

40 Q. Then if you drop down about a third of the way or just
41 over that, the article refers to "Records kept by The
42 Star's Absolute Rewards program" and it goes into quite
43 specific information; right?

44 A. Yes.
45

46 Q. You would agree, being someone well versed in the ways
47 of the media that it appears that Mr Aston has a document

1 that records those specific facts; right?
2 A. Yes.
3
4 Q. You certainly knew about the Absolute Rewards program,
5 didn't you?
6 A. Oh, very vaguely. It wasn't in my - you know, it
7 wasn't something I took an interest in.
8
9 Q. I'm sorry, not something you --
10 A. It was not something - I mean it was very vaguely. It
11 was a promotional area of the casino, not something I was
12 involved in day-to-day at all.
13
14 Q. You knew about it?
15 A. I knew of it.
16
17 Q. Was it something about which you had formed an adverse
18 view? I don't think you will get assistance by reading the
19 article?
20 A. No, because I'm trying to - well, I am. I am getting
21 assistance.
22
23 Q. Very well, go ahead.
24 A. So if the Absolute Rewards program is the program
25 where they offer you something if you come into the casino,
26 then, yes, I was aware of it.
27
28 Q. It was something that you told Miss Furness about; do
29 you agree?
30 A. Yes, that's right.
31
32 Q. Did you not specifically refer - and I can take you to
33 it - not just to the Absolute Rewards program but to the
34 incident involving the notorious free wok? That's right,
35 isn't it?
36 A. Yes, that's right.
37
38 Q. You provided Mr Aston with this information that
39 formed the basis of this article, didn't you?
40 A. I provided some information, but I didn't provide any
41 documents.
42
43 Q. Did you provide him with the incident report?
44 A. No, I didn't.
45
46 MS FURNESS: Q. Mr Grimshaw, did you provide Mr Aston
47 with the play history that's shown in the paragraph in that

1 report?
2 A. No, I didn't.
3
4 MR WIGNEY: Q. When you gave information to Mr Aston to
5 assist him in relation to this article, did he tell you
6 that he had an incident report?
7 A. No, he didn't.
8
9 Q. Did he tell you that he had specific figures in
10 relation to this incident?
11 A. He just told me that he had information on it and he'd
12 spoken to the woman.
13
14 Q. You provided him with no documents?
15 A. No documents.
16
17 Q. Can you go to the texts, please, sequence 4595. This
18 is a text sent by you to your partner's phone, 10 December
19 2011 at 1.49pm in the afternoon and what you say there is:
20
21 *From Heath ...Schmitt pointedly told me*
22 *that I was probably getting my leaks from a*
23 *disgruntled ex employee. I told him he*
24 *hasn't got a clue. This yarn will sting.*
25
26 Do you see that?
27 A. Yes, I do.
28
29 Q. The way to read this text is this, isn't it,
30 Mr Grimshaw, that the words "From Heath" was the part of
31 the text that you sent to your partner, and the balance was
32 you forwarding a text message that you had received from
33 Heath - that's Heath Aston - correct?
34 A. I put the words in "From Heath" and the rest was
35 Heath's text, yes.
36
37 Q. To you; right?
38 A. Yes.
39
40 Q. And the reference to Schmitt, you know, don't you,
41 that Mr Schmitt was the person who effectively replaced you
42 when you left your position at the casino; correct?
43 A. That's correct.
44
45 Q. Media and communications and the like; right?
46 A. Yes.
47

1 Q. Suggesting that what Mr Aston is telling you, that
2 Mr Schmitt, the media person at the casino, told him that
3 he - that is Mr Aston - was probably "getting my leaks from
4 a disgruntled ex-employee", and he goes on. That was
5 correct, wasn't it?
6 A. I have no idea.
7
8 Q. Mr Aston was getting his leaks from a disgruntled
9 ex-employee, you - right?
10 A. That's not correct. That's not correct.
11
12 Q. But you did give this information to Mr Aston?
13 A. I gave some information not the basis - not the guts
14 of it.
15
16 Q. And you were a disgruntled ex-employee, weren't you?
17 A. No, I wasn't a disgruntled ex-employee. I was a very
18 happy worker in the Premier's office.
19
20 Q. Mr Aston has used the word "leak" or "leaks" or
21 perhaps Mr Schmitt did, and that was right. It was a leak,
22 wasn't it?
23 A. He appears to have had a leak, not from me though.
24
25 Q. It was a leak of an incident report, wasn't it?
26 A. Well, I don't know if he got an incident report. He
27 spoke to the lady and he got some information there. He
28 may have had the incident report. He may have got some
29 information off another employee.
30
31 Q. Just while we have it, it doesn't take it much
32 further, but I will take you to it notwithstanding: go,
33 please, to sequence 4643. This is a text of 11 December
34 2011 at 2.44pm, and it is a text from your partner's phone
35 to you; right?
36 A. Yes.
37
38 Q. And it reads:
39
40 *Ash who reads paper from cover to cover,*
41 *knows every casino story. Thinks casino is*
42 *fucked. Loves the wok story.*
43
44 Obviously a reference to this story?
45 A. Yes.
46
47 Q. That is the story of 4 December, right?

1 A. Yes.
2
3 Q. The story that you fed to Mr Aston; right?
4 A. No.
5
6 Q. You fed it to Mr Aston at this time, didn't you,
7 because you knew the section 31 report was imminent and you
8 wanted damaging information to be in the media about the
9 casino; that's right, isn't it?
10 A. Absolutely not. Mr Aston was getting - had written
11 a few stories, he was clearly getting a lot of people
12 coming forward and giving him information. As you have
13 seen in the last month, there are a stack of people coming
14 forward and giving information about the casino. Once the
15 roll gets on, journalists get a lot of calls on those
16 stories. He was clearly getting a lot of information and
17 he was writing the stories. If anyone thinks that
18 I could - that a couple of stories would influence the
19 section 31 committee, I think it is crazy.
20
21 Q. Weren't you feeding teasers to the media?
22 A. I don't know what you are talking - what you mean.
23
24 Q. You don't know what the expression --
25 A. I know what a teaser is, but in what respect?
26
27 Q. Well, tell us, it is part of journalistic lingo, is it
28 not - a teaser?
29 A. I know what a teaser is.
30
31 Q. What is it?
32 A. It is a small part of a story, you know, "Here is
33 what's coming".
34
35 Q. Get people interested, a teaser?
36 A. Whatever.
37
38 Q. Is that right?
39 A. Yes.
40
41 Q. That's what you were doing, wasn't it?
42 A. No, I wasn't.
43
44 Q. Are you quite sure about that?
45 A. I'm sure you obviously have a text there which is
46 going to show a teaser, but, no, in general terms,
47 I wasn't.

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Q. Let me just read something to you, Mr Grimshaw. Just accept from me, for present purposes, that what I am reading from is the transcript of the evidence that you gave to Ms Furness back in March 2011?

A. Yes.

Q. Are you prepared to accept that?

A. Yes.

Q. I will just read the passage to you. I will read two passages. First, page 30, commencing at about line 18. I won't read the whole thing out, but what you said included the following:

I can go to the media and say that now and still protect myself by saying there's evidence before the licence review which details X prostitution and all those sorts of things which would raise awareness that it's out there and it's treated seriously.

I can certainly put in little teasers into the Sunday papers about Star City should be nervous now, there's some whistleblowers out there who have started unveiling what's really happening down there, but I didn't want to do that in case it warned them off and that wasn't suited to you.

Do you remember making that sort of statement to Ms Furness?

A. Not those words, but I accept it.

Q. And, again, over the page, page 31 line 25, this is you:

I certainly wouldn't say me, I would say - I can get a teaser into the Sunday papers saying, hey Star City should be nervous, there's whistleblowers out there.

And then you go on and say:

If I did, it would be a whistleblower, it wouldn't be my name. It would be evidence before the current review claims this

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And then you go on, right?

A. Yes.

Q. Teasers?

A. We were discussing where I took the information after I provided it to the section 31 committee.

Q. And that's what you did when you spoke to Mr Aston, you gave him a teaser, didn't you?

A. I gave a teaser right on, straight after I met Ms Furness, yes. We discussed that.

Q. What do you say to the suggestion that, in placing such teasers amongst your journalistic colleagues, you were seeking to or attempting to influence the outcome of the section 31 investigations?

A. I think it is absolutely ludicrous. I had been through four section 31 inquiries. Anyone who thinks that Ms Furness is going to be influenced by a couple of teasers or a story in the paper is crazy. She was not going to take any notice of those.

Q. I don't cavil with that notion, but what I am suggesting to you is, that was your intention?

A. No, I actually got an impression from my attendance at that hearing that that would be a reasonable way to go ahead, and I did.

MR WIGNEY: I am going to move on to a completely different topic. I am happy to go on, it is a matter for the staff as to whether they want to have a short break, or perhaps even Mr Grimshaw. I am certainly content to go on.

MS FURNESS: Perhaps we might have a 15-minute adjournment. It is 12.05. We will resume at 12.20.

SHORT ADJOURNMENT

MR WIGNEY: Q. I was just about to move on to a different topic, Mr Grimshaw, but I want to clarify one aspect of the evidence you gave this morning. I had taken you to a series of text messages. Putting aside the last two that I took you to - that is, the one which forwarded Mr Aston's text and the one that referred to the wok story, they were all texts from November of 2011, I think - is that right? Certainly none were later than November 2011?

1 A. I will take your word for it, sir.

2

3 Q. What I want to clarify is: in the course of your
4 evidence in relation to one or two of those text messages,
5 you referred to - again in very general terms - that
6 Mr Vaikunta wasn't treating your partner very well. Do you
7 recall giving evidence along those lines?

8 A. Correct, yes.

9

10 Q. I want to make it clear that this was in November.
11 This is before the sexual harassment allegations that took
12 place in December; right?

13 A. Yes, absolutely.

14

15 Q. I have asked you some questions about your knowledge
16 about the section 31 process, and I'm not going to ask you
17 any more questions in relation to that. But you knew that
18 the report was going to, in due course, be provided to
19 Mr Souris as the responsible minister, didn't you?

20 A. Yes.

21

22 Q. You have already agreed that Mr Souris was, would you
23 describe it, a close personal friend of yours?

24 A. Yes, he is.

25

26 Q. In late 2011, aside from close personal friends, how
27 would you describe your relationship with Mr Souris? How
28 long had you known him? When did you first meet?

29 A. We met when he was last - when I worked for Mr Baird
30 in the previous Liberal government more than 16 years ago.
31 He was Minister for Sport. We were Minister for the
32 Olympics. So we became close during the Olympic Games bid,
33 and we have remained very good friends since.

34

35 Q. Notwithstanding that you first met him in a work
36 context, a professional context, your relationship with him
37 extended beyond that and became a close friendship?

38 A. We have developed a good personal friendship, yes.

39

40 Q. In the later part of 2011, how frequently would you
41 see Mr Souris? Let's just narrow it down
42 to November/December 2011?

43 A. Well, I would see him when parliament was sitting, but
44 not to go and speak to regularly or anything like that, but
45 we would stop and chat and say hello. When you are in
46 parliament, you see ministers all the time. When
47 parliament is not sitting, he generally went back to his

1 electorate.

2

3 Q. So to the extent that you would see him, it was
4 principally in a professional or work setting; is that
5 right?

6 A. In a work scene, but that's only since I have been in
7 government. Before, when I was in the casino, we would go
8 to shows and dinner et cetera.

9

10 Q. I'm dealing with late 2011.

11 A. Yes.

12

13 Q. What I'm seeking to get to is whether, during that
14 period, your contact with him was in a strictly
15 professional or work context, notwithstanding your
16 relationship, or whether you used to meet with him and talk
17 with him separately, just on a personal level?

18 A. Normally, we - the most contact I had with him during
19 that period was just friendly banter in the corridors of
20 parliament.

21

22 Q. Did you, in your position by this stage, have any
23 cause to contact or discuss with him in relation to any
24 matters relating to the casino?

25 A. No.

26

27 Q. Was your relationship with Mr Souris such that, to
28 your knowledge, he was aware of the circumstances in which
29 you had left the casino?

30 A. Well, I think he knew that I had left the casino and
31 got a redundancy and had joined the government.

32

33 Q. He knew that you had worked for the casino for a long
34 time?

35 A. Yes.

36

37 Q. And that you had left there immediately before,
38 essentially, you started to work for, originally, the
39 opposition and then the government?

40 A. Yes.

41

42 Q. And he knew something about the circumstances in which
43 your employment ended?

44 A. I'm not sure what he knew.

45

46 Q. Did you tell him?

47 A. Look, I probably discussed it with him at some stage,

1 but not in any great detail. I'm sure I said to him that
2 I've left the casino, I've got a redundancy and I'm going
3 to rejoin the government.
4

5 Q. Did you tell him, to the best of your recollection,
6 anything which, in your view, would have led him to
7 conclude that the ending of your employment with the casino
8 was an unhappy ending?

9 A. Not that I recall.
10

11 Q. An acrimonious ending?

12 A. It wasn't an acrimonious ending, so I doubt he would
13 think that.
14

15 Q. Did you, in the latter part of 2011, have any cause to
16 discuss with Mr Souris your views in relation to the
17 management of the casino that you have articulated today?

18 A. No.
19

20 Q. Do you say you never did?

21 A. I certainly don't recall it.
22

23 Q. I just want you to be clear: I'm not suggesting there
24 is anything wrong about this, I am simply asking for the
25 facts?

26 A. I simply don't recall ever doing it. Mr Souris was
27 quite supportive of the casino.
28

29 Q. Two very minor points before we go on to another topic
30 again. Firstly, do you recall any event during 2011 where
31 you provided some form of support for Mr Souris?

32 A. Yes.
33

34 Q. What was that?

35 A. Well, it was a personal problem that he had in terms
36 of politics. I would certainly rather not discuss it.
37

38 Q. Perhaps we will come back to that. Secondly, again,
39 focusing on the period towards the end of 2011, you were
40 familiar with, or you knew, Mr Souris's media adviser,
41 Mr Norm Lipson, did you not?

42 A. Yes.
43

44 Q. How would you describe your relationship with him?

45 A. He is one of my best friends in government.
46

47 Q. Known him for many years?

1 A. Met him when I was 17, so that's quite a few years.
2
3 Q. Many years?
4 A. Many.
5
6 Q. Worked with him?
7 A. Worked with him at the Telegraph in my first job.
8
9 Q. Again, I want to make clear, I am not suggesting there
10 would be anything wrong with this if it in fact occurred,
11 but do you recall in the latter part of 2011 having any
12 cause to discuss with Mr Lipson your views about the casino
13 and its senior management - again that you have articulated
14 today?
15 A. Maybe in passing but not to any extent.
16
17 Q. What do you mean by "in passing" - focus on your
18 actual recollection. Do you recall?
19 A. No, I don't recall specific conversations.
20
21 Q. You knew he was the media or communications --
22 A. Yes, I dealt with him every day. He was in my cluster
23 of press secretaries who I deal with, but, you know, we
24 deal with a lot of issues, and there were very few casino
25 issues, so it didn't come up.
26
27 Q. So if you did raise anything with him in relation to
28 your views about the casino, it was just in passing: you
29 certainly didn't sit down and give him a haranguing about
30 your views - is that what you say?
31 A. Correct.
32
33 Q. I just want to move on to a completely new topic.
34 That involves the events of early December 2011. Again,
35 mindful of what you heard me say in relation to matters of
36 identities, your partner told you in early December -
37 again, just putting it in general terms - of an incident
38 that occurred at a work function that she was at, that
39 concerned Mr Vaikunta?
40 A. Yes.
41
42 Q. Again, without providing any specific details, she
43 told you - I'm not suggesting these are her words in
44 particular - that Mr Vaikunta had made some unwelcome
45 sexual comments or unwelcome comments of a sexual nature to
46 her?
47 A. Yes.

1
2 Q. She was upset and angry in relation to those comments?
3 A. Yes.
4
5 Q. It would be fair to say that you, perhaps
6 understandably, were concerned for her?
7 A. Very much so.
8
9 Q. Concerned about her?
10 A. Very much so.
11
12 Q. And about her position?
13 A. Yes.
14
15 Q. That she found herself in as a result of this?
16 A. Correct.
17
18 Q. Again, around about this time - so we are talking, in
19 general terms, in early December 2011 - was it the
20 situation again that your partner told you that another
21 employee of The Star had told her - that is, your partner -
22 of another incident involving Mr Vaikunta?
23 A. Yes.
24
25 Q. Again, without going into any details, and not
26 suggesting that these are the precise words that your
27 partner told you, she told you something to the effect that
28 the other woman had told her - that is, your partner - that
29 Mr Vaikunta had made unwelcome sexual advances to her?
30 A. Yes.
31
32 Q. Again, at a work function in the evening?
33 A. Yes.
34
35 Q. But - again, I'm not asking for you to tell us the
36 details today - is it the situation that your partner did
37 give you some more details about the particular nature of
38 what the other complainant, complainant number 1, had told
39 her about Mr Vaikunta's actions?
40 A. Yes, in a personal discussion.
41
42 Q. It was a personal discussion, but she gave you some
43 specific details about the allegations that complainant 1
44 had made; is that fair?
45 A. Yes.
46
47 Q. Did, again, your partner tell you, over the following

1 days in early December, that both she and the other
2 complainant, complainant 1, had ultimately made formal
3 complaints to The Star management about the actions of
4 Mr Vaikunta?

5 A. So my partner did not make a complaint; she reported
6 it, but said she wanted to take it up herself with
7 Mr Vaikunta and not make a formal complaint.

8

9 Q. That's what she told you in relation to her
10 allegations?

11 A. Into her case, yes.

12

13 Q. In relation to the other complainant?

14 A. In the other case, she interviewed the girl as part of
15 her role and went back and advised more senior people and
16 they made a formal complaint and rolled my partner's
17 complaint in with the other one.

18

19 Q. So your partner told you, again, without going into
20 details, that complainant 1 had ultimately made a formal
21 complaint about Mr Vaikunta's actions?

22 A. Yes.

23

24 Q. May we take it that over the following weeks - that
25 is, after your partner had told you about both of these
26 allegations, both hers and complainant's 1's - you were in
27 pretty regular contact with your partner?

28 A. Of course.

29

30 Q. Obviously telephone, text and other forms of
31 communication?

32 A. Yes.

33

34 Q. On many of those occasions, you would agree that you
35 and your partner discussed and communicated about your
36 partner's allegations?

37 A. Yes.

38

39 Q. What was happening in relation to them?

40 A. Yes.

41

42 Q. And complainant 1's complaint and what was happening
43 in relation to her complaint?

44 A. For a short time, yes.

45

46 Q. Again, just putting it in general terms at the moment,
47 you and your partner discussed developments in the

1 investigation by people at The Star into those two sets of
2 allegations?

3 A. Yes.

4

5 Q. You also frequently discussed your respective views
6 about the investigation that was being conducted by The
7 Star?

8 A. Yes.

9

10 Q. I am going to take you to some specific communications
11 shortly, but it is fair to say, is it not, Mr Grimshaw,
12 that your partner told you that she believed that the
13 investigation by people at The Star into the allegations
14 was taking too long?

15 A. Yes.

16

17 Q. And she told you that she believed there would be
18 a cover-up and management wouldn't act against Mr Vaikunta?

19 A. Well, she had concerns that that could happen.

20

21 Q. She told you about those concerns?

22 A. Yes.

23

24 Q. And she, again, putting it in general terms for the
25 moment, told you that she had concerns about some of the
26 people who were involved in the investigation from The
27 Star's end?

28 A. Yes. She felt it should be an independent
29 investigation conducted by an outside company, rather than
30 people who worked with Sid.

31

32 Q. In that context - and again I'm putting it in general
33 terms and I am going to take to you some specific
34 communication shortly - do you agree that again
35 during December 2011 and, indeed, into January 2012, you
36 and your partner discussed things that could be done to put
37 pressure on management of The Star to pursue these
38 investigations?

39 A. We discussed but didn't proceed with them.

40

41 Q. You agree that you discussed them?

42 A. I agree we discussed them.

43

44 Q. You discussed, for example, didn't you, whether
45 someone should contact the chairman, Mr Story, directly and
46 tell him about the complaints?

47 A. Yes.

1
2 Q. And you discussed if that was done - that is, if
3 Mr Story was contacted - what should be said to him?
4 A. Yes.
5
6 Q. And you, would it be fair to say, gave your partner
7 your views and advice about what should be said to Mr Story
8 if he was contacted?
9 A. If he was contacted, but he wasn't ever - he wasn't
10 contacted.
11
12 Q. Did you discuss whether someone should contact other
13 non-executive board members of Echo Entertainment in
14 relation to these investigations that were continuing?
15 A. I think so, but I don't recall the conversation.
16
17 Q. Did you discuss whether information about the
18 complaints should be leaked to the media?
19 A. Yes, we did discuss it, and had that information for
20 seven weeks and not a word leaked to the media.
21
22 Q. Again --
23 A. Again, we didn't proceed with it.
24
25 Q. -- did you discuss whether you should speak with
26 Mr Souris about the complaints?
27 A. Yes, we did discuss it, and, again, that was not
28 something that we wanted to proceed with.
29
30 Q. Let me take you to some text messages, please. Can
31 I take you firstly, please, to sequence commencing at 4749.
32 A. Yes.
33
34 Q. The first text, which is at sequence 4749, is a text
35 that you sent to your partner on 13 December 2011, at
36 2.25pm?
37 A. Yes.
38
39 Q. I'm not going to read this out. It contains,
40 obviously, a mobile phone number; is that right?
41 A. Yes.
42
43 Q. If you go to the next sequence, 4750, about three
44 minutes later, still on 13 December 2011, again, a text
45 from you to your partner, "I reckon he should start with...
46 'Hi I'm xxxx and my partner was sexually assaulted by sv
47 last week'. Makes it hard for him to reject the call"; do

1 you see that?
2 A. Yes, I do.
3
4 Q. Could you just accept from me for present purposes
5 that information available to the inquiry suggests that
6 that text number, at sequence 4749, is the mobile phone
7 number of Mr John Story, the chairman; do you accept that?
8 A. Yes.
9
10 Q. And what you are discussing is what someone should say
11 to Mr Story if they contacted him; right?
12 A. If we proceeded with it, yes.
13
14 Q. And it says, "I reckon he should start with" - and
15 then there is a quote. Who was the "he"?
16 A. There was no "he". It was in case - it was whoever we
17 asked to do it. I felt it would be totally inappropriate
18 for me to do it, because if I made a call to Mr Story it
19 would be seen as political interference. So if we got
20 someone else to do it, someone could say that. In the end,
21 once again, it was something we discussed; never happened.
22
23 Q. And the suggestion as to what should be said to
24 Mr Story, "Hi, I'm" - blank - "and my partner was sexually
25 assaulted by SV last week" - is that, as you recall it,
26 relating to your partner's complaint, or --
27 A. Yes.
28
29 Q. -- complainant 1's complaint?
30 A. No, my partner's.
31
32 Q. "Sexually assaulted"?
33 A. Well, obviously it should be "sexually harassed".
34
35 Q. Again, putting it in general terms, and mindful of
36 preserving identities, your partner was still married at
37 this time; is that right?
38 A. Yes, but had been separated for more than two years.
39
40 Q. But still on good terms?
41 A. Still on good terms, reasonable terms, yes.
42
43 Q. With her husband?
44 A. Yes.
45
46 Q. Her estranged husband, if I can say that?
47 A. Yes.

1
2 Q. Was there a suggestion that you can recall, at any
3 time, that he wanted to or would contact Mr Story?
4 A. Not that I know of, but - I'm not aware of any
5 discussion.
6
7 Q. As best you recall it, the "he" there is not your
8 partner's estranged husband?
9 A. Not that I'm aware of.
10
11 Q. This is 13 December 2011, right?
12 A. Yes.
13
14 Q. Again, without getting into the specifics of the
15 dates, you are aware, aren't you, that the complaints had
16 effectively only been made to the management of The Star on
17 12 December; right?
18 A. Well, I will accept your word for it. I don't know
19 the dates as well as you do.
20
21 Q. So this is one day later?
22 A. I think the concern at that stage was that it wasn't -
23 the investigation was being conducted by Louise Marshall
24 and Larry Mullin, both who were very close to Sid, and we
25 were concerned that it may not be a fair investigation
26 unless someone like someone from the board or someone
27 higher became involved.
28
29 Q. You see, the point is that, by this stage, the
30 investigation had only been made for a day: how could you
31 have formed an adverse view about it by that stage?
32 A. Look, my understanding is that that may be the formal
33 investigation. My recollection - and I stand to be
34 corrected - is that soon after it happened and the report
35 was made, an investigation started. The chief investigator
36 came back to my partner and said, "This is an open and shut
37 case it will be finished" --
38
39 Q. Hang on, let me stop you. We will take it one step at
40 a time. That's obviously something that happened some time
41 after 13 December?
42 A. No, this happened before, straight after she reported
43 the incident. My partner was under the impression this
44 could be resolved within a matter of days, probably in that
45 week beginning 13/12, and so she was - she had been
46 basically assured by the investigator that it would be
47 wrapped up in a couple of days because it was such

1 a clear-cut case and then a new investigation was started
2 up the next week, headed up by two people who were very
3 close to Mr Vaikunta.
4

5 Q. But, even putting aside the date upon which the formal
6 complaints were made and the investigation commenced, these
7 events had only happened some matter of days beforehand,
8 hadn't they?

9 A. And I think the investigator was of the view he had
10 gathered enough evidence to find that the complaints would
11 be sustained within that period of time.
12

13 Q. You see, the point of my question is why, in that
14 context, having regard to the very early stage of the
15 investigation, having regard to the positive statements
16 about the outcome that you say had been made, are you and
17 your partner discussing the possibility that Mr Story would
18 be contacted?

19 A. Well, my understanding is that Mr Story wasn't even
20 aware of it at this stage and instead there was going to be
21 an inquiry set up headed by Mr Vaikunta's best friend and
22 Louise Marshall.
23

24 Q. How did you know, as at 13 December, whether or not
25 Mr Story had been contacted?

26 A. I think Louise Marshall told my partner that.
27

28 Q. What, in the day or so since things had started?

29 A. I think so, yes.
30

31 Q. You are providing Mr Story's mobile phone number;
32 right?

33 A. Yes.
34

35 Q. Where did you get that from?

36 A. I used to work there. I have lots of numbers.
37

38 Q. Why did you provide it?

39 A. Well, my partner asked for it.
40

41 Q. Do you do everything your partner asks you for?

42 A. I do a lot.
43

44 Q. Why did you provide it?

45 A. In case she wanted to proceed with the call. I don't
46 see anything wrong with someone ringing the chairman after
47 being sexually harassed. I think she had the best case in

1 the world. It is the most destroying thing you could have
2 happen to you, and she wasn't allowed to ring the chairman?
3 As it happened she didn't do it, but I would give her full
4 marks if she wanted to call.

5
6 Q. Let me take you to some more texts. Please go to
7 sequence 4852. This is a sequence of text messages that
8 occurred within the space of, say, 20 minutes, commencing
9 at 10.07am on 15 December 2011 - do you see that?

10 A. Yes.

11
12 Q. It starts with a text message from your partner to you
13 I'll read it all out and I'll come back to them. "Babe,
14 can't stand Lou. She is awful to me." Your response,
15 "How fucked is that, I hate her too." Her response, "So
16 fucked. She told Larry as if Sid doesn't know." Your
17 response, "What a fucking snake. Watch the bullshit
18 campaign begin now." I won't read the next because it
19 seems to be a draft. Your response, "Someone needs to call
20 the chairman now." Your partner's response sequence 4858,
21 12 December 2011, 1029; "Yep"; right?

22 A. Yes.

23
24 Q. You're suggesting that someone needs to call the
25 chairman; right?

26 A. Yes.

27
28 Q. In circumstances where you were told that Mr Mullin
29 had been told; right?

30 A. Yes.

31
32 Q. Why are you suggesting that the chairman should be
33 contacted?

34 A. I'm going to stick up for my partner all the way
35 through. If she is in a position where the investigation
36 is not being conducted properly and that she's worried
37 about the outcome and it's not going to be a fair one, then
38 I'm going to do anything I can for her.

39
40 Q. This is 15 December 2011. Just accept from me for
41 present purposes that the formal complaints, or at least
42 complaint one in particular, were at 12 December 2011 no
43 earlier; are you prepared to accept that?

44 A. Her complaint goes back to about the 10th.

45
46 Q. No, the date upon which her complaint, your partner's
47 complaint, was communicated to management, senior

1 management, was 12 December 2011. Are you prepared to
2 accept that?

3 A. Well, no, I think the investigation began in the week
4 before that one by Mr Houlihan and that then it was - I'm
5 sorry to frustrate you, and then another investigation team
6 was set up on the 12th.

7
8 Q. Accepting your evidence then for the moment, just say
9 that is right and the investigation had commenced a week
10 earlier than the 15th - say the 8th; right?

11 A. Yes.

12
13 Q. What possible basis did you have to conclude that the
14 investigation was not proceeding fairly or properly?

15 A. Once again, I repeat it was indicated to us -
16 indicated to my partner originally that it would be all
17 over in a couple of days the evidence was so clear-cut.
18 Now, not only was it going into another week - as it turns
19 out, it ran into several weeks - the feedback and the
20 response to my partner was changing. There was no
21 sympathy. There were no calls being made to her. Suddenly
22 the whole thing was turning around and we had a feeling
23 that we were not going to get a fair outcome.

24
25 Q. So the basis upon which you say that you believed that
26 the investigation was not proceeding properly or fairly at
27 this stage was that your partner had thought it would be
28 all over and done with by this stage; that's within a week?

29 A. She was told it would be.

30
31 Q. She was getting no sympathy, no calls and she believed
32 the whole thing was turning around; right?

33 A. She was concerned it was, yes.

34
35 Q. But again, what concrete information did you have to
36 suggest that the inquiry wasn't proceeding entirely
37 properly?

38 A. Well, as I said before, the chief investigator had
39 made it so clear to my partner. He'd actually had a bet
40 with her saying, "I promise you I'll buy you a dinner if
41 this doesn't happen." He was so convinced that this was
42 going to be finished in a couple of days, and then suddenly
43 the total attitude of the company changed.

44
45 Q. You didn't know whether or not Mr Story had been told
46 about it at this stage, did you?

47 A. I didn't know then, but earlier on when I - my

1 recollection is that Ms Marshall told my partner that he
2 hadn't been told.
3
4 Q. When earlier on?
5 A. Was it the start of that week?
6
7 Q. The 12th?
8 A. Yes, the 12th.
9
10 Q. By the 15th, you didn't know whether or not Mr Story
11 had been told, did you?
12 A. No, I didn't, but I don't see a problem with Mr Story
13 still being called, no. My partner had been sexually
14 harassed. What is wrong with ringing the chairman, who is
15 there to represent the company, and saying, "Hey, I'm
16 really concerned about what has happened not only to me but
17 to another girl and I want to make sure that the process
18 will be good here"?
19
20 Q. Would it not have been better to simply let the
21 investigation take its own course?
22 A. That's what we ended up doing. We'd talked about so
23 many things --
24
25 Q. Answer my question, please. As at 15 December 2011,
26 would it not have been better just to let the investigation
27 take its own course?
28 A. Yes, and we did.
29
30 Q. But it would have been better to just let it take its
31 own course; right?
32 A. Yes, and we did.
33
34 Q. If Mr Story was to be contacted, he should have been
35 contacted by those who are investigating and dealing with
36 the complaint; you would agree with that proposition, won't
37 you?
38 A. No, I don't think someone who has been sexually
39 harassed should be banned from calling the chairman of the
40 company and expressing that opinion.
41
42 Q. I'm not suggesting that they should be banned. I'm
43 suggesting that would be the better course for the people
44 that were conducting the investigation to do that.
45 A. My partner had gone through the other people who were
46 conducting the investigation every day and she wasn't
47 getting the satisfaction that she wanted from them.

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Q. Within a week of the investigation commencing?

A. Well, a week is a long time after something like this happens, and it was also two weeks since the incident happened. It is a most traumatic thing. It puts you through so much stress. She is still suffering major anxiety, and again I think the sympathy for the victim in this whole issue has been thrown out the window.

Q. By whom?

A. I don't think there has been any sympathy for the victims. My partner has been harassed. There have been tapes about her. There has been everything about her. My partner has had no sympathy throughout this whole thing. I'm sorry, but that's the --

Q. We will come back to it. Sequence 5058, please. This is a series of texts commencing on 19 September 2011. It commences at 7.09am with a text from your partner to you; do you see that?

A. Yes.

Q. I'll read the entire exchange. It occurs over the space of two minutes, "I have no confidence about today." Your response, "Me either. They should all sit there and think how they'd feel if the pig did that to their partner." Then your partner's response, "I will personally call John Story if nothing happens." Again, you didn't know by this stage - that is 19 December - whether Mr Story had been contacted, did you?

A. No, I didn't know, but I still don't see a problem with someone who has been sexually harassed calling the chairman and asking what's going on with the inquiry.

Q. You say that. We understand. My question was you didn't know whether or not Mr Story had been?

A. No, I didn't know but I don't think it should --

Q. So, for all you know, if either you or your partner contacted Mr Story, he may well have said, "Yes, I've been fully briefed about that"?

A. He may well have and that might have been so, but I still think there is nothing wrong with the victim ringing the chairman and saying, "Hey, I'm concerned about this inquiry. What can you tell me about it?"

Q. Is that opinion that you have expressed informed by

1 your extensive media experience or political experience or
2 what? What was the basis for that?

3 A. My experience for loving my partner.
4

5 Q. Your partner has referred to "no confidence about
6 today"; do you know what she was referring to there.

7 A. I think at one stage there was an expectation that the
8 inquiry would be finished by then.
9

10 Q. You say this is still the expectation that arose as a
11 result of something the investigator said in the early
12 days?

13 A. No, I think that - no, I think Louise Marshall said to
14 my partner at one stage, "We're aiming for the conclusion
15 around the 19th."
16

17 Q. Does it assist your recollection to know that
18 19 December, according to information available to the
19 inquiry, was the date that Mr Vaikunta was formally
20 interviewed by those who were conducting the investigation?

21 A. Well, I didn't know that. I don't think my partner
22 knew what day they was being interviewed, so clearly they
23 were running behind schedule if that was the - I think our
24 expectation was the 19th because Louise had said to my
25 partner, "We hope - we're aiming for a finish on the 19th."
26

27 Q. Putting aside your partner's complaint for a moment,
28 I think to a certain extent the cat is out of the bag in
29 relation to this already as a result of some evidence that
30 you gave earlier, your partner had some involvement in the
31 area that was responsible for investigating these
32 complaints? Is that right, putting it in general terms?

33 A. Well, generally, yes.
34

35 Q. It's fair to say, isn't it, that she came into
36 possession of information in that context - that is as a
37 result of her position - relating to complainant 1's
38 allegations?

39 A. Yes.
40

41 Q. She told you about the nature and content of
42 complainant 1's allegations?

43 A. Yes.
44

45 Q. And she provided you throughout December and January
46 with updates about what was happening in relation to the
47 investigation of complainant 1's allegations; correct?

1 A. No. Once the casino ordered an investigation team to
2 be set up into it, my partner was told not to maintain
3 contact with complainant 1.
4

5 Q. Are you aware of when that happened?

6 A. No.
7

8 Q. If I suggest to you that when it was first
9 specifically put to your partner that she not speak with
10 complainant 1 was just before Christmas; would that refresh
11 your recollection?

12 A. I accept your word for it.
13

14 Q. If you could go, please, to the sequence of text
15 messages commencing at 5083. It's a series of messages
16 that commences again on 19 December 2011 at 3.17pm and
17 I think it proceeded over the following two hours. I will
18 read it out. Where the first complainant's name is
19 referred to, I'll simply say "complainant 1." So your
20 partner sent a text to you, "Complainant 1 just had the
21 update."
22

23 MS SHARP: I object to that question. If one has regard
24 to the information surrounding that, there is a question
25 about whether this was sent to --
26

27 MS FURNESS: It's a draft, Mr Wigney.
28

29 MR WIGNEY: I'm sorry, that's quite right.
30

31 Q. Very well, let's start with sequence 5085. This is a
32 text from you on 19 December 2011, 3.54pm. You
33 say, "Sounds like a tough old day. They will never get
34 these crooks. You need to get some money and take off."
35 Your partner's response, it seems sometime later, "Sorry to
36 go on. I know it must be getting real boring." Your
37 response to that text at 5.23pm on 19 December is:
38

39 *There's nothing boring about it. I just*
40 *want to help fix it, but I don't know what*
41 *is the right move.*
42

43 Can I ask you this, and the objection was properly taken in
44 relation to the first of the sequences: do you recall your
45 partner at about this time telling you, perhaps on a
46 telephone call, that she had received an update about
47 complainant 1's complaint and the investigation relating to

1 it?
2 A. No, I don't remember that.
3
4 Q. It's possible that that occurred?
5 A. Possible.
6
7 Q. In that series of messages that I just read to you,
8 you were expressing scepticism about the outcome of the
9 investigation; correct?
10 A. Correct.
11
12 Q. That you didn't know the right move; is that right?
13 A. Yes.
14
15 Q. Again, can I suggest to you that, as at this stage, on
16 any view within two weeks of the commencement of the
17 investigation, you had no proper basis to form the view
18 that this investigation was not being proceeded with
19 properly and as expeditiously as was possible in the
20 circumstances?
21 A. My view was we were told early on in the piece that it
22 would be resolved in a couple of days. Then my
23 recollection is we were told the next aim - they were next
24 aiming for a conclusion on 19 December. Clearly from this,
25 it didn't get resolved on 19 December, so we saw it as
26 another setback and another reason to worry that it wasn't
27 going to come up with a fair outcome.
28
29 Q. Is this a fair proposition; your basis upon which you
30 were expressing scepticism had nothing more as a basis than
31 the delays that you perceived were happening with the
32 investigation?
33 A. We were concerned about the delays and also the change
34 in attitude towards my partner.
35
36 Q. What are you talking about there?
37 A. As I said earlier, there was no sympathy. There were
38 no calls. There was nothing to try and see if she was
39 okay. In fact the calls that she was making were not - you
40 know, were normally acrimonious, to the point where, at one
41 stage, she rang Ms Marshall, thought she was getting an
42 update on how things were going and found out she was on
43 speaker-phone and the lawyer was taking notes. I mean that
44 was --
45
46 Q. I'll come back to that specific issue in a moment. So
47 two things that informed your scepticism, delay and that

1 you considered that your partner wasn't being given updates
2 and being dealt with with any great sympathy?

3 A. And the attitudes, and the attitudes, yes.

4

5 Q. But apart from that, you had absolutely no knowledge,
6 did you, as to exactly what the investigation team were
7 doing?

8 A. I didn't.

9

10 Q. For all you knew, they were out there formally
11 interviewing anyone who was a potential witness who might
12 be able to back up your partner's claim; that's right,
13 isn't it?

14 A. It may be right, but the view early on was there was
15 no need for any of this; it was so clear-cut.

16

17 MR WIGNEY: I note the time, Ms Furness.

18

19 MS FURNESS: We will adjourn and resume at 2pm.

20

21 **LUNCHEON ADJOURNMENT**

22

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1 UPON RESUMPTION:

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3 MR WIGNEY: Q. Mr Grimshaw, I was taking you through
4 these text messages, and if I could just take you to
5 a couple more on this topic, please. Could I ask you to
6 turn to the series of texts commencing at sequence 5125,
7 20 December 2011, commencing at 11.42am. Do you have that
8 page up?

9 A. Yes.

10
11 Q. I think the first text message in that series is
12 a text from your partner to you, as I have said, at
13 11.42am. What your partner says is, "Hey, do you think
14 they'll move him to Jupiters to do their rebuild? How
15 fucked would that be... I think there needs to be media
16 pressure", and then your partner followed that up with
17 a text message some 11 or 12 minutes later, saying, "Mmmm,
18 I think it needs to happen before a decision is made.
19 That's what I bet's going to happen." Now, do you agree
20 that that appears to be your partner talking about the
21 possibility of The Star simply moving Mr Vaikunta to
22 Jupiters Casino as a response to this allegation?

23 A. Yes.

24
25 Q. And your partner says, "I think there needs to be
26 media pressure" and "it needs to happen before a decision
27 is made"; is that right?

28 A. That's what it says.

29
30 Q. There is then a series of intervening text messages,
31 5127 through to 5130. Even though they are intervening,
32 they seem to deal with entirely personal matters. Do you
33 agree?

34 A. Yes.

35
36 Q. But it seems that you pick up a response to your
37 partner's text dealing with media pressure at sequence
38 5131 - that is, still on 20 December 2011, at 12.45pm - and
39 you say:

40
41 *Stop thinking about it!!! If they do that,*
42 *I will tell the Queensland papers. It will*
43 *be huge. How can the board take the risk*
44 *of it happening again. Imagine the*
45 *liability.*

46
47 Now, I accept the evidence that you have already given,

1 that you did not in fact go to the media, but certainly you
2 were discussing the possibility of releasing this material
3 to the media, or information about the complaints to the
4 media, before a decision had been made in relation to the
5 complaints; correct?

6 A. I make no secret of the fact that we discussed taking
7 this to the media. In the end, seven weeks the inquiry
8 went, and not one word leaked to the media.

9

10 Q. And this is in the context where you, as you have
11 already agreed, had extensive contacts with the media and
12 extensive knowledge about dealings with the media?

13 A. Yes.

14

15 Q. Indeed, to be fair, if I can take you in that same
16 context to the text at sequence 5138, which is on the same
17 day, 20 December, at 3.04pm, this is a text from you to
18 your partner, right?

19 A. Yes.

20

21 Q. In fact, what you say is: "I am seriously sick about
22 it", "I just don't want to fuck it up either. A story
23 could make them say it's a plot by us to get him. Anyhow,
24 will do anything you want." Indeed, you there are
25 expressing concerns or reservations about going to the
26 media; is that right?

27 A. I had concerns about going to the media all the way
28 through. I thought it should go through its normal
29 process. It doesn't mean we didn't discuss it, but in the
30 end, we didn't do anything with it.

31

32 Q. So this is an example where you could see positive
33 disadvantages in going to the media?

34 A. Yes, of course.

35

36 Q. If I could then again ask you to go, please, to
37 sequence 5195, this is a series of text messages that
38 commence at 5.50pm on 21 December 2011, and it commences
39 with a text message from you to your partner where you say,
40 "I want to ring Story now". Again, that's a reference to
41 Mr Story?

42 A. Correct.

43

44 Q. You have already given evidence in relation to that,
45 and I am not going to ask you anything more about it. But
46 then the text sequence continues as follows, again,
47 omitting personal and irrelevant matters. Your partner

1 says, "What would you say to Story?", and your response is,
2 "Just what you said. How would you feel if it was your
3 wife, need an answer now or we will push you into it by
4 taking it to the media, and your partner's response, "Do
5 you think he will think that's a threat? Maybe we should
6 say when do you think it will be resolved... and then
7 whatever he says we can say that's unreasonable blah,
8 blah." Your response, "Would let him answer first. Then
9 say this is not good enough...we are off to the media."
10 Are you following?

11 A. Yes.

12
13 Q. Over the page, we are now up to 6.26 and your partner
14 says, "Let's do it tomorrow, because then you can say I had
15 another very bad night and whilst Lou explained the process
16 we are concerned at the time etc. He has to go honey. He
17 is such a pig." Your response to that email - again
18 omitting personal matters - "Will do it whenever you want"
19 and then the response, "If we both still feel like this
20 tomorrow, we should do it, but I don't want you to do
21 anything you don't want to do". So, again, you are
22 discussing the possibility of putting pressure on
23 management by releasing information to the media prior to
24 the investigation process having taken its course?

25 A. We discussed it and never did anything about it.

26
27 Q. On a slightly different topic, then, can I direct you
28 to the very next series of text messages, commencing with
29 sequence 5205. Again, still on 21 December 2011, and the
30 first text in that sequence is a text from you to your
31 partner, saying, "How about I tell George about Sid.
32 That's my job. Then he will ring Story." Do you see that?

33 A. Yes.

34
35 Q. I think we will continue and come back to it. Your
36 partner then says, "I want to keep you clean. Let's do it
37 all tomorrow morning" et cetera. Do you see that?

38 A. Yes.

39
40 Q. May we take it that the "George" that you refer to in
41 your text is George Souris?

42 A. Yes.

43
44 Q. Did you?

45 A. Of course not.

46
47 Q. When you say in that text, "How about I tell George

1 about Sid. That's my job", why did you perceive it to be
2 part of your job to tell Mr Souris, he being a friend of
3 yours but not someone for whom you worked?

4 A. So if I decided to take it formally, I could have seen
5 it as part of my role to take a formal approach.

6
7 Q. Sorry, just stopping there, take what formally?

8 A. The harassment allegations and make them formal, but,
9 as they were, they were personal allegations. They were
10 personal between my partner and me and, in the end, of
11 course, we didn't do it - didn't approach anyone on these
12 things.

13
14 MS FURNESS: Q. I'm sorry, I don't quite understand
15 that, Mr Grimshaw. What do you mean by "formal"?

16 A. So if I had taken it to George - if I had gone to
17 Mr Souris formally, and said, as someone from the Premier's
18 office, I wanted to raise this matter, then I would have
19 seen that as being something which I could justify as being
20 my job, as someone in the Premier's office reporting
21 a sexual harassment claim. However, this was a personal
22 thing, which I felt should totally have gone through the
23 normal process. So it was personal, I didn't want to talk
24 to anyone about it formally, and we had these discussions
25 every day. As you can see, we went on to a new avenue
26 every day. We added new thoughts. My partner was so
27 frustrated. We are now up to 21/12. We were hoping it
28 would all be resolved before Christmas. Clearly, it wasn't
29 going to be resolved before Christmas. She was suffering
30 massive anxiety. She was in a terrible way. We were
31 discussing and throwing up ideas every single day. The
32 bottom line is: we didn't go to the media; I didn't go to
33 any of the - I didn't go to the chairman; I didn't go to
34 anyone at Star; I didn't go to CLGCA; I didn't take it
35 anywhere formally. I just thought the process, in the end,
36 should go through its normal course, and that's exactly
37 what happened.

38
39 MR WIGNEY: Q. What do you mean by the process going
40 through its normal course?

41 A. In the end, the investigation was allowed to proceed
42 without any media stories, without me ringing the chairman,
43 without me going to CLGCA. It was allowed to go through
44 its normal course as a personal event affecting my partner,
45 and it went through its normal process and eventually,
46 after seven weeks, reached a conclusion.

47

1 Q. Putting it in a timing context, can you go to 5262,
2 please. There is a series of text messages on 23 December
3 2011, and I think, really, commencing with 5263, at 7.12am,
4 and this is I think your partner sending you a text saying
5 "Any story?", and your response is, "Herald... a little
6 piece on page 1 pointing to full story on page 3.
7 'Criminals are Star gamblers'. Not huge but good headline.
8 Page 7 in the Tele, 'Dark side of Star casino'. Again,
9 good headline, pretty big but the journo did a shit job and
10 it's hard to read." No doubt no offence to the Sydney
11 Morning Herald journalist. You continue, "There is still
12 plenty left in the report to do. Pity there is no Sunday
13 paper this week." Now, just pausing there, what you are
14 talking about there is the media reports that accompanied
15 the release of the section 31 report; is that right?

16 A. Yes.

17
18 Q. Then your partner says in the following text, "All
19 they need now is a sexual harassment scandal", and your
20 response, "Exactly. The best thing about these stories is
21 they put in the mind of the papers that it's not so perfect
22 as all". Your partner's response, at 7.48am on 23 December
23 2011, "I saw the Tele story...we could do much better than
24 that." So you are still contemplating leaking material to
25 the media in relation to the sexual harassment matters;
26 correct?

27 A. I read that as saying she saw the Tele story and we
28 could have written a better story than that.

29
30 Q. But, in any event, the reference to "All they need now
31 is a sexual harassment scandal" - again, this is
32 contemplating releasing that material to the media prior to
33 the investigation following its ordinary course?

34 A. Well, I wouldn't - no, I wouldn't necessarily agree
35 with that. I think it was saying that there has been - the
36 first stories are out there, which are outlining some of
37 the problems which exist at the casino, and at some stage,
38 it was inevitable that the sexual harassment story would
39 also come out.

40
41 Q. Can I take you, please, to sequence 5813. To put this
42 in context, as you were aware, there was no resolution or
43 decision in relation to the sexual harassment complaints
44 prior to Christmas; is that right?

45 A. Correct.

46
47 Q. So we are now into the new year and this series of

1 text messages commences on 5 January 2012 at 7.10pm. It's
2 a text from you to your partner in which you say:

3
4 *Hmm, some of the stuff is "not*
5 *recalled'"but may have been said. I reckon*
6 *it suggests it was said but he needs to*
7 *know if there are any witnesses. Stewart*
8 *will be the key to that. They are fuckers,*
9 *especially Kevin.*

10
11 The reference to Kevin is one of the investigators at The
12 Star; is that right?

13 A. That's right.

14
15 Q. Again, no criticism intended here, Mr Grimshaw, but
16 what this is referring to is this, is it not: your partner
17 has sent to you an email from her work which outlined to
18 her - that is your partner - what Mr Vaikunta's response
19 was to her allegations?

20 A. Yes.

21
22 Q. So when you talk about some of this stuff is "not
23 recalled", you're commenting specifically about the content
24 of that email which recorded, Mr Vaikunta's responses to
25 the complaints?

26 A. Yes.

27
28 Q. Did you do anything with that email?

29 A. Yes. My partner asked me to help draft a response to
30 Mr Vaikunta's comments and so I helped draft some responses
31 and gave them to my partner.

32
33 Q. Did you forward the email that your partner had
34 forwarded you which contained Mr Vaikunta's responses to
35 anyone else?

36 A. No, not that I'm aware of.

37
38 Q. Are you sure about that?

39 A. Well, not that I'm aware of.

40
41 Q. Would you go over, please to, 5818, that's the next
42 page. There's a text there on the same day, 5 January
43 2012, 7.48pm, a text from you to your partner. I won't
44 read out the first word. It's a nickname of someone you
45 know; correct?

46 A. Yes.

47

1 Q. Is that person a former senior manager at Star City?
2 A. Yes.

3
4 Q. What you then say is, by reference to that nickname:
5
6 *... thought the same as me on those*
7 *answers. You'd expect him to deny it all,*
8 *but he didn't. Shows it happened. If*
9 *[complainant 1] can get a similar email, it*
10 *would be gold.*

11
12 Do you see that?

13 A. Yes.

14
15 Q. That indicates to you, doesn't it, that you forwarded
16 the email that that had been forwarded to you by your
17 partner containing Mr Vaikunta's responses on to a former
18 senior manager at Star City?

19 A. I did not pass the email on. I spoke to him on the
20 phone.

21
22 Q. And you told him the substance of what
23 Mr Vaikunta's --

24 A. I told him that the responses from Mr Vaikunta were
25 not denying what had happened simply that he couldn't
26 remember them.

27
28 Q. Why did you do that? Why did you communicate that
29 piece of information to a former senior manager of Star
30 City?

31 A. He's a friend of mine and he rang up to find out how
32 my partner was.

33
34 Q. Can I take you to a slightly different topic at 5839.
35 We are on the following day now, 6 January 2012 and at
36 8.05am, you sent your partner a text, which reads as
37 follows:

38
39 *Morning, sweet. Woke to a text from Barry*
40 *(who went to Annie last night) saying ...*
41 *heard some great goss about Sid Vicious*
42 *last night ...*

43
44 Then you continue; do you see that?

45 A. Yes.

46
47 Q. May we take it that the reference to "Barry" is a

1 reference to the Premier, Mr O'Farrell?
2 A. Yes.
3
4 Q. May we take it that since the former member of the Sex
5 Pistols died in 1979 that the reference to "Sid Vicious" is
6 in fact to Mr Vaikunta?
7 A. Yes.
8
9 Q. I think you followed up that text with a text some
10 minutes later, eight minutes later saying:
11
12 *He didn't say, but the fact he heard*
13 *something at Star is interesting. Will*
14 *find out what they are saying ...*
15
16 Et cetera. Do you see that?
17 A. Yes.
18
19 Q. What this is all about is that you, as is fairly
20 obvious, received a text message from the Premier referring
21 to some gossip that he heard having attended a performance
22 of Annie, which was a play or musical that was running at
23 the casino at that time; is that right?
24 A. Yes.
25
26 Q. And that gossip concerned Mr Vaikunta; right?
27 A. Yes.
28
29 Q. With your follow-up text - that's the one at 8.13am
30 where you say "He didn't say" - may we take it that there
31 may well have been some other communication between
32 yourself and your partner between 8.05am and 8.13am?
33 A. It appears so, but I don't remember that.
34
35 Q. Where she asked perhaps what was the substance of the
36 gossip?
37 A. Yes, it may. It would appear so, yes.
38
39 Q. You responded, "He didn't say." May we take it from
40 that, and you tell us if we're wrong, that the gossip that
41 Mr O'Farrell had heard was nothing more specific than is
42 indicated there?
43 A. Correct.
44
45 Q. Did you discuss this with Mr O'Farrell?
46 A. No.
47

1 Q. So when you say "He didn't say", he didn't say in the
2 text that was sent to you?

3 A. Correct.
4

5 Q. That's not something you sought to take up with
6 Mr O'Farrell?

7 A. Absolutely not. He's not into gossip and there was no
8 way I would have asked him.
9

10 Q. May we take it from that, and you correct me if I'm
11 wrong, are you saying that at no stage did you tell the
12 Premier about any of these allegations?

13 A. Correct until - well, not at any stage, but until
14 announced after December 2 and I didn't tell him about my
15 partner until February.
16

17 MS FURNESS: Q. Mr Grimshaw, the fact that there are
18 three dots before, "heard some great goss", does that
19 indicate that you forwarded to your partner the part of the
20 text that read, "Heard some great goss about Sid Vicious
21 last night"?

22 A. No, I think that's just me.
23

24 Q. Is that your language or the Premier's language?

25 A. That's my language.
26

27 MR WIGNEY: Q. That is the nickname Sid Vicious?

28 A. Sorry, I think we're talking about different things
29 are we?
30

31 Q. I think what Ms Furness was asking you about was if
32 you have a look at that text --

33 A. Yes, oh, yes, that was definitely my language, yes
34 definitely.
35

36 Q. "Heard some great goss about Sid Vicious". You came
37 up with the nickname Sid Vicious?

38 A. That's mine. As I said earlier on, I'm a nicknamer
39 but I'm probably reformed by now.
40

41 Q. Can I take you, please, to the text sequence 5981,
42 9 January 2012 at 7.25 in the morning. It's a text from
43 you to your partner where you say:
44

45 *I know what I was going to say. They are*
46 *trying to find breaches of confidentiality.*
47 *I reckon you say have two roles. One as*

1 *the victim where you have to tell people*
2 *and one as HR boss where you are not*
3 *telling people. Also Norm reckons*
4 *[complainant 1] should lay a police*
5 *complaint. That would sew it up. She does*
6 *not have to proceed with it, but it's*
7 *strong if police are involved. I know she*
8 *probably doesn't want to, but just a*
9 *thought.*

10
11 Again, without going into it in detail, may we take it that
12 in relation to the first part of that text you apprehended
13 at this stage - that is at 9 January - that The Star might
14 think that your partner was breaching confidentiality in
15 some way?

16 A. I think this was brought up in some discussions she
17 had with them.

18
19 Q. Was that in the context of her sharing information
20 with people in relation to complainant 1's allegations?

21 A. No. I think it was in relation to sharing information
22 with me and they weren't aware that we were partners.

23
24 Q. There's a reference there to "Norm"; may we take it
25 that's a reference to Mr Norm Lipson?

26 A. Yes.

27
28 Q. That's, as you've already indicated, Mr Souris's
29 adviser but also a close personal friend of yours?

30 A. Yes.

31
32 Q. May we also take from this text that you had told
33 Norm, that is Mr Lipson, details about complainant 1's
34 allegations relating to Mr Vaikunta?

35 A. Not in any depth. I had a conversation where he asked
36 me what was wrong because he thought that I looked upset.
37 I said, "My partner was involved in a sexual harassment
38 issue at The Star." I said, "There was another girl
39 involved who's harassment case was actually physical", and
40 he responded quickly by saying, "Well, she should take that
41 to the police."

42
43 Q. So you did provide some details of complainant 1's
44 complaint to Mr Lipson, otherwise, he wouldn't have been
45 able to give the advice he gave; correct?

46 A. It was just that advice I just told you.

47

1 Q. No more detail than that?
2 A. No more detail.
3
4 Q. Because he did give that advice that you've referred
5 to; that is, "She should lay a complaint." Then you've
6 used the words, "That would sew it up." Were they your
7 words or was that something Mr Lipson said to you?
8 A. No, they're my words saying then they will take it
9 seriously.
10
11 Q. But you had no reason to believe at this stage that
12 they weren't taking it seriously, did you?
13 A. Well, we are now on 9 January. There were four people
14 involved in this, two victims, Mr Vaikunta and a limousine
15 driver and we still didn't have an outcome of this
16 investigation. So, yes, I did have concerns about where
17 this was going.
18
19 Q. You knew enough about the investigation, didn't you,
20 to know that in fact there were other witnesses who were
21 being interviewed?
22 A. No, I wasn't aware of it.
23
24 Q. I think if one of the texts that I took you to before
25 you referred to Stewart; is that right?
26 A. Yes, I'm not sure who Stewart is. I've mulled that
27 over.
28
29 Q. Another witness, perhaps?
30 A. I've looked at it a couple of times, but I can't
31 remember who Stewart is.
32
33 Q. I'll just put that in context. That's the text back
34 at 5813.
35 A. Yes, I've looked at it and I've no idea who I - no
36 idea. Maybe I typed in the wrong name or something --
37
38 Q. You say "Stewart will be key to that"?
39 A. Yes, I don't understand that.
40
41 Q. Does the name Stewart Neish ring any bells?
42 A. Oh, okay, yes.
43
44 Q. That was a potential witness in relation to your
45 partner's claim; right?
46 A. Yes.
47

1 Q. So you were aware that the investigation was following
2 up other witnesses who may be in a position to support your
3 complainant's claim?

4 A. Yes, but it has still gone a very long way over the
5 original expectations, which were a few days.

6
7 Q. Can I take you, please, to the text commencing with
8 sequence 6246. What we have here is a text on 16 January
9 2012, 5.37pm in the evening. The sequence commences with a
10 text from you to your partner where you say:

11
12 *That will only leave Paton who does not*
13 *know. The board is Story, Paton, O'Neill,*
14 *Larry and Bekier.*

15
16 A. Yes.

17
18 Q. That's a reference to the board of Echo Entertainment,
19 is it not?

20 A. Yes.

21
22 Q. Your partner responds, "Isn't there a woman?" Your
23 response, sequence 6248, "No, she went to Tabcorp board.
24 Paula Dwyer." There must have been a typo there, you say
25 "Opaula".

26 A. Yes.

27
28 Q. Then relevantly again, there's a mobile phone number
29 and then the words, "John O'Neill" and your partner
30 responds, "Thanks, sweet"?

31 A. Yes.

32
33 Q. May we take it that in the text containing the phone
34 number and the words "John O'Neill", you are telling your
35 partner the mobile phone number of Mr John O'Neill a
36 non-executive director of Echo Entertainment; correct?

37 A. Yes.

38
39 Q. Again is this in the same context that we discussed
40 earlier in relation to Mr Story; that is, you and your
41 partner were contemplating contacting members of the board
42 of Echo Entertainment and telling them about these
43 allegations?

44 A. Yes, and I think my partner had every right as a
45 victim of sexual harassment to contact anyone related to
46 the company.

47

1 Q. Do you say that neither you nor your partner did that;
2 that is, actually contacted any of the directors?

3 A. I say that, yes.
4

5 Q. Are you aware whether anyone at the behest of yourself
6 contacted any of the directors of Echo Entertainment?

7 A. So certainly I made no contact - I have no knowledge
8 of anyone contacting Echo Entertainment except what I read
9 in the paper.
10

11 Q. You have no knowledge of anyone at the behest of your
12 partner contacting any of the directors of Echo
13 Entertainment by mobile telephone and advising about the
14 terms of the complaints?

15 A. Correct. I had no knowledge; but if they did,
16 I wouldn't see anything wrong with it. I've made the
17 strong view that the members of the board are there to hear
18 these sorts of complaints and I can't see anything which
19 could be more serious than a sexual harassment case.
20 I think they should be made aware of it.
21

22 MR WIGNEY: Can I pause there, Ms Furness. There is a
23 series of questions that I want to put here that may
24 involve an issue of confidentiality. Can I just, at this
25 stage, seek a brief adjournment and I'll take it up with
26 those who may be concerned. I think it is necessary to
27 deal with it. I'm sorry for doing it this way. I may only
28 take a few minutes.
29

30 MS FURNESS: We will adjourn for five minutes. I'll come
31 back when you tell me it's convenient.
32

33 **SHORT ADJOURNMENT**
34

35 MR WIGNEY: Thank you for that time. That has been
36 resolved, so I can proceed.
37

38 Q. Mr Grimshaw, I was asking you about the text sequences
39 6246 through to 6254, and including a text whereby you
40 communicate to your partner Mr John O'Neill's mobile phone
41 number?

42 A. Yes.
43

44 Q. Where did you get that from?

45 A. Once again, I was there for a long time. I had a lot
46 of numbers.
47

1 Q. You didn't think there was anything inappropriate
2 about communicating the private mobile phone number of
3 Mr O'Neill to --

4 A. On the contrary. My partner had been sexually
5 harassed. She was involved in a very long investigation.
6 She was in a terrible state, totally agitated, and I wanted
7 to do everything I could to help her.

8

9 Q. I asked you in some fairly general terms about whether
10 you were aware of anyone actually contacting the directors.

11 A. Yes.

12

13 Q. Can I ask you whether you are specifically aware of
14 whether someone rang Mr O'Neill's mobile telephone number
15 and referred to the sexual harassment allegations?

16 A. No, I'm not aware.

17

18 Q. Mr Grimshaw, this series of texts occurred on
19 16 January 2012, and culminated in you providing the mobile
20 phone number of Mr O'Neill.

21 A. Yes.

22

23 Q. Information that has been made available to the
24 inquiry suggests that Mr O'Neill, on 17 January 2012 - that
25 is, the following day - received several telephone calls
26 from a private telephone number and eventually answered one
27 of the calls at 3pm, and the caller said words to the
28 following effect, "My name is Renae Turner. I obtained
29 your number from Star management. I am a concerned
30 shareholder of Echo. I wanted to complain about and get an
31 explanation regarding an incident at The Star casino
32 involving a very senior manager and a sexual harassment
33 charge." And the conversation continued, whereby
34 Mr O'Neill said something like, "Are you really a
35 shareholder or are you from the media? Can you give me
36 your contact number?" The caller then said, "No, I won't
37 give you my number, just rang the concerned shareholder
38 line" and then Mr O'Neill said, "You should speak to Star
39 management. I am in no position at all to make any
40 comment." Do you know anything about that?

41 A. No, I don't.

42

43 Q. Did either you or, to your knowledge, your partner put
44 anyone up to ringing Mr O'Neill's mobile phone number at
45 this time?

46 A. I certainly didn't and I have no knowledge of my
47 partner doing it.

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Q. Mr Grimshaw, I will just turn to a slightly different topic, but keep those text messages, just for present purposes, with you. I think I asked you earlier, specifically in the context of a text message on 21 December 2011, whether you told Mr Souris about the sexual harassment allegations against Mr Vaikunta, and your evidence was, as I recall it, that you didn't tell him at that time; is that right?

A. At that time, yes.

Q. Is it the situation that at some stage in early 2012 you did tell Mr Souris about your partner's involvement in a sexual harassment allegation?

A. Yes.

Q. Can you tell us, please, when that was?

A. I don't know exactly when it was, but it was, as you said, early in 2012.

Q. Just to assist you with timing, you have already referred to it, but we know that there was an announcement to the Stock Exchange on 2 February.

A. Yes.

Q. We will come to that in due course. Was your discussion with Mr Souris, whereby you told him about your partner's sexual harassment allegation, before the announcement on 2 February?

A. Yes.

Q. Roughly how long beforehand?

A. I am genuinely guessing. Early or middle January.

Q. What did you say to Mr Souris?

A. As I said earlier on, Mr Souris is a long-time personal friend. I went to see him and I said, "Hey, I don't want you to do anything about this, but I'm very distressed about what's happening. My partner is in a really bad way. She has been involved in a sexual harassment case and I am very concerned: (a) that her job might be at risk; and (b) that her name may be released as part of this process."

Q. There had, of course, been no suggestion, to your knowledge, in any of the dealings, that your partner's name would be released in relation to these sexual harassment

1 allegations?
2 A. Well, by mid January or whenever it was, we were
3 certainly getting concerned about the prospect of what was
4 going to happen, because our feeling from the casino, as
5 I said earlier - was that there was no sympathy, there was
6 nothing; in fact, it was a more aggressive relationship
7 now, and we were very concerned about what was going to
8 happen to her at the end of this process.
9
10 Q. So you go to Mr Souris at this time, do you?
11 A. Yes. He is an old friend of mine and a really good
12 friend of mine.
13
14 Q. And you told him that your partner was involved in
15 making a sexual harassment allegation herself; correct?
16 A. I didn't say that. I said my partner was involved in
17 a sexual harassment case.
18
19 Q. Did you make it clear to him that your partner's
20 involvement was as a complainant?
21 A. Yes.
22
23 Q. Did you inform Mr Souris that there was also another
24 sexual harassment allegation at that time by a different
25 complainant?
26 A. No.
27
28 Q. Did you mention that the complaint was relating to
29 Mr Sid Vaikunta?
30 A. No.
31
32 Q. No mention at all --
33 A. He cut me off very quickly and said, "Hey, you have
34 just got to let this go through the normal process."
35
36 Q. Are you sure about that?
37 A. Yes.
38
39 Q. Of course, Mr Souris is a personal friend; he had met
40 your partner before?
41 A. Yes.
42
43 Q. He was aware that she worked at The Star?
44 A. Yes.
45
46 Q. Did you give Mr Souris any details about, firstly,
47 your partner's sexual harassment complaint?

1 A. No.
2
3 Q. None at all?
4 A. No.
5
6 Q. Just that you were concerned about what?
7 A. As I said, my words were, "I don't want you to do
8 anything with this. I just want to tell you I'm upset. My
9 partner is involved in a sexual harassment case. I'm
10 really concerned about what's going to happen to her. She
11 is concerned about whether she will keep her job at the end
12 of this, and also whether she is going to be named."
13
14 Q. Why did you go to Mr Souris at this time?
15 A. Because we were old friends and I actually needed
16 people to talk to myself during this period.
17
18 Q. But you knew, as a result of your lengthy knowledge of
19 Mr Souris and your knowledge relating to The Star, that
20 Mr Souris was the responsible minister under the Casino
21 Control Act?
22 A. Which is why I stressed at the start of the
23 conversation, "I don't want you to do anything with this."
24
25 Q. Did you contemplate that you were putting him in a
26 difficult position at all?
27 A. In retrospect, yes, but we are people who have been
28 friends for a very long time and I felt I could approach
29 him on a personal basis.
30
31 Q. And you say you didn't ask him to do anything?
32 A. Absolutely did not.
33
34 Q. Nothing whatsoever?
35 A. Absolutely not.
36
37 Q. Did he say, "Why are you telling me this?"
38 A. No, no, he could understand why. He could see that
39 I was distressed. He has made that clear in speeches to
40 parliament, that I came to him in a very distressed state.
41
42 Q. Well, I am asking you about your recollection, not
43 about what you have read subsequently, do you follow?
44 A. Yes, I understand.
45
46 Q. Are you fashioning your evidence today because of what
47 has been said in other forums by other people?

1 A. No, no, I'm just saying that he - his view was exactly
2 the same as mine, that it was a very personal conversation,
3 which was about my partner, who had been sexually harassed.
4
5 Q. So you have read what Mr Souris has said about this in
6 an open, public place?
7 A. Yes.
8
9 Q. Have you had any discussions with him about it in
10 recent times?
11 A. No, I haven't.
12
13 Q. Mr Grimshaw, we know, as has already been adverted to,
14 that there was a Stock Exchange announcement on 2 February,
15 and that the substance of the announcement was that
16 Mr Vaikunta's employment had ended; correct?
17 A. Yes.
18
19 Q. And, to use the expression used in the Stock Exchange
20 announcement, his employment had ended as a result of his
21 "behaviour in a social work setting"; correct?
22 A. Yes.
23
24 Q. And did you see that announcement?
25 A. Yes.
26
27 Q. How did you see it or become aware of it?
28 A. I think Mr Lipson alerted me to that they had just
29 received an announcement from CLGCA or ILGA, which is
30 normal for his role, because his job is to alert me about
31 anything that could become a media issue.
32
33 Q. How did Mr Lipson advise you of this? What form of
34 communication?
35 A. He rang me.
36
37 Q. Any other recollection of any other form of
38 communication?
39 A. I don't have a recollection, but he may have.
40
41 Q. What did he say to you?
42 A. He told me there was an announcement out now from Echo
43 Entertainment relating to Sid.
44
45 Q. And Mr Lipson, at this stage, knew that your partner
46 had a sexual harassment allegation in relation to
47 Mr Vaikunta?

1 A. Yes.
2
3 Q. And you knew that this announcement related to that
4 matter, didn't you?
5 A. Yes.
6
7 Q. That, essentially, Mr Vaikunta was being terminated
8 for, amongst other things, sexual harassment complaints,
9 including the complaint from your partner?
10 A. Yes.
11
12 Q. So certainly you were aware, as at this day, that the
13 harassment allegations and complaints had been investigated
14 and resulted in Mr Vaikunta being terminated?
15 A. Yes.
16
17 Q. That is, despite all of the reservations that you have
18 been telling us about now, the investigation was concluded
19 in favour of your partner and the other complainant?
20 A. Yes, seven weeks later there was a resolution to the
21 complaints, despite the fact that there were only a small
22 number of people involved and despite the earlier promises
23 that it would be resolved in a couple of days.
24
25 Q. Do you have any actual recollection now of how
26 Mr Lipson advised you of this?
27 A. No.
28
29 Q. Would it assist if I suggested to you that he sent an
30 email to you?
31 A. That would assist.
32
33 Q. Well, let me show you a document, please. What
34 I have just shown you, Mr Grimshaw, is an email from
35 a Mr Mark Nolan, whose email address is
36 mark.nolan@business.nsw.gov.au, to Mr Lipson and copied to
37 various other people, sent at 5.05pm on 2 February 2012 -
38 do you see that?
39 A. Yes.
40
41 Q. What Mr Nolan has said to Mr Lipson is,
42
43 *Hi Norm,*
44 *Please find below a draft media statement*
45 *for your urgent review. Cheers.*
46
47 And then there is the text of, as is suggested, a draft

1 media statement by the Casino, Liquor and Gaming Control
2 Authority. Do you see that?
3 A. Yes.
4
5 Q. Do you know who Mr Nolan is?
6 A. Yes.
7
8 Q. Who is he?
9 A. He is the media guy for ILGA.
10
11 Q. Then if you go over the page, you will see the second
12 message on the page is an email from Mr Lipson to yourself,
13 at 5.09pm - so four minutes later - subject "CLGCA
14 Statement". Then there is the text of what was said in the
15 preceding email as being a draft media statement; right?
16 A. Yes.
17
18 Q. So this was sent within four minutes; is that right?
19 A. Yes.
20
21 Q. Mr Lipson, in that email, hasn't included any text of
22 his own?
23 A. No.
24
25 Q. He seems to have just cut and pasted the text of what
26 was said to be a draft media statement; right?
27 A. Yes.
28
29 Q. Does that assist your recollection?
30 A. Well, I found out about it before that. The
31 announcement was made much earlier than that. So this is
32 the follow-up. This is the response. This is
33 the suggested --
34
35 Q. I am sorry, what statement was made much earlier than
36 that?
37 A. I think the Echo announcement was made earlier than
38 that.
39
40 Q. Yes.
41 A. So you were asking me before how I found out about the
42 announcement relating to Mr Vaikunta?
43
44 Q. Yes.
45 A. Still my recollection is that was from a phone call.
46 This is subsequent to that. This is the response from
47 CLGCA to that announcement some hours later, or an hour

1 later.

2

3 Q. So there was a telephone call and then this further
4 email where he sends to you the text of what appears to
5 have been, at least initially, a draft statement; right?

6 A. Correct. Which is normal process for him to run any
7 statements past me.

8

9 Q. What's normal process?

10 A. Normal process, if there is going to be a statement
11 relating to one of Mr Lipson's or any other press
12 secretary's areas, they generally run it past me and make
13 sure I'm comfortable with it.

14

15 Q. You ask them to --

16 A. I don't ask for it. They send it up, or it is for
17 information. If it is for a statutory authority, it is
18 normally, "This is what they are going to send out." If it
19 is from a minister, they ring up or they send it through
20 and say, "Here is what we are proposing to put out."

21

22 Q. You see, Mr Lipson hasn't included any request?

23 A. Correct. So he would just be saying, "This is going
24 out."

25

26 Q. What do you mean, "He would just be saying, 'This is
27 going out'"? He has not included any text. He has not
28 said, "I've just received this draft statement which may go
29 out"; he has not said anything, just sent it to you?

30 A. I will rephrase that. When it comes up in that sort
31 of form, this is for information purposes about something
32 which is going out.

33

34 Q. Did you have any discussions with Mr Lipson after he
35 sent this email to you?

36 A. No, not after.

37

38 Q. Did you ask him why he sent it?

39 A. No.

40

41 Q. You didn't discuss it with him in any way?

42 A. Not that I recall. It is normal process for those
43 sorts of bodies to put information out.

44

45 MR WIGNEY: In terms of procedure, I should perhaps just
46 have that marked for identification.

47

1 THE WITNESS: Now that I look at the timing of the next
2 text you are going to come to, can I correct that?

3
4 MR WIGNEY: Q. I don't know what text I was going to
5 take you to next, Mr Grimshaw. What text did you think
6 I was going to take you to?

7 A. I'm sure you are going to take me to the one where
8 Norm has said something. You are probably going to go to
9 that one.

10
11 Q. You guessed right.

12 A. So if I can clarify that, maybe I have got my times
13 wrong.

14
15 MS FURNESS: Perhaps if we are going to mark that - the
16 document is a two-page document, is it, Mr Wigney?

17
18 MR WIGNEY: It is, indeed. It is perhaps best identified
19 as an email from Nolan to Mr Lipson of 2 February 2012 at
20 5.05pm. Then the second page that I specifically asked
21 about was an email from Mr Lipson to Mr Grimshaw at 5.09pm
22 on the same day, February the 2nd.

23
24 HER HONOUR: Are you dealing with the --

25
26 MR WIGNEY: I'm just about to.

27
28 **MFI #1 TWO-PAGE DOCUMENT COMPRISING EMAIL FROM MR NOLAN TO**
29 **MR LIPSON, DATED 2/2/2012 AT 5.05PM, TOGETHER WITH AN EMAIL**
30 **FROM MR LIPSON TO MR GRIMSHAW, DATED 2/2/2012 AT 5.09PM**

31
32 MR WIGNEY: Q. Do you still have that in front of you?

33 A. Yes.

34
35 Q. I have directed your attention on the second page of
36 that document to the email from Mr Lipson to yourself, at
37 5.09pm?

38 A. Yes.

39
40 Q. The top part of that page is you - tell me if you
41 disagree - forwarding Mr Lipson's email to your partner at
42 5.22pm on the same day?

43 A. Yes.

44
45 Q. Are you aware, at this stage, whether, in fact, the
46 document, the content of the email that Mr Lipson had sent
47 to you, was, in fact, a finalised statement from the

1 authority, or whether it was a draft, or what?

2 A. I can't recall.

3

4 Q. Because, would you agree, it would not have been
5 appropriate to forward it to your partner if it hadn't been
6 a finalised statement?

7 A. Yes.

8

9 Q. And you don't know now whether it was --

10 A. I can't recall whether I checked whether it had gone
11 out or not.

12

13 Q. You have no recollection of checking with Mr Lipson or
14 anyone else as to whether this statement had in fact gone
15 out?

16 A. I can't be sure.

17

18 Q. I think you were correctly anticipating where I was
19 going to take you next, and that is to text sequence 6985,
20 which is a text again sent on the same day, 2 February
21 2012, at 1734 - a text sent by you to your partner, right?

22 A. Yes.

23

24 Q. And so this is within about 12 minutes of you
25 forwarding Mr Lipson's email on to your partner; correct?

26 A. Yes.

27

28 Q. What you say to your partner was as follows:

29

30 *Norm said he has only said what CLGCA have*
31 *told his office, but he's going to zip it.*

32

33 And then you go on in relation to some personal matters.
34 Was this, obviously, recounting a conversation that you had
35 with Mr Lipson in relation to the email that I have just
36 taken you to?

37 A. No, it has nothing to do with the email. When the
38 announcement by Echo was put out, several media outlets ran
39 the story on their websites, and my partner was approached
40 by Louise Marshall, who said, "I hope you are not providing
41 any information to these media outlets". My partner was
42 not releasing any information to media outlets. She rang
43 me and I said, "I will make sure that no-one up here is
44 saying anything about it, except what's being announced
45 officially". And that included the one from CLGCA, so
46 I went back to my partner and said - first of all, I went
47 to Norm and said, "You haven't said anything about my

1 partner or anyone else involved in this, have you?", and he
2 said, "No, all I have done is provided what's in the CLGCA
3 announcement". So I went back to my partner and said,
4 "Norm has only said what CLGCA have told his office", and
5 Norm had assured me that he wouldn't say anything about it.
6 So that's where - "He's going to zip it".

7
8 Q. Wouldn't say anything about what?

9 A. About my partner, about my partner's name. That was
10 what she was concerned about.

11
12 Q. I asked you before, in the context of the emails and
13 the timing of them, whether you could recall any further
14 conversation with Mr Lipson and, as I recollect it, you
15 said, "No"?

16 A. I thought you meant after 5.30. I actually thought
17 that this - after the 5 o'clock - my recollection of this
18 was that it happened sooner after 4 o'clock, after the
19 announcement had gone to the Stock Exchange. I have just
20 got my timings wrong, sir.

21
22 Q. So this has refreshed your recollection about
23 a conversation with Mr Lipson, has it?

24 A. No, I always knew I had the conversation. When you
25 asked me before if there was a conversation after that
26 CLGCA statement had come to me, I actually thought I had
27 had the conversation with Norm before the CLGCA statement.
28 That's it.

29
30 Q. Before the statement was issued?

31 A. Yes, because CLGCA had already made - well, I'm not
32 sure. My position is that I remember --

33
34 Q. No, I don't want to know what your position is, I want
35 to know what your evidence, what your actual recollection
36 is, not what your reconstruction is?

37 A. I am trying to give my recollection. I'm trying to
38 give my recollection, sir.

39
40 Q. What's your actual recollection?

41 A. My recollection --

42
43 Q. Let's start --

44
45 MS SHARP: Hang on, just let him finish his answer. He is
46 trying really hard to finish it.

47

1 MR WIGNEY: I will let him. Let's just take it one step
2 at a time.
3
4 Q. Your evidence is, correct me if I am wrong, that you
5 first heard about the announcement in a telephone
6 conversation with Mr Lipson?
7 A. Correct.
8
9 Q. What did he say?
10 A. He said, "There's an announcement from Echo which has
11 just been sent over to us, over to CLGCA, and CLGCA have
12 forwarded it to us.
13
14 Q. What time did that happen?
15 A. I think around the 4 o'clock mark.
16
17 Q. Your recollection --
18 A. But if I'm wrong on that, I'm wrong.
19
20 Q. That was all that was said in that conversation?
21 A. Yes.
22
23 Q. We know that the emails that I have shown you were
24 sent between 5.05pm, that's the email to Mr Lipson, at
25 5.09pm he forwards it on to you, and then you forward it on
26 to your partner at 5.22pm.
27
28 MS FURNESS: Before you answer that, Mr Grimshaw, it seems
29 from the evidence that there were two announcements. The
30 first is the ASX announcement at about 3 o'clock, or so, in
31 the afternoon, or 4 o'clock. The second is the statement
32 by the authority, which is referred to in these emails.
33 These emails, as I understand it, refer to the statement by
34 the authority, not the announcement by the Stock Exchange,
35 but the witness appears to be answering with respect to the
36 Stock Exchange, and it may be that you just need to clear
37 that up.
38
39 MR WIGNEY: Q. It is probably my fault.
40 A. I doubt it.
41
42 Q. You were told by Mr Lipson about the ASX announcement
43 or the CLGCA statement --
44 A. That's what I was trying to get through. So my
45 understanding - I think it was around 4 o'clock that the
46 ASX announcement was made by Echo Entertainment announcing
47 Sid's departure. I was told just before that, because Echo

1 apparently sent advice to CLGCA before they made their ASX
2 announcement, or just as they were making their ASX
3 announcement.
4

5 Q. So that's the first conversation?

6 A. That's the first conversation I had with Mr Lipson
7 which was he was advising me that he got an announcement
8 from Echo via CLGCA that Mr Vaikunta was leaving the
9 company.
10

11 Q. Putting aside the communication and the email
12 communication, was there a second conversation between you
13 and Mr Lipson that dealt with specifically the CLGCA
14 statement?

15 A. So there was a second conversation where, as I said
16 before, my partner was visited by Louise Marshall and
17 said, "I hope you are not responsible for these stories."
18

19 Q. Hang on. Let me stop you there. This is something
20 that your partner told you. You obviously weren't a
21 witness; right?

22 A. Correct.
23

24 Q. Your partner at some stage told you about a
25 conversation she'd had with Ms Marshall; right.

26 A. Yes.
27

28 Q. When did she tell you?

29 A. She advised me after 4 o'clock that Ms Marshall had
30 come to see her and had told her that her --
31

32 Q. You don't need to --

33 A. No, it's important to say it. That her allegations
34 had been sustained which was incredibly important. So she
35 advised me of that, and that was the conversation that we
36 had that I was pleased that her allegations had in fact
37 been sustained.
38

39 Q. So there was that conversation and in that same
40 conversation she told you something about talking to the
41 media or not talking to the media?

42 A. Yes. Then sometime after, I don't know how long but ,
43 maybe 10, 20 minutes later on she rang again and said,
44 "Hey, it's on the website. Louise is saying, ' I hope
45 you're not the one who's providing information to the
46 website'", and she wasn't. So she rang me and told me
47 about it. Then I double-checked with Norm that he hadn't

1 said anything about it, about the details of the case to
2 any of the papers and he assured me he hadn't.
3
4 Q. That's the conversation to which you are referring in
5 the text message sequence 6985 that I've taken you to; is
6 that right?
7 A. That's right.
8
9 Q. It's important, can you tell us, please, your very
10 best recollection of what Mr Lipson said to you, trying as
11 best you can to use the words that he used to you or at
12 least the effects of the words that he used to you?
13 A. In regards to which one?
14
15 Q. The conversation that is the subject of this text
16 message?
17 A. Oh, that text message, it was me. I rang up Norman
18 and said, "Hey, it's all over the websites. You're not
19 providing any information on this, are you, because it's
20 not - you're not providing any information on this, are
21 you? He said, "No. All I'm doing is telling people what
22 CLGCA have told the office, which is that Mr Vaikunta is -
23 that we have been informed by Echo that Mr Vaikunta is
24 leaving the company." I said, "I didn't want any more
25 details coming out especially I don't want my partner
26 identified and he said, "Don't worry, I'm not going to say
27 anything."
28
29 Q. In this text message you've used the expression, "He
30 is going to zip it."
31 A. That's my language.
32
33 Q. That your language or what Mr Lipson said?
34 A. That's my language.
35
36 Q. Can I move on then, please, Mr Grimshaw to the final
37 series of text messages I'm going to take you to. It is
38 commencing at sequence 7037. We're still on 2 February
39 2012. That's the date of the ASX announcement and, as we
40 understand it, the CLGCA statement. This is a text message
41 from yourself to your partner at 7.02pm, so we're talking
42 some hour and a half after the email exchange that I've
43 just taken you to.
44 A. Yes.
45
46 Q. What you say in that text, and I'll read it out and
47 come back and deal with it bit by bit, is:

1
2 *From George. I asked him to ensure you are*
3 *not mentioned.... don't worry, I told*
4 *Barry about Sid, but not mentioned*
5 *[complainant 2]. And [complainant 2]'s*
6 *name is not in the matter in my Office; not*
7 *with Matt, Frank or Norm. I know exactly*
8 *how she feels. Don't worry. You've been a*
9 *friend for ages and were supportive of me*
10 *last year and you will never lose my*
11 *loyalty."*
12

13 And then there's the letter "G". So we can understand
14 that, is it the situation that, of that text message, what
15 you actually included in the text message were the words
16 "From George, I asked him to ensure you are not mentioned"?

17 A. Yes.

18
19 Q. And then what follows, commencing with the
20 words, "Don't worry" and continuing were you forwarding a
21 text message that you had received from George, that's
22 Mr Souris; is that right?

23 A. That's right.

24
25 Q. May we take it from this text message that, at some
26 stage on 2 February, you had had a discussion of some sort
27 with Mr Souris?

28 A. I think I - yes, I texted him to say, "Hey, can we
29 please ensure that my partner does not get identified.
30 I sent a text message at some stage during the day asking
31 that my partner's name not come out, you know, "Could you
32 please see if we can ensure my partner does not get
33 identified during this process?"

34
35 Q. You told us about an occasion where you raised this
36 sexual harassment complaint that your partner had back in I
37 think you said early to mid January. You've told us about
38 that and I don't want to go into it?

39 A. Yes.

40
41 Q. Between that time and 2 February, which is what we are
42 dealing with now, had you had any discussions with
43 Mr Souris?

44 A. No.

45
46 Q. The text message that you sent to Mr Souris, do you
47 recall approximately at what time it was?

1 A. No, but my guess would that be it would be fairly soon
2 before he responded.
3
4 Q. You have at least forwarded it to the department at
5 about 7.02pm. So not too long before that, you sent a text
6 message to Mr Souris?
7 A. I would expect so.
8
9 Q. The text message you forwarded on to your partner in
10 this text was Mr Souris's response; is that right?
11 A. Yes.
12
13 Q. Can you tell us again, please, to the best of your
14 recollection and be as precise as possible, other than
15 referring to your partner's name, what you put in the text
16 message to Mr Souris?
17 A. I don't recall but it was along the lines of, "Can you
18 please help ensure that my partner's name does not get
19 mentioned or she does not get identified during this
20 process?"
21
22 Q. Did you tell him that he should not tell - that is he,
23 Mr Souris should not tell - Barry - that is Mr O'Farrell -
24 that one of the complainants involved in The Star matter
25 that had been announced that day was your partner Star?
26 A. I don't think I did, but I can't be 100 per cent sure.
27
28 Q. Well, it's important.
29 A. I know it's important, but I just don't remember.
30
31 Q. Because there's a big difference, is there not,
32 Mr Grimshaw, between - well, it's obviously an important
33 matter, that is ensuring that your partner's name was not
34 revealed publicly, on the one hand. Obviously no-one would
35 dispute that's an important matter; correct?
36 A. Yes.
37
38 Q. And on the other hand --
39 A. I think I probably did ask him not to tell the Premier
40 because I thought it would then be seen as - at this stage
41 I thought the whole matter was just going to be resolved.
42 It would be finished and would go away, so there was no
43 need for the Premier to know my partner was involved.
44
45 Q. So your best recollection is now that you asked
46 Mr Souris to ensure that he did not tell the Premier that
47 the sexual harassment allegation, or at least one of them,

1 that resulted in Mr Vaikunta's employment ending involved
2 your partner?

3 A. Yes.

4

5 Q. Could you tell us again why you would want that to be
6 kept from the Premier?

7 A. Well, because I actually felt that this was the end of
8 the process. I thought Mr Vaikunta was now leaving the
9 company and life would now get back to normal. I was
10 clearly very wrong. I didn't want the Premier to become
11 involved in a personal issue of mine I saw as a personal
12 issue.

13

14 Q. You were one of the Premier's most senior advisers;
15 right?

16 A. Yes.

17

18 Q. This matter that had been announced, Mr Vaikunta's
19 termination, as it were, you knew it was going to be major
20 story, didn't you?

21 A. Well, I thought it would be a story for a couple of
22 days.

23

24 Q. You knew it was going to be a major issue, didn't you?

25 A. I knew it would be a story for a couple of days.

26

27 Q. And you knew that you had a personal involvement of
28 sorts; that is, because one of the complainants was your
29 partner?

30 A. But it had nothing to do with government business. It
31 was nothing to do with our office. There was no need for
32 the Premier to certainly become involved in it. I thought
33 it would be finished in two days and then we can move on
34 with our lives.

35

36 Q. Did it cross your mind that it might become government
37 business because, to give but one example, of the proximity
38 of this report to the release of the section 31 report in
39 late December?

40 A. I didn't put the two together. I saw this as a
41 totally separate issue and I saw it as a totally personal
42 issue.

43

44 Q. Did you not see that, firstly, if this became a matter
45 of importance to the Premier, that you as one of his
46 advisers was in a position of potential conflict?

47 A. I was in an awkward position all the way through it.

1 My partner had a personal life and I had a duty to my
2 partner to try and keep this as personal as possible and
3 not make it public. I also had a job in the Premier's
4 office, so I was trying to balance the two responsibilities
5 that I had. It was a very difficult situation all the way
6 through, very difficult. But in the end, my main
7 responsibility is my partner and if that affects my job,
8 then so be it, but I'm going to stick up for my partner all
9 the way through

10
11 Q. No-one is questioning your motives in terms of
12 sticking up for your partner. No-one could criticise you
13 for that. My question was a very narrow question and that
14 is: at this time did you turn your mind to whether if this
15 escalated to become an issue for the government, you were
16 in a potential position of conflict because you were
17 personally involved and you were a senior adviser to the
18 Premier?

19 A. No.

20
21 Q. Did you do that? Did you turn your mind to it?

22 A. It did cross my mind and my decision after thinking
23 about it was I didn't think that it would take off.
24 I thought nigh partner would return to work and there would
25 not be any major issue about this. When it became evident
26 that my partner would be named, then I told the Premier.

27
28 Q. When?

29 A. Actually it was around February 14.

30
31 Q. So 12 days later?

32 A. Yes.

33
34 Q. Coming back to 2 February, can I ask you about whether
35 you turned your mind to whether you were in a position of
36 conflict? Did you turn your mind to whether by not telling
37 the Premier or ensuring that the Premier was not told about
38 your potential involvement in this as a partner of the
39 complainant, you were putting the Premier in a difficult
40 position?

41 A. I actually thought that if I did tell the Premier, I'd
42 put him in a more difficult situation, because it'd then be
43 seen as being political interfering in whatever he said
44 about it. It would be seen as political interference. But
45 I actually took the view that I didn't want --

46
47 Q. Can I just stop --

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MR STEIRN: I object. Let him finish his answer.

THE WITNESS: I actually took the view that I wanted the process to take its course and that meant that Mr Vaikunta would then leave the company. Hopefully, my partner would go back to work there and everything would become normal. I could not foresee any of this happening and I could not foresee my partner becoming a public figure or anything happening in regard to that. I thought the process had finished on that day.

MR WIGNEY: Q. So the answer to the question that I asked you as to whether you turned your mind to whether you were putting the Premier in a difficult position is what - yes or no?

A. No, I thought I wasn't putting him in a difficult position.

Q. You didn't turn your mind to it?

A. Yes, I did turn my mind to it and my decision, whether it was wrong or right, was not to tell him because my first priority was to my partner and to try and keep it as personal as possible, and it was a personal issue. It was not an issue relating to government. This did not refer in any way to my operations in the Premier's office.

Q. I want to ask you a couple of other questions in relation to this text and I want you to listen to my questions and try and answer me directly; do you follow?

A. Yes.

Q. I'm not suggesting that you haven't otherwise, but these ones are particularly important to follow?

A. Yes.

Q. I asked you earlier today about whether, during the course of 2011, you had done something that supported Mr Souris. Do you remember those questions?

A. Yes, I do.

Q. I think your answer was yes, it was a personal matter and you didn't want to discuss it; do you follow?

A. Yes.

Q. I want you to listen to my question. That personal matter - it may be clear from what you have already stated

1 about it, but I want to be abundantly clear about it - did
2 that have anything to do, your role in that personal matter
3 have anything to do with your professional or public role
4 as an adviser to the Premier?

5 A. Yes.

6

7 Q. In relation to Mr Souris's position, did the matter in
8 respect of which you provided some support have any direct
9 involvement with his public professional role as a
10 minister?

11 A. Yes.

12

13 MS FURNESS: Q. In what sense then it was private,
14 Mr Grimshaw?

15 A. Well, it related to his private life, but it would
16 have impacted largely on his standing as a minister and
17 future as a minister.

18

19 MR WIGNEY: Q. The reason that I'm asking this is because
20 it's no part of this inquiry to unearth scuttlebutt or
21 rumours or anything of that sort, and that's why I'm asking
22 because if it relates to a purely personal matter, we need
23 take the issue no further.

24 A. It relates to unsubstantiated allegations against him.

25

26 MS FURNESS: Q. Against him in a private capacity?

27 A. Yes.

28

29 MR WIGNEY: Q. And to the extent that this could have
30 impacted his public and professional role, it would simply
31 be that what you regarded as an unsubstantiated rumour
32 could, as any unsubstantiated rumours could, cause him
33 damage professionally in his position as a minister?

34 A. Yes, that's right, yes.

35

36 MR WIGNEY: I don't propose to take that question any
37 further, Ms Furness.

38

39 Q. Finally, Mr Grimshaw, I've asked you some questions
40 about discussions you had with Mr Souris on 2 February in
41 the context of ensuring that your partner's name was kept
42 out of it. Beyond having that discussion, did you discuss
43 with him in any detail at all the nature of the complaints
44 or --

45 A. No.

46

47 Q. Nothing on that?

1 A. No.

2

3 Q. That was the extent of your communication with
4 Mr Souris on that day?

5 A. Yes.

6

7 MR WIGNEY: Thank you. I've nothing further.

8

9 MS FURNESS: Mr Sullivan.

10

11 MR SULLIVAN: I would seek leave to ask Mr Grimshaw some
12 questions, Ms Furness. They cover some of the same topics
13 but Mr Wigney raised but based on different material,
14 material which was not put to the witness, which we have
15 available. There are some other topics which were not
16 raised with the witness which we would like to put, but
17 they are all within the terms of reference. I'm happy to
18 expand on them. I'd prefer not to in the presence of the
19 witness, for obvious reasons, but I am very conscious of
20 what you said this morning and I promise I won't
21 transgress. I don't intend to cover the same material that
22 Mr Wigney covered.

23

24 MS FURNESS: I think, Mr Sullivan, that the quickest and
25 most convenient way of dealing with it is to permit you to
26 ask what questions you wish within the parameters that have
27 already been set on the basis that I would look to Ms Sharp
28 and Mr Wigney to draw to my attention if either of them are
29 of the view that you were indeed transgressing.

30

31 MR SULLIVAN: Thank you very much.

32

33 <EXAMINATION BY MR SULLIVAN:

34

35 MR SULLIVAN: Q. Mr Grimshaw, I represent, as you know,
36 Star and Echo in this matter. You gave some evidence to
37 Mr Wigney this morning that when you stopped working for or
38 answering to Mr Vaikunta in September, you thought that
39 there was a good relationship with him; is that right?

40 A. Yes.

41

42 Q. And you also gave evidence that you didn't have any
43 grievance with Star or Echo over how your employment came
44 to an end but indeed that it was an amicable ending and a
45 happy ending; is that right?

46 A. I was happy to go because I had a dream job to go to.
47 My relationship with them was sound.

1
2 Q. Do you disagree with the effect of the evidence that
3 I put to you just one moment ago? Do you recall saying
4 that you --
5 A. Yes, but I just press the point that I also thought
6 that they were not suitable to be running the casino.
7
8 Q. It will save time if you try to directly respond to my
9 questions, Mr Grimshaw; do you understand that?
10 A. Sure.
11
12 Q. Do you recall saying that you were happy to leave Star
13 City?
14 A. Yes.
15
16 Q. And certainly you don't have any grievance, do you, at
17 all, about your termination at Star City?
18 A. My answer to that is I was not happy totally about the
19 manner in which it took place, but in the end I was happy
20 to depart and take up my dream job.
21
22 Q. I'm sorry; I thought you said this morning that you
23 were happy about the circumstances in which you departed?
24 A. Yes, I was happy about the end result, which was a
25 redundancy, et cetera, but I wasn't happy about the fact
26 that I was misled by Mr Vaikunta earlier in the piece about
27 my role not changing.
28
29 Q. You harboured a grievance against Mr Vaikunta, didn't
30 you, from at least September 2010 concerning the way that
31 you were moved from Star City?
32 A. No.
33
34 Q. As at September 2010, you thought he was a dick didn't
35 you?
36 A. In some ways, I certainly did think he was -
37 I certainly thought he was inappropriate to be running the
38 casino and I would have been certainly in that respect. On
39 a personal basis, we got on okay.
40
41 Q. You thought, as at September 2010, notwithstanding you
42 were still employed by Star City, that it would be good if
43 people didn't give it good publicity, didn't you?
44 A. I don't recall that.
45
46 Q. Don't you? Mr Lipson, you've said, is a long-standing
47 friend of yours?

1 A. Yes.
2
3 Q. When did he start working with Mr Souris?
4 A. In March 2012 - 2011.
5
6 Q. What did he do before then?
7 A. He was a producer with a television station.
8
9 Q. Did you have occasion, in your last few months at Star
10 City, to cause a donation to be made to a charitable
11 organisation with which Mr Lipson was associated?
12 A. Yes.
13
14 Q. What was that charity?
15 A. It was for the Kevin Hitchcock appeal, a gentleman who
16 became a paraplegic.
17
18 Q. I'm sorry, a young paraplegic.
19 A. Yes.
20
21 Q. In respect of that young paraplegic, may I show you a
22 bundle of documents, Mr Grimshaw.
23
24 MS FURNESS: Does counsel assisting have that bundle too.
25
26 MR SULLIVAN: He will in a minute. Most of these are the
27 same emails and text messages that have been sold. There
28 are some extra emails. What we propose to do is to give to
29 my learned friends copies on the basis that they hand them
30 back and uncopied at the end of the matter and we will
31 give you one also.
32
33 MR WIGNEY: Thank you. Just while I've interrupted
34 proceedings, I take it that the volume that council
35 assisting had in front of the witness has been removed from
36 the witness. It should be.
37
38 MR WIGNEY: I was going to raise that I don't think that
39 volume needs to be marked for identification simply because
40 all of it was identified as text messages. When it was
41 identified, I read it on to the record in any event so
42 I think that can just be returned.
43
44 MS FURNESS: I'm content with that. Thank you, Mr Wigney.
45
46 Q. Can I confirm, Mr Grimshaw, the only item you have in
47 the witness box is the folder Mr Sullivan has provided you?

1 A. And a printout from something this morning that
2 Mr Wigney gave me.

3
4 MS FURNESS: Can that be returned, please.

5
6 MR SULLIVAN: Q. May I ask you, please, Mr Grimshaw, to
7 look at the documents behind tab 2 of this material. Was
8 Mr Lipson organising some fundraising for what's called the
9 Hitchcock appeal in September 2010?

10 A. Yes, he was.

11
12 Q. You wrote him an email, which you'll see at the bottom
13 of tab 2 on the first page, indicating that you had put
14 together a prize?

15 A. Yes.

16
17 Q. The response of 21 September 2010 at 10.52pm from
18 Mr Lipson to you was as follows, wasn't it? He said:

19
20 *Grimbo,*
21 *You are a bloody champion for doing this.*
22 *I promise you that Stars City will be*
23 *appropriately thanked by many journos.*
24 *I'll ensure that.*

25
26 Do you see that?

27 A. Yes.

28
29 Q. Then he goes on to say other matters relating to what
30 he's going to do in respect of the matters relating to the
31 fundraising appeal, doesn't he?

32 A. Yes.

33
34 Q. Can I take you to tab 3. About nine days later,
35 Mr Lipson again sent an email to you on 30 September 2010,
36 didn't he?

37 A. Yes.

38
39 Q. It read:

40
41 *Grimbo,*
42 *You and Star City are absolute champions.*
43 *We can't thank you enough for your*
44 *generosity and I can assure that you Star*
45 *City will not be forgotten by many, many*
46 *journos. Leave that to me, mate.*

47

1 Do you see that?
2 A. Yes.
3
4 Q. Then you responded, didn't you, some six minutes later
5 at 8.13 on 30 September:
6
7 *You are the champion, Lip. You guys are*
8 *legend for organising this. Such good*
9 *friends.*
10 *Don't be too kind to Star. We are parting*
11 *ways.*
12 *The new American management team doesn't*
13 *see a need for me, so I am off. I have to*
14 *be a good boy and keep quiet about to get*
15 *my payout. But I finish in a few weeks.*
16
17 You said that, didn't you?
18 A. That's right.
19
20 Q. That was true at the time, wasn't it?
21 A. That was the banter I had with him, yes.
22
23 Q. That was true at the time, wasn't it?
24 A. What was true at the time, sir?
25
26 Q. The truth of the time was that you perceived that you
27 were being pushed out of Star by the new American
28 management team?
29 A. No, as it says there, they don't see a need for me,
30 and I was very happy to move off and go and join the
31 government. It was a dream job I was heading off to.
32
33 Q. And why, if you were so happy to be moving off, did
34 you ask him not to be too kind to Star?
35 A. Because, as I have said throughout the day, I didn't
36 think that the management team that was in place there was
37 suitable to be running the casino.
38
39 Q. No, the reason you gave him not to be too kind to Star
40 was because were you parting ways, wasn't it?
41 A. Well, I was trying to make a point in terms of this
42 donation. It is not Star who were being the generous ones
43 in this; it's me actually organising this cheque for him.
44
45 Q. I'm sorry, was it your money or Star's, that you were
46 being so generous with, Mr Grimshaw?
47 A. It was Star's money.

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Q. So who was being generous, you or Star?

A. Well, I was - Star was being generous in providing the money; I was facilitating that money.

Q. You were telling him then, weren't you, "Don't be too kind to Star...we are parting ways!", because "The new American management team doesn't see a need for me..."?

A. That's right. And I was totally relaxed about that, seeing I was going to a job which I wanted to go to anyhow.

Q. And your great mate Mr Lipson then responded to you, didn't he, on 30 September at 9.38am - that's an hour later - to say, "Mate, I am shocked to hear that. You have done a great job for this mob. I won't be kind to them for that. Let's get together and have a feed." Didn't he?

A. Yes.

Q. So he clearly understood, didn't he, that, from your email, you didn't want to go, but the Americans were pushing you out?

A. You say that that's the way he took it, but I certainly explained to him later on what the circumstances were and how I was happy to be moving on to that new job.

Q. Did you do that in an email?

A. No, I saw him at this a function some time shortly after.

Q. What do you say you said to him, Mr Grimshaw?

A. At the function, I told him that I was actually pleased to be leaving because I was going to this new job.

Q. So you corrected the false impression that Mr Lipson appears to have had from your email; is that what you say?

A. I certainly massaged it.

Q. Because I want to suggest to you that, in fact, you did have a grievance against Mr Vaikunta, from at least September 2010, and were out to get him after that?

A. I was never out to get him. I wanted to make - my view was that he was not an appropriate person to be running the casino.

Q. And you decided to make it your business to see, after you left Star, that it received negative publicity, and, in

1 particular, that its new management received negative
2 publicity, didn't you?
3 A. No, but I did talk to journalists occasionally about
4 stories which they were working on.
5
6 Q. Were there ever any positive stories about Star that
7 you talked to journalists about, Mr Grimshaw?
8 A. Most of the positive stories are relating to areas
9 which were related to parties and those sorts of things,
10 so, no, people didn't really come to me about those.
11
12 Q. You never told any good news stories, did you, about
13 Star, to journalists?
14 A. I was never approached by journalists about those
15 types of stories.
16
17 Q. Mr Grimshaw, do you recall going to a function on
18 federal election night in 2010?
19 A. Remind me, Mr Sullivan.
20
21 Q. Well, do you remember the 2010 federal election?
22 A. Yes.
23
24 Q. And were you at a Liberal Party function on that
25 night?
26 A. I don't recall it, but I - probably.
27
28 Q. May I ask you to look, please, at the bundle of texts
29 you have there in tab 1. It is not quite in the same
30 format as those which Mr Wigney took you to, because I want
31 you to assume that these extracts from SMS messages from
32 your partner's phone records come from what we call her old
33 mobile phone, as opposed to her new mobile phone. Could
34 I ask you, please, to look at an entry which appears to be
35 about a month before the conversation we have just taken
36 you to with Mr Lipson, on page 222, about the eleventh
37 reference up from the bottom, looking at the columns on the
38 right-hand side. It is 21 August 2010 at 7:43:30am. Do
39 you see that?
40 A. Yes.
41
42 Q. That is a text that you sent at that time to your
43 partner, isn't it?
44 A. I will take your word for it. I don't recall it, but.
45
46 Q. The text reads:
47

1 *I just told Barry what a dick Sid is...he*
2 *said we might all have to give Star*
3 *a wake-up call when I leave.*

4
5 Do you see that?

6 A. I see that.

7
8 Q. Is that true?

9 A. I don't recall it, but --

10
11 Q. You wouldn't have been saying anything which was
12 dishonest, would you, in a text message?

13 A. I could well have been exaggerating a little or
14 big-noting.

15
16 Q. Well, what part here were you exaggerating or
17 big-noting? Were you big-noting when you said you had
18 "told Barry what a dick Sid is"?

19 A. I just don't recall the text, sir.

20
21 Q. The truth is, as at August 2010, contrary to your
22 evidence this morning, you did regard Mr Vaikunta as
23 a dick, didn't you?

24 A. I think probably sometimes I did; sometimes I got on
25 very well with him.

26
27 Q. I take it you agree that the reference to "Barry" is
28 a reference to the now Premier?

29 A. Probably.

30
31 Q. Did Mr O'Farrell say to you, "We might all have to
32 give Star a wake-up call when you" - Mr Grimshaw - "leave
33 Star"?

34 A. I don't remember it at all.

35
36 Q. You don't remember him saying that?

37 A. I don't remember anything about that text.

38
39 Q. Well, you are not suggesting that you would have put
40 something or written something which was false, are you?

41 A. As I said, I may have exaggerated, but I don't
42 actually remember the text at all.

43
44 Q. Let's assume that you were telling the truth when you
45 wrote this text message to your partner. Did you think, as
46 a loyal, conscientious employee of Star, that you should
47 inform Star that they might be subject to political

1 scrutiny from the leader of the opposition in the near
2 future?
3 A. I find it difficult to answer the question because
4 I just don't remember the context or the text at all.
5
6 Q. Is that a serious answer, Mr Grimshaw?
7 A. Yes, it is.
8
9 Q. It is a very convenient answer for you, isn't it?
10 A. It is the truth, sir.
11
12 Q. It is the truth, is it?
13 A. (Witness nods).
14
15 Q. The truth is, isn't it, that from the time that you
16 realised that you were made redundant, you were happy to be
17 party to anything which might cause Star embarrassment?
18 A. Is that a question?
19
20 Q. Yes, that is a question?
21 A. No, sir. I had no grievance with the casino. I had
22 a grievance with the managing director, who I didn't think
23 was suitable to be running the casino.
24
25 Q. And the truth is, isn't it, that you fed several
26 stories to journalists, not only the story which you were
27 taken to by Mr Wigney, but others also in that period
28 of November/December 2011?
29 A. As I said this morning, sir, if journalists approached
30 me about a story they were working on, and asked me for
31 information, I'm happy to provide it, as long as it didn't
32 interfere with my workings at the Premier's office.
33
34 Q. Are you happy to provide information derived in your
35 confidential capacity as an employee about your former
36 employer's business to a journalist?
37 A. If it was non-contentious; if it was information which
38 was probably freely available elsewhere.
39
40 Q. If it was information which was provided to you on
41 a confidential basis, are you a person who believes that it
42 is appropriate to disclose that information about your
43 ex employer's business to journalists, Mr Grimshaw?
44 A. Not generally.
45
46 Q. But you did, didn't you?
47 A. No, I didn't.

1
2 Q. You deny that?
3 A. Well, I am happy to answer any questions in regard to
4 it.
5
6 Q. Well, you have already answered questions about the
7 Barrington report, haven't you?
8 A. Yes.
9
10 Q. That was a confidential document, wasn't it?
11 A. Yes, and I thought I took it to the right place, which
12 was the inquiry.
13
14 Q. You disclosed that also, didn't you, to Mr Aston?
15 A. The Barrington report?
16
17 Q. Yes.
18 A. No.
19
20 Q. You didn't at all?
21 A. No.
22
23 Q. We will come to that in a moment. May I ask you,
24 while we are on the topic I was previously on, before
25 I take you to the Mr Aston comments, to look at tab 1 of
26 the bundle at page 249. Could I ask you, please, to look
27 at the entries which are fourth and fifth from the top.
28 The first one appears to be an entry of 8 November 2010 at
29 9.27am. The time may be out, but it is certainly the right
30 date. You will see there it says, "Barry just texted
31 me...he is at the Leonard Cohen concert"? Do you see that?
32 A. Yes.
33
34 Q. Do you recall receiving that text from Barry, which
35 I take to be Mr O'Farrell?
36 A. I don't recall it, but it is there, so I accept it.
37
38 Q. Can you look at the next text, please, on 8 November
39 2010. It appears to be timed at 9:29:54am. Would you
40 agree that each of these texts is to your partner?
41 A. Well, that's what it says.
42
43 Q. It says there, "Not even sure why he texted...just
44 asked me if I was out yet. I think they are going to smash
45 Star." Do you see that?
46 A. I do.
47

1 Q. Was that, what you were writing there, truthful?
2 A. I don't recall it at all, sir.
3
4 Q. That's another convenient answer, Mr Grimshaw, isn't
5 it?
6 A. It is the truth. I have no idea what it's relating
7 to.
8
9 Q. Did Mr O'Farrell say to you words which led you to
10 believe, on 8 November 2010, that he or people associated
11 with him, being, I presume, at that stage, the opposition
12 or, when he was in government, the government, were going
13 to smash Star?
14 A. I have no recollection of the text or its context.
15
16 Q. If someone had told you, as a loyal employee of Star,
17 that a high-profile political person was intending to smash
18 it, it's something that you would think was your duty to
19 inform your employer about, isn't it?
20 A. If I knew what it was relating to, but I just don't
21 know what it is relating to.
22
23 Q. Well, let's assume - just humour me - that this is
24 actually what you wrote and said, okay, Mr Grimshaw? Are
25 you honestly saying you have no recollection now whatsoever
26 of sending these two texts?
27 A. Absolutely. I have no recollection at all.
28
29 Q. You have no recollection at all of that?
30 A. No. It is a year and a half ago.
31
32 Q. Do political leaders often tell you things which make
33 you think they are going to smash an organisation you were
34 employed by?
35
36 MS SHARP: I object to that. There is an assumption that
37 The Star referred to here is Star casino. We haven't made
38 that assumption good at this stage.
39
40 MS FURNESS: I think that is right.
41
42 MR SULLIVAN: Q. When you wrote, "I think they are going
43 to smash Star", was there any other Star you had in mind,
44 apart from The Star casino?
45 A. I don't even recollect this Star, let alone what else
46 it could be.
47

1 Q. In your lexicon in 2010, when the word "Star" was
2 referred to by you, what were you referring to?

3 A. Generally, it related to the casino.
4

5 Q. If you wrote that someone was going to "smash Star",
6 and that was derived from the words that a politician of
7 great seniority had used - if you did write that - it's
8 something you would remember, isn't it?

9 A. Clearly not, because I can't remember.
10

11 Q. I put to you that that answer is not true?

12 A. The answer is totally true.
13

14 Q. Just see if this may assist your recollection. Could
15 I take you, please, to the same bundle at page 316. This,
16 I want to suggest to you, is your partner's response to
17 that text. It is the third entry from the bottom. Do you
18 see that the response to your text from your partner, which
19 appears to be dated on 8 November 2010, timed at 9:31:36,
20 is as follows:

21

22 *Barry loves you. I'm so pleased. You two*
23 *are going to work great together. So proud*
24 *of you. Let them go to town with Star.*
25

26 Does that refresh your recollection --

27 A. Not at all.
28

29 Q. This whole passage of texts is just a complete blank
30 to you, is it, Mr Grimshaw?

31 A. Yes, it is.
32

33 Q. I put to you that that's not true?

34 A. It is absolutely true. I have no idea what this is
35 about.
36

37 MS FURNESS: Mr Sullivan, can you just explain the layout
38 of this bundle? On page 249 there is that bundle of
39 entries, one of which you have taken the witness to, on
40 8 November, and then they are followed by entries on 5 and
41 6 February 2010. Then some 60-odd pages later we go back
42 to 8 November.
43

44 MR SULLIVAN: Yes. For reasons I can't assist you with
45 technologically, whilst the documents Mr Wigney has taken
46 you to recorded incoming and outgoing calls sequentially,
47 this document records, first of all, incoming calls and,

1 secondly, outgoing calls.
2
3 MS FURNESS: I see. So page 249, coincidentally, happens
4 to be the end of the incoming and beginning of the
5 outgoing.
6
7 MR SULLIVAN: Yes.
8
9 MS FURNESS: Thank you.
10
11 MR SULLIVAN: Q. May I change that topic now,
12 Mr Grimshaw, and ask you some questions about some articles
13 which appeared in the Sydney Morning Herald and the Sun
14 Herald in December of 2011. Could I ask you, please, first
15 of all, to look at the bundle I have given you at the
16 photocopy article behind tab 7. Would you just like to
17 quickly read that one-page article for yourself, and then
18 I will ask you some questions.
19 A. Yes. Yes.
20
21 Q. That article refers to a report called the "Electronic
22 Gaming Machines, Planning for 2011" report, doesn't it?
23 A. Yes.
24
25 Q. That was a confidential Star City report, was it not?
26 A. Yes.
27
28 Q. It had a very limited circulation, did it not, of ten
29 people?
30 A. I'm not aware.
31
32 Q. You are aware it had a very limited circulation?
33 A. No, I'm not aware what the circulation was.
34
35 Q. You certainly were one of the people to whom the
36 report was circulated?
37 A. I had a copy of that report.
38
39 Q. And you took that copy with you when you left Star,
40 didn't you?
41 A. Yes.
42
43 Q. And you disclosed the contents of that report, didn't
44 you, to Mr Aston?
45 A. No.
46
47 Q. You deny that?

1 A. I deny it.
2
3 Q. Did you show Mr Aston that report?
4 A. No.
5
6 Q. Do you have any idea where Mr Aston, then, got the
7 report he refers to in this article?
8 A. No.
9
10 Q. You say it is not you?
11 A. Correct.
12
13 Q. Did you play any part in giving Mr Aston any
14 information about the contents of this article?
15 A. He asked me information about it, yes.
16
17 Q. And did you give it to him?
18 A. He asked me how the busing system worked and I told
19 him, which was hardly a secret.
20
21 Q. But you deny, do you, that the copy of the report
22 which he refers to, which he says was obtained by the
23 Sun Herald, was given to him by you?
24 A. Yes.
25
26 Q. Why did you keep a copy of that confidential report
27 when you left Star City?
28 A. As I said earlier on, I had a folder of information
29 when I left. That was amongst them.
30
31 Q. Did you think it was proper for an ex employee to keep
32 confidential information belonging to his employer?
33 A. I was actually working from home during that period,
34 so I had - for three months, I had it at home.
35
36 Q. I will ask you my question again.
37 A. No, I don't think it is right to keep information.
38
39 Q. Why didn't you return it?
40 A. Because I just destroyed it.
41
42 Q. But you didn't destroy it, did you, until, at the
43 earliest, May 2011?
44 A. I don't know exactly when I destroyed it.
45
46 Q. Well, you gave evidence this morning about that, or
47 have you forgotten?

1 A. What was my evidence this morning?
2
3 Q. Can't you remember it?
4 A. No, it has been a long day. I actually can't remember
5 it.
6
7 Q. Don't you remember saying that you destroyed this
8 confidential material after you had given evidence before
9 Ms Furness?
10 A. Yes.
11
12 Q. Was that the truth?
13 A. Yes.
14
15 Q. Why did you do it then?
16 A. Because I hadn't turned my mind to that material until
17 I went to the inquiry, and then I took it in there and then
18 I destroyed it.
19
20 Q. Why didn't you think, rather than destroying it, you
21 should do the honourable thing and ring up your ex employer
22 and say, "Oh, by the way, I inadvertently took confidential
23 information, may I return it"?
24 A. I thought it was just easier to destroy it.
25
26 Q. Why didn't you do the honourable thing?
27 A. I didn't see that as the honourable thing. I didn't
28 think they would care and so I just destroyed it.
29
30 Q. Do you know a Mr Andrew Power?
31 A. Yes.
32
33 Q. What do you understand his role is?
34 A. Legal at Star City.
35
36 Q. Has your partner ever spoken to you about talking to
37 Mr Andrew Power concerning your taking of confidential
38 documents from Star City?
39 A. I'm not aware of it.
40
41 Q. If your partner had said to Mr Power, "Grimbo printed
42 off a stack of incident reports during his time here. He
43 had them in his bottom drawer and he took them with him
44 when he left", would that have been a true or a false
45 statement?
46 A. That would be a false statement.
47

1 Q. If your partner said to Mr Power, when asked what you
2 intended doing with those documents, "He is going to use
3 them against the company. He was really pissed off when he
4 left and he won't let it go. He can be really vindictive",
5 would that be a true or a false statement?
6 A. I don't know what she said to Mr Power.
7
8 Q. Would you answer my question now, Mr Grimshaw?
9 A. Could you repeat the question, then, Mr Sullivan?
10
11 Q. If your partner said to Mr Power, when asked what you
12 intended to do with the documents you had taken, "He is
13 going to use them against the company. He was really
14 pissed off when he left and he won't let it go. He can be
15 really vindictive", would that have been a true or a false
16 statement?
17 A. I would think it was false.
18
19 Q. You deny, do you, printing off a stack of incident
20 reports from your time at Star and taking them with you
21 when you left?
22 A. Yes.
23
24 Q. And you deny doing that for the purpose of, when the
25 occasion suited, using them against Star?
26 A. I deny it.
27
28 Q. May I take you, then, please, in the bundle I have
29 been taking you to, to a further article by Mr Aston behind
30 tab 5, dated 13 November 2011?
31 A. Yes.
32
33 Q. It is just over a page. Just read it to yourself,
34 Mr Grimshaw.
35 A. Yes.
36
37 Q. Did you provide information to Mr Aston in respect to
38 this article?
39 A. Yes.
40
41 Q. Did you provide documents to him?
42 A. No.
43
44 Q. Did you show him documents?
45 A. No.
46
47 Q. None at all?

1 A. No.
2
3 Q. Are you sure about that?
4 A. I related some numbers of documents - incident report
5 numbers to him.
6
7 Q. Sorry, you related what?
8 A. Some incident report numbers to him that he might want
9 to pursue if he could find someone to give them to him.
10
11 Q. Had you just remembered the incident report numbers?
12 A. No, I had taken some notes down for the inquiry.
13 I had taken some notes down for the inquiry.
14
15 Q. This was on 13 November 2011?
16 A. Yes.
17
18 Q. Where had you taken the incident report numbers from?
19 A. I had taken them from my - from looking at the
20 computer at work.
21
22 Q. On 13 November 2011?
23 A. Not in that period, prior to that period.
24
25 Q. You ceased work at Star, did you not, in December
26 2010?
27 A. Yes.
28
29 Q. So how was it, on 13 November 2011, some 11 months
30 later, you would have the numbers of incident reports?
31 A. Once again, there were some things I kept.
32
33 Q. So you kept those incident reports, did you?
34 A. No, I didn't keep the incident reports. I kept some
35 incident report numbers.
36
37 Q. What, you actually went through various records and
38 made notes of what the subject matter of an incident report
39 was and what its number was, did you?
40 A. Yes, I did.
41
42 Q. What happened to that note on your computer of those
43 matters?
44 A. What happened to the note? There was no note; I wrote
45 it down physically on paper.
46
47 Q. You wrote it down - I thought you said you took it

1 from your computer?
2 A. Yes, I took off my computer the incident report
3 numbers, and wrote it down on a piece of paper.
4
5 Q. So that was, indeed, itself confidential information,
6 wasn't it?
7 A. It was confidential information which I wanted to take
8 to the section 31 inquiry.
9
10 Q. But how did you still have it in November 2011?
11 A. Well, I hadn't destroyed it.
12
13 Q. But you had, you told --
14 A. I destroyed some documents and I had some --
15
16 Q. You told us this morning that you destroyed the
17 documents after you had seen Ms Furness in May 2011, didn't
18 you?
19 A. I didn't say I destroyed everything I had.
20
21 Q. I see. So you destroyed some things but not other
22 things, did you?
23 A. Correct.
24
25 Q. Have you still got any confidential information of
26 Star, Mr Grimshaw?
27 A. I have nothing.
28
29 Q. When was the last time you decided to destroy
30 something?
31 A. I can't recall.
32
33 Q. Is that an honest answer?
34 A. Yes.
35
36 Q. Why are you smiling while you give it?
37 A. Because you look as though you don't believe me.
38
39 Q. I am sorry for looking like that, Mr Grimshaw, I will
40 try to hide my feelings a bit more. Mr Grimshaw, let's
41 just go through this process of destruction of confidential
42 material. What material did you destroy that you had taken
43 from Star's records after seeing Ms Furness in either March
44 or May 2011?
45 A. I don't recall item by item. I had a document left
46 over, and that was - and those notes which I found
47 subsequently.

1
2 Q. Why did you decide to destroy some documents and not
3 others?
4 A. I just - my view was, on some of those documents,
5 I did not want to be in possession of those documents, and
6 so I destroyed them.
7
8 Q. And you just inadvertently managed to keep some
9 documents from which you could help Mr Aston with his story
10 in November 2011; is that what you want Ms Furness to
11 believe?
12 A. No.
13
14 Q. What do you want her to believe?
15 A. I want her to believe the truth, which is some
16 documents in one pile I have destroyed, obviously. Others
17 I have gone back to and I have still got some.
18
19 Q. Have you destroyed the documents that you relied upon
20 for Mr Aston's story?
21 A. Which story - the prostitution?
22
23 Q. Yes, the prostitution story behind tab 5?
24 A. Yes, it is destroyed.
25
26 Q. When did you destroy those?
27 A. I don't recall. I haven't got them.
28
29 Q. Why did you destroy them?
30 A. Well, because I don't need them. I don't want them.
31
32 Q. You didn't need them in November 2011, either, did
33 you?
34 A. No, but I found them.
35
36 Q. Are they serious answers you have given on your oath,
37 Mr Grimshaw?
38 A. Yes, Mr Sullivan.
39
40 Q. When you say you have destroyed documents, did you
41 manage to store any summaries of documents that you had
42 taken from Star, such as incident report numbers, on any
43 computer?
44 A. Not that I'm aware of, not that I recall.
45
46 Q. Have you taken steps to also destroy or seek to
47 eliminate or erase any computer records of materials you

1 took from Star?
2 A. I don't think I took any computer records from Star.
3
4 Q. You did not, as far as you were aware, scan or
5 otherwise put in any documentary materials into a computer?
6 A. Not that I recall.
7
8 Q. May I move on then to a different topic, Mr Grimshaw.
9 You were asked some questions by Mr Wigney concerning
10 preparation, taking steps to plan to contact directors of
11 Star in relation to the sexual harassment claims; do you
12 recall those questions?
13 A. Yes.
14
15 Q. Do you recall your answers were, "Well, we thought
16 about doing things, but we never carried them through"?
17 A. Yes.
18
19 Q. In fact, the plan that you and your partner derived
20 was one which was much more subtle and, I'd suggest,
21 dishonest from the plans that you gave evidence of this
22 morning. It was dishonest, I suggest to you, in that the
23 plan was that you would impersonate your partner's husband
24 for the purpose of making these calls to the directors of
25 Star and, as her husband, threaten to go to the media if
26 something wasn't done about Mr Vaikunta. You would agree
27 or disagree with that proposition?
28 A. Totally disagree.
29
30 Q. Totally disagree with that?
31 A. Yes.
32
33 Q. That never entered into your mind, at all do you say?
34 A. If I did, I don't remember, but I certainly had no
35 intention ever of ringing Mr Story.
36
37 Q. The reason you had no intention of that was because of
38 the evidence you gave this morning, I take it; namely that
39 for you to make those calls, you would always regard as
40 completely improper because people might accuse you of
41 trying to exert political influence?
42 A. Yes.
43
44 Q. But, of course, if you pretended you were someone else
45 and made the calls, that was a way around that little
46 problem wasn't it?
47 A. Well, I didn't do it and I wouldn't do it.

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Q. You didn't do it? And you say you never even discussed it, do you?

A. We may have asked it. We discussed a lot of things during that period, but I don't remember discussing it.

Q. It's not something you would forget if you discussed it, is it?

A. Well, we discussed a lot of things during that period, as I said.

Q. You know the name, don't you, of your partner's husband?

A. Yes.

Q. I'm not going to repeat it, but I'll take you to a document. I want to ask you about it when we come to it to confirm whether that's your partner's husband's name.

A. Yes.

MR SULLIVAN: Ms Furness, I don't know what time you are intending to go sit for but I have another half an hour to 20 minutes of questions.

MS FURNESS: We might adjourn till tomorrow morning. Mr Wigney, the bundle of documents that you provided to Ms Sharp, did you wish her to keep those or return them to you? Can I indicate from my point of view I would prefer that those documents not leave this building.

MR SULLIVAN: We would prefer our documents not leave either.

MR WIGNEY: I'll speak to Ms Sharp about that.

MS FURNESS: Thank you. Are there any other administrative details we need to deal with? If not, we will adjourn till 10am tomorrow morning

**AT 4.03PM THE HEARING WAS ADJOURNED TO 10AM,
ON TUESDAY, 3 APRIL 2012**

<p>•</p>	<p>64:40, 66:25</p>	<p>23:14, 23:20, 23:34,</p>	<p>30 [5] - 41:10, 51:12,</p>	<p>5085 [1] - 69:31</p>
<p>'criminals [1] - 76:7 'dark [1] - 76:8 'hi [1] - 60:46 'This [1] - 92:26</p>	<p>15-minute [1] - 52:35 15th [2] - 65:10, 66:10 16 [8] - 5:16, 12:44, 13:45, 21:28, 22:43, 53:30, 83:8, 85:19 17 [2] - 56:1, 85:24 1734 [1] - 94:21 18 [2] - 11:4, 51:12 19 [8] - 67:18, 67:29, 68:18, 69:16, 69:32, 69:37, 70:24, 70:25 1979 [1] - 79:5 1990 [1] - 11:12 1992 [1] - 7:46 1994 [1] - 12:12 19th [2] - 68:24, 68:25 19th." [1] - 68:15</p>	<p>23:39, 24:28, 25:7, 25:31, 25:35, 29:30, 29:37, 30:2, 30:9, 30:13, 30:15, 30:27, 32:15, 33:9, 33:16, 33:20, 39:18, 40:11, 41:29, 42:16, 43:8, 44:46, 45:8, 45:20, 45:31, 46:10, 48:19, 49:34, 51:5, 52:46, 52:47, 53:26, 53:40, 53:42, 54:10, 55:15, 55:30, 55:39, 56:11, 56:34, 57:19, 59:35, 60:35, 60:44, 62:11, 64:9, 64:21, 64:40, 64:42, 65:1, 66:25, 67:18, 69:16, 69:32, 72:7, 72:38, 73:38, 74:29, 76:3, 76:23, 86:6, 103:38, 107:4, 113:28, 117:14, 117:22, 118:43, 120:30, 121:15, 121:22, 121:29, 122:10, 122:17, 122:44, 123:10, 123:32</p>	<p>31 [29] - 3:24, 3:32, 4:18, 4:24, 4:35, 5:32, 5:39, 8:3, 8:4, 8:8, 9:7, 9:9, 9:14, 32:13, 39:47, 40:25, 42:45, 43:17, 45:20, 50:7, 50:19, 51:35, 52:7, 52:17, 52:19, 53:16, 76:15, 101:38, 122:8 316 [1] - 116:15 32 [1] - 4:43 3316 [1] - 36:28 3927 [1] - 36:31 3931 [1] - 37:26 3979 [1] - 39:17 3980 [1] - 39:37 3981 [1] - 40:11 3982 [1] - 41:12 3990 [2] - 42:14, 42:16 3991 [1] - 42:41 3pm [1] - 85:27</p>	<p>5125 [1] - 72:6 5127 [1] - 72:31 5130 [1] - 72:31 5131 [1] - 72:38 5138 [1] - 73:16 5195 [1] - 73:37 5205 [1] - 74:29 5262 [1] - 76:1 5263 [1] - 76:3 5813 [2] - 76:41, 82:34 5818 [1] - 77:41 5839 [1] - 78:34 5981 [1] - 80:41</p>
<p>1</p>	<p>1 [14] - 57:38, 57:43, 58:2, 58:20, 69:3, 69:10, 69:19, 69:20, 76:6, 78:9, 81:4, 93:28, 111:29, 114:25 1's [10] - 58:26, 58:42, 61:29, 68:37, 68:42, 68:47, 69:47, 81:20, 81:33, 81:43 1.49pm [1] - 48:19 10 [4] - 9:42, 37:1, 48:18, 97:43 10.07am [1] - 64:9 10.19am [1] - 37:28 10.41am [1] - 10:22 10.52pm [1] - 108:17 100 [1] - 100:26 1029 [1] - 64:21 10AM [1] - 125:40 10am [2] - 1:27, 125:38 10th [1] - 64:44 11 [3] - 49:33, 72:17, 121:29 11.05am [1] - 38:42 11.30 [1] - 36:11 11.37am [1] - 39:19 11.40am [1] - 40:11 11.42am [2] - 72:7, 72:13 12 [7] - 62:17, 64:21, 64:42, 65:1, 72:17, 94:24, 102:31 12.05 [1] - 52:36 12.20 [1] - 52:36 12.45pm [1] - 72:38 12th [3] - 65:6, 66:7, 66:8 13 [9] - 60:35, 60:44, 62:11, 62:41, 63:24, 120:30, 121:15, 121:22, 121:29 13/12 [1] - 62:45 14 [1] - 102:29 143 [4] - 1:11, 2:2, 5:3, 5:37 143B [3] - 6:7, 9:37, 9:47 15 [4] - 15:7, 64:9,</p>	<p>2</p>	<p>4</p>	<p>6</p>
<p>1 [14] - 57:38, 57:43, 58:2, 58:20, 69:3, 69:10, 69:19, 69:20, 76:6, 78:9, 81:4, 93:28, 111:29, 114:25 1's [10] - 58:26, 58:42, 61:29, 68:37, 68:42, 68:47, 69:47, 81:20, 81:33, 81:43 1.49pm [1] - 48:19 10 [4] - 9:42, 37:1, 48:18, 97:43 10.07am [1] - 64:9 10.19am [1] - 37:28 10.41am [1] - 10:22 10.52pm [1] - 108:17 100 [1] - 100:26 1029 [1] - 64:21 10AM [1] - 125:40 10am [2] - 1:27, 125:38 10th [1] - 64:44 11 [3] - 49:33, 72:17, 121:29 11.05am [1] - 38:42 11.30 [1] - 36:11 11.37am [1] - 39:19 11.40am [1] - 40:11 11.42am [2] - 72:7, 72:13 12 [7] - 62:17, 64:21, 64:42, 65:1, 72:17, 94:24, 102:31 12.05 [1] - 52:36 12.20 [1] - 52:36 12.45pm [1] - 72:38 12th [3] - 65:6, 66:7, 66:8 13 [9] - 60:35, 60:44, 62:11, 62:41, 63:24, 120:30, 121:15, 121:22, 121:29 13/12 [1] - 62:45 14 [1] - 102:29 143 [4] - 1:11, 2:2, 5:3, 5:37 143B [3] - 6:7, 9:37, 9:47 15 [4] - 15:7, 64:9,</p>	<p>2</p>	<p>2012 [17] - 1:27, 59:35, 77:1, 77:43, 78:35, 80:42, 83:9, 85:19, 85:24, 86:12, 86:19, 90:37, 93:19, 94:21, 98:39, 107:4, 125:41 21 [5] - 73:38, 74:29, 86:6, 108:17, 111:38 21/12 [1] - 75:27 22 [2] - 3:30, 37:28 222 [1] - 111:36 23 [9] - 39:18, 40:11, 41:29, 42:16, 42:40, 42:46, 43:8, 76:2, 76:22 249 [3] - 114:26, 116:38, 117:3 25 [1] - 51:35 2] [1] - 99:5 2]'s [1] - 99:5 2nd [1] - 93:22 2pm [1] - 71:19</p>	<p>4 [7] - 46:10, 49:47, 95:18, 96:15, 96:31, 96:45, 97:29 4.03PM [1] - 125:40 4595 [1] - 48:17 4643 [1] - 49:33 4749 [3] - 60:31, 60:34, 61:6 4750 [1] - 60:43 4852 [1] - 64:7 4858 [1] - 64:20</p>	<p>6 [2] - 78:35, 116:41 6.26 [1] - 74:13 60-odd [1] - 116:41 6246 [2] - 83:8, 84:39 6248 [1] - 83:23 6254 [1] - 84:39 6985 [2] - 94:19, 98:5</p>
<p>1 [14] - 57:38, 57:43, 58:2, 58:20, 69:3, 69:10, 69:19, 69:20, 76:6, 78:9, 81:4, 93:28, 111:29, 114:25 1's [10] - 58:26, 58:42, 61:29, 68:37, 68:42, 68:47, 69:47, 81:20, 81:33, 81:43 1.49pm [1] - 48:19 10 [4] - 9:42, 37:1, 48:18, 97:43 10.07am [1] - 64:9 10.19am [1] - 37:28 10.41am [1] - 10:22 10.52pm [1] - 108:17 100 [1] - 100:26 1029 [1] - 64:21 10AM [1] - 125:40 10am [2] - 1:27, 125:38 10th [1] - 64:44 11 [3] - 49:33, 72:17, 121:29 11.05am [1] - 38:42 11.30 [1] - 36:11 11.37am [1] - 39:19 11.40am [1] - 40:11 11.42am [2] - 72:7, 72:13 12 [7] - 62:17, 64:21, 64:42, 65:1, 72:17, 94:24, 102:31 12.05 [1] - 52:36 12.20 [1] - 52:36 12.45pm [1] - 72:38 12th [3] - 65:6, 66:7, 66:8 13 [9] - 60:35, 60:44, 62:11, 62:41, 63:24, 120:30, 121:15, 121:22, 121:29 13/12 [1] - 62:45 14 [1] - 102:29 143 [4] - 1:11, 2:2, 5:3, 5:37 143B [3] - 6:7, 9:37, 9:47 15 [4] - 15:7, 64:9,</p>	<p>2 [23] - 1:27, 2:13, 2:23, 3:29, 4:27, 8:1, 8:40, 9:7, 80:14, 86:23, 86:29, 89:14, 90:37, 93:19, 94:20, 98:38, 99:26, 99:41, 102:34, 104:40, 108:7, 108:13 2.25pm [1] - 60:36 2.44pm [1] - 49:34 2/2/2012 [2] - 93:29, 93:30 20 [6] - 64:8, 72:7, 72:38, 73:17, 97:43, 125:23 2000 [1] - 20:12 2009 [1] - 13:42 2010 [32] - 9:16, 13:47, 14:5, 14:7, 14:8, 16:43, 16:45, 19:27, 19:32, 19:33, 19:37, 19:46, 22:21, 27:19, 106:30, 106:34, 106:41, 108:9, 108:17, 108:35, 110:41, 111:18, 111:21, 111:38, 112:21, 114:28, 114:39, 115:10, 116:1, 116:19, 116:41, 121:26 2011 [92] - 2:13, 2:23, 3:19, 3:29, 3:30, 8:1, 8:40, 14:9, 14:30, 22:21, 22:31, 22:46,</p>	<p>3</p>	<p>5</p>	<p>7</p>
<p>1 [14] - 57:38, 57:43, 58:2, 58:20, 69:3, 69:10, 69:19, 69:20, 76:6, 78:9, 81:4, 93:28, 111:29, 114:25 1's [10] - 58:26, 58:42, 61:29, 68:37, 68:42, 68:47, 69:47, 81:20, 81:33, 81:43 1.49pm [1] - 48:19 10 [4] - 9:42, 37:1, 48:18, 97:43 10.07am [1] - 64:9 10.19am [1] - 37:28 10.41am [1] - 10:22 10.52pm [1] - 108:17 100 [1] - 100:26 1029 [1] - 64:21 10AM [1] - 125:40 10am [2] - 1:27, 125:38 10th [1] - 64:44 11 [3] - 49:33, 72:17, 121:29 11.05am [1] - 38:42 11.30 [1] - 36:11 11.37am [1] - 39:19 11.40am [1] - 40:11 11.42am [2] - 72:7, 72:13 12 [7] - 62:17, 64:21, 64:42, 65:1, 72:17, 94:24, 102:31 12.05 [1] - 52:36 12.20 [1] - 52:36 12.45pm [1] - 72:38 12th [3] - 65:6, 66:7, 66:8 13 [9] - 60:35, 60:44, 62:11, 62:41, 63:24, 120:30, 121:15, 121:22, 121:29 13/12 [1] - 62:45 14 [1] - 102:29 143 [4] - 1:11, 2:2, 5:3, 5:37 143B [3] - 6:7, 9:37, 9:47 15 [4] - 15:7, 64:9,</p>	<p>2 [23] - 1:27, 2:13, 2:23, 3:29, 4:27, 8:1, 8:40, 9:7, 80:14, 86:23, 86:29, 89:14, 90:37, 93:19, 94:20, 98:38, 99:26, 99:41, 102:34, 104:40, 108:7, 108:13 2.25pm [1] - 60:36 2.44pm [1] - 49:34 2/2/2012 [2] - 93:29, 93:30 20 [6] - 64:8, 72:7, 72:38, 73:17, 97:43, 125:23 2000 [1] - 20:12 2009 [1] - 13:42 2010 [32] - 9:16, 13:47, 14:5, 14:7, 14:8, 16:43, 16:45, 19:27, 19:32, 19:33, 19:37, 19:46, 22:21, 27:19, 106:30, 106:34, 106:41, 108:9, 108:17, 108:35, 110:41, 111:18, 111:21, 111:38, 112:21, 114:28, 114:39, 115:10, 116:1, 116:19, 116:41, 121:26 2011 [92] - 2:13, 2:23, 3:19, 3:29, 3:30, 8:1, 8:40, 14:9, 14:30, 22:21, 22:31, 22:46,</p>	<p>3 [4] - 76:6, 96:30, 108:34, 125:41 3.04pm [1] - 73:17 3.17pm [1] - 69:16 3.54pm [1] - 69:32</p>	<p>5 [6] - 77:1, 77:42, 95:17, 116:40, 120:30, 123:23 5.05pm [3] - 90:37, 93:20, 96:24 5.05PM [1] - 93:29 5.09pm [4] - 91:13, 93:21, 93:37, 96:25 5.09PM [1] - 93:30 5.22pm [2] - 93:42, 96:26 5.23pm [1] - 69:37 5.30 [1] - 95:16 5.37pm [1] - 83:9 5.50pm [1] - 73:38 5058 [1] - 67:17 5083 [1] - 69:15</p>	<p>7 [2] - 76:8, 117:16 7.02pm [2] - 98:41, 100:5 7.09am [1] - 67:19 7.10pm [1] - 77:1 7.12am [1] - 76:3 7.25 [1] - 80:42 7.48am [1] - 76:22 7.48pm [1] - 77:43 7037 [1] - 98:38 7:43:30am [1] - 111:38</p>
<p>1 [14] - 57:38, 57:43, 58:2, 58:20, 69:3, 69:10, 69:19, 69:20, 76:6, 78:9, 81:4, 93:28, 111:29, 114:25 1's [10] - 58:26, 58:42, 61:29, 68:37, 68:42, 68:47, 69:47, 81:20, 81:33, 81:43 1.49pm [1] - 48:19 10 [4] - 9:42, 37:1, 48:18, 97:43 10.07am [1] - 64:9 10.19am [1] - 37:28 10.41am [1] - 10:22 10.52pm [1] - 108:17 100 [1] - 100:26 1029 [1] - 64:21 10AM [1] - 125:40 10am [2] - 1:27, 125:38 10th [1] - 64:44 11 [3] - 49:33, 72:17, 121:29 11.05am [1] - 38:42 11.30 [1] - 36:11 11.37am [1] - 39:19 11.40am [1] - 40:11 11.42am [2] - 72:7, 72:13 12 [7] - 62:17, 64:21, 64:42, 65:1, 72:17, 94:24, 102:31 12.05 [1] - 52:36 12.20 [1] - 52:36 12.45pm [1] - 72:38 12th [3] - 65:6, 66:7, 66:8 13 [9] - 60:35, 60:44, 62:11, 62:41, 63:24, 120:30, 121:15, 121:22, 121:29 13/12 [1] - 62:45 14 [1] - 102:29 143 [4] - 1:11, 2:2, 5:3, 5:37 143B [3] - 6:7, 9:37, 9:47 15 [4] - 15:7, 64:9,</p>	<p>2 [23] - 1:27, 2:13, 2:23, 3:29, 4:27, 8:1, 8:40, 9:7, 80:14, 86:23, 86:29, 89:14, 90:37, 93:19, 94:20, 98:38, 99:26, 99:41, 102:34, 104:40, 108:7, 108:13 2.25pm [1] - 60:36 2.44pm [1] - 49:34 2/2/2012 [2] - 93:29, 93:30 20 [6] - 64:8, 72:7, 72:38, 73:17, 97:43, 125:23 2000 [1] - 20:12 2009 [1] - 13:42 2010 [32] - 9:16, 13:47, 14:5, 14:7, 14:8, 16:43, 16:45, 19:27, 19:32, 19:33, 19:37, 19:46, 22:21, 27:19, 106:30, 106:34, 106:41, 108:9, 108:17, 108:35, 110:41, 111:18, 111:21, 111:38, 112:21, 114:28, 114:39, 115:10, 116:1, 116:19, 116:41, 121:26 2011 [92] - 2:13, 2:23, 3:19, 3:29, 3:30, 8:1, 8:40, 14:9, 14:30, 22:21, 22:31, 22:46,</p>	<p>3 [4] - 76:6, 96:30, 108:34, 125:41 3.04pm [1] - 73:17 3.17pm [1] - 69:16 3.54pm [1] - 69:32</p>	<p>5 [6] - 77:1, 77:42, 95:17, 116:40, 120:30, 123:23 5.05pm [3] - 90:37, 93:20, 96:24 5.05PM [1] - 93:29 5.09pm [4] - 91:13, 93:21, 93:37, 96:25 5.09PM [1] - 93:30 5.22pm [2] - 93:42, 96:26 5.23pm [1] - 69:37 5.30 [1] - 95:16 5.37pm [1] - 83:9 5.50pm [1] - 73:38 5058 [1] - 67:17 5083 [1] - 69:15</p>	<p>8 [7] - 1:21, 114:28, 114:38, 115:10, 116:19, 116:40, 116:42 8.05am [2] - 78:36, 79:32 8.13 [1] - 109:5 8.13am [2] - 79:29, 79:32 88 [1] - 1:22 8th [1] - 65:10</p>

9	3:24, 3:25, 4:22, 4:44, 5:12, 5:37, 6:7, 7:46, 88:21 acting [1] - 9:1 actions [3] - 57:39, 58:3, 58:21 actual [5] - 43:32, 56:18, 90:25, 95:35, 95:40 added [1] - 75:26 address [3] - 7:36, 31:18, 90:35 addressed [3] - 7:27, 9:10, 43:23 adequacy [1] - 9:16 adjourn [5] - 9:41, 71:19, 84:30, 125:25, 125:38 adjournment [4] - 9:39, 36:12, 52:36, 84:25 administrative [1] - 125:37 advances [2] - 6:19, 57:29 adverse [17] - 19:44, 20:2, 20:7, 20:10, 20:43, 26:26, 26:33, 27:17, 29:25, 32:20, 32:25, 33:10, 43:18, 43:42, 45:25, 47:17, 62:31 adverted [2] - 36:10, 89:13 advice [6] - 14:21, 60:7, 81:45, 81:46, 82:4, 97:1 advise [1] - 89:33 advised [9] - 29:36, 30:12, 30:17, 30:23, 30:32, 58:15, 90:26, 97:29, 97:35 adviser [5] - 7:39, 55:40, 81:29, 102:17, 104:4 advisers [2] - 101:14, 101:46 advising [2] - 84:13, 97:7 af [1] - 76:22 affecting [1] - 75:44 affects [1] - 102:7 afternoon [2] - 48:19, 96:31 agencies [1] - 4:10 ages [1] - 99:9 aggressive [1] - 87:6 aggrieved [2] - 17:21, 17:29 agitated [1] - 85:6	ago [3] - 53:30, 106:3, 115:30 agree [30] - 14:40, 15:2, 15:11, 18:33, 21:18, 25:1, 25:37, 28:13, 30:25, 33:9, 33:12, 33:15, 33:45, 41:37, 44:17, 45:38, 46:46, 47:29, 58:34, 59:34, 59:41, 59:42, 66:36, 72:19, 72:33, 76:34, 94:4, 112:27, 114:40, 124:26 agreed [7] - 18:20, 28:33, 40:36, 44:34, 45:19, 53:22, 73:11 agreement [2] - 18:21, 18:41 ahead [2] - 47:23, 52:28 aim [1] - 70:23 aiming [3] - 68:14, 68:25, 70:24 aired [1] - 9:6 alcohol [7] - 3:47, 25:16, 26:10, 26:28, 28:30, 28:40, 30:6 alert [1] - 89:30 alerted [1] - 89:28 all [1] - 76:22 allegation [9] - 3:28, 23:30, 72:22, 86:14, 86:28, 87:15, 87:24, 89:46, 100:47 allegations [41] - 2:19, 2:22, 5:19, 5:44, 6:3, 6:35, 8:13, 8:15, 8:17, 8:22, 8:23, 8:28, 8:45, 9:24, 9:26, 23:31, 53:11, 57:43, 58:10, 58:26, 58:36, 59:2, 59:13, 68:38, 68:42, 68:47, 75:8, 75:9, 77:19, 80:12, 81:20, 81:34, 83:43, 85:15, 86:7, 87:1, 90:13, 97:33, 97:36, 104:24 allowed [5] - 18:35, 31:34, 64:2, 75:41, 75:43 alluded [1] - 26:36 almost [1] - 13:45 alone [2] - 32:22, 115:45 altered [1] - 26:18 American [4] - 12:19, 109:12, 109:27, 110:8 Americans [1] - 110:20	amicable [1] - 105:44 AN [1] - 93:29 Andrew [2] - 119:30, 119:37 angry [1] - 57:2 animosity [1] - 38:17 Anita [1] - 9:2 Annie [1] - 78:40 annie [1] - 79:22 announced [4] - 80:14, 94:44, 100:25, 101:18 announcement [29] - 4:29, 4:35, 8:9, 8:11, 86:22, 86:29, 89:14, 89:15, 89:20, 89:24, 89:29, 89:42, 90:3, 91:31, 91:37, 91:42, 91:47, 94:38, 95:19, 96:5, 96:10, 96:30, 96:34, 96:42, 96:46, 97:2, 97:3, 97:7, 98:39 announcement" [1] - 95:3 announcements [1] - 96:29 announcing [1] - 96:46 anonymously [1] - 8:16 answer [22] - 21:3, 21:5, 24:5, 66:25, 74:3, 74:8, 95:45, 96:28, 103:2, 103:13, 103:30, 103:42, 106:18, 113:3, 113:6, 113:9, 114:3, 115:4, 116:11, 116:12, 120:8, 122:33 answered [2] - 85:26, 114:6 answering [2] - 96:35, 105:38 answers [3] - 78:7, 123:36, 124:15 anticipate [1] - 9:23 anticipated [1] - 9:31 anticipating [1] - 94:18 anxiety [2] - 67:7, 75:30 anyhow [4] - 20:29, 21:6, 73:23, 110:10 apart [2] - 71:5, 115:44 apologise [1] - 24:36 appeal [3] - 107:15, 108:9, 108:31	appear [8] - 2:42, 2:45, 3:8, 3:11, 3:15, 24:1, 24:14, 79:37 appearances [1] - 2:40 appeared [2] - 17:23, 117:13 appearing [1] - 3:2 application [5] - 9:37, 35:24, 35:32, 36:1, 36:3 appoint [1] - 16:18 appointed [2] - 14:32, 16:22 appointment [4] - 15:42, 16:17, 16:36, 25:9 appreciate [3] - 8:2, 21:44, 33:16 apprehended [1] - 81:12 approach [3] - 75:5, 75:11, 88:28 approached [4] - 8:21, 94:39, 111:14, 113:29 appropriate [5] - 36:3, 36:4, 94:5, 110:43, 113:42 appropriately [1] - 108:23 APRIL [1] - 125:41 April [1] - 1:27 area [7] - 17:4, 18:3, 18:7, 18:24, 19:5, 47:11, 68:31 areas [5] - 13:12, 18:4, 31:47, 92:12, 111:8 argument [1] - 35:17 arise [2] - 2:11, 7:46 arm [1] - 18:24 arose [2] - 29:18, 68:10 arse [1] - 39:24 article [12] - 46:12, 46:41, 47:19, 47:39, 48:5, 117:16, 117:17, 117:21, 118:7, 118:14, 120:29, 120:38 articles [1] - 117:12 articulated [6] - 20:25, 20:45, 29:16, 31:12, 55:17, 56:13 Arts [1] - 15:24 arts [2] - 10:35, 10:39 ash [1] - 49:40 aside [8] - 32:12,
A				
abbreviations [1] - 38:1 able [11] - 24:22, 29:28, 31:3, 35:46, 38:34, 39:10, 40:19, 41:16, 42:34, 71:12, 81:45 absolute [1] - 108:42 Absolute [5] - 46:24, 46:42, 47:4, 47:24, 47:33 absolutely [9] - 50:10, 52:18, 53:13, 71:5, 80:7, 88:32, 88:35, 115:27, 116:34 abundantly [1] - 104:1 abuse [1] - 40:47 accept [15] - 26:41, 34:47, 37:21, 51:3, 51:8, 51:33, 61:4, 61:7, 62:18, 64:40, 64:43, 65:2, 69:12, 72:47, 114:36 accepted [3] - 30:29, 30:44, 30:46 accepting [1] - 65:8 access [1] - 41:32 accompanied [1] - 76:14 accord [1] - 30:35 according [1] - 68:18 account [1] - 5:43 accounts [2] - 5:23, 8:37 accuse [1] - 124:40 achieve [1] - 7:13 acquired [1] - 10:34 acrimonious [5] - 18:39, 18:40, 55:11, 55:12, 70:40 acronym [1] - 24:7 act [4] - 2:11, 4:19, 5:3, 59:18 ACT [1] - 1:11 Act [1] - 2:3, 2:9,				

<p>43:22, 44:31, 52:43, 53:26, 63:5, 68:27, 97:11</p> <p>aspect [2] - 7:28, 52:42</p> <p>aspects [1] - 44:33</p> <p>assaulted [3] - 60:46, 61:25, 61:32</p> <p>assembled [1] - 10:4</p> <p>assertion [1] - 26:35</p> <p>assist [11] - 23:35, 32:28, 38:34, 48:5, 68:17, 86:21, 90:29, 90:31, 91:29, 116:14, 116:44</p> <p>assistance [3] - 14:21, 47:18, 47:21</p> <p>Assisting [1] - 1:33</p> <p>assisting [6] - 2:30, 2:38, 2:43, 35:13, 107:24, 107:35</p> <p>associated [3] - 11:47, 107:11, 115:10</p> <p>assume [5] - 35:45, 37:37, 111:31, 112:44, 115:23</p> <p>assumption [2] - 115:36, 115:38</p> <p>assurances [2] - 20:31, 37:21</p> <p>assure [1] - 108:44</p> <p>assured [3] - 62:46, 95:5, 98:2</p> <p>Aston [25] - 44:42, 45:30, 45:40, 46:10, 47:38, 48:4, 48:33, 49:1, 49:3, 49:8, 49:12, 49:20, 50:3, 50:6, 50:10, 52:9, 114:14, 114:25, 117:44, 118:3, 118:6, 118:13, 120:29, 120:37, 123:9</p> <p>aston [3] - 45:39, 46:47, 47:46</p> <p>Aston's [2] - 52:45, 123:20</p> <p>ASX [6] - 96:30, 96:42, 96:46, 97:1, 97:2, 98:39</p> <p>AT [3] - 93:29, 93:30, 125:40</p> <p>Atlantic [1] - 16:9</p> <p>attached [1] - 7:24</p> <p>attempting [1] - 52:16</p> <p>attempts [1] - 2:21</p> <p>Attenborough [1] - 19:4</p> <p>attend [2] - 23:39,</p>	<p>29:31</p> <p>attendance [1] - 52:26</p> <p>attended [1] - 79:21</p> <p>attention [2] - 93:35, 105:28</p> <p>attitude [5] - 28:29, 28:43, 30:5, 65:43, 70:34</p> <p>attitudes [2] - 71:3</p> <p>August [2] - 111:38, 112:21</p> <p>August/September [1] - 16:43</p> <p>Australia [1] - 39:29</p> <p>authority [25] - 2:8, 2:9, 2:12, 3:32, 3:37, 4:39, 4:44, 5:2, 5:13, 5:33, 7:47, 8:43, 23:20, 23:27, 23:35, 24:8, 24:9, 30:16, 30:20, 32:13, 33:42, 92:17, 94:1, 96:32, 96:34</p> <p>Authority [3] - 3:20, 23:21, 91:2</p> <p>authority's [3] - 2:11, 7:45, 8:29</p> <p>available [9] - 4:15, 34:1, 34:45, 41:45, 61:5, 68:18, 85:23, 105:15, 113:38</p> <p>avenue [1] - 75:25</p> <p>avoid [2] - 21:45, 37:22</p> <p>avoiding [2] - 37:46, 38:45</p> <p>aware [40] - 4:42, 10:5, 23:19, 23:25, 23:34, 28:16, 31:37, 33:41, 33:46, 34:4, 43:23, 43:25, 47:26, 54:28, 62:4, 62:9, 62:15, 63:20, 69:5, 76:42, 77:36, 77:39, 81:22, 82:22, 83:1, 84:5, 84:20, 85:10, 85:13, 85:16, 87:43, 89:27, 90:12, 93:45, 117:30, 117:32, 117:33, 119:39, 123:44, 124:4</p> <p>awareness [1] - 51:20</p> <p>awful [1] - 64:14</p> <p>awkward [1] - 101:47</p>	<p style="text-align: center;">B</p> <p>babe [1] - 64:13</p> <p>bachelor [1] - 10:34</p> <p>background [1] - 10:31</p> <p>bad [4] - 17:33, 20:13, 74:15, 86:40</p> <p>bag [1] - 68:28</p> <p>Baird [4] - 11:20, 11:28, 12:4, 53:29</p> <p>Baird's [2] - 12:3, 12:13</p> <p>balance [2] - 48:31, 102:4</p> <p>banned [2] - 66:39, 66:42</p> <p>banter [2] - 54:19, 109:21</p> <p>Bar [2] - 2:33, 10:7</p> <p>Barrington [10] - 26:5, 27:23, 27:36, 27:40, 28:19, 28:47, 29:37, 30:47, 114:7, 114:15</p> <p>Barringtons [6] - 26:5, 26:21, 26:23, 26:25, 26:32, 30:4</p> <p>Barry [10] - 78:39, 78:47, 99:4, 100:23, 112:1, 112:18, 112:27, 114:30, 114:34, 116:22</p> <p>based [4] - 3:37, 29:20, 32:22, 105:13</p> <p>basis [21] - 14:9, 23:43, 23:44, 24:2, 28:8, 34:23, 34:40, 34:44, 47:39, 49:13, 65:13, 65:25, 68:2, 70:17, 70:29, 70:30, 88:29, 105:27, 106:39, 107:29, 113:41</p> <p>be.. [1] - 72:15</p> <p>bear [1] - 31:16</p> <p>became [10] - 10:45, 12:22, 12:23, 13:41, 53:32, 53:37, 62:27, 101:44, 102:25, 107:16</p> <p>become [10] - 11:7, 11:15, 12:31, 89:27, 89:31, 101:10, 101:32, 101:36, 102:15, 103:7</p> <p>becoming [2] - 21:15, 103:9</p> <p>beforehand [3] - 28:22, 63:7, 86:32</p> <p>beg [1] - 41:9</p> <p>began [1] - 65:3</p> <p>begin [1] - 64:18</p> <p>beginning [2] - 62:45, 117:4</p> <p>behalf [4] - 2:46, 3:9, 3:11, 3:15</p> <p>behaviour [2] - 4:32, 89:21</p> <p>behest [2] - 84:5, 84:11</p> <p>behind [5] - 68:23, 108:7, 117:16, 120:29, 123:23</p> <p>Bekier [1] - 83:14</p> <p>belief [2] - 26:31, 30:1</p> <p>believes [1] - 113:41</p> <p>bells [1] - 82:41</p> <p>belonging [1] - 118:32</p> <p>below [1] - 90:44</p> <p>best [11] - 55:5, 55:45, 62:7, 63:21, 63:47, 76:20, 93:18, 98:10, 98:11, 100:13, 100:45</p> <p>bet [1] - 65:39</p> <p>bet's [1] - 72:19</p> <p>better [7] - 28:24, 66:20, 66:26, 66:30, 66:43, 76:23, 76:28</p> <p>between [11] - 6:40, 18:11, 42:13, 46:2, 75:10, 79:31, 79:32, 96:24, 97:12, 99:41, 100:32</p> <p>beyond [3] - 13:17, 53:37, 104:42</p> <p>bid [1] - 53:32</p> <p>big [5] - 76:9, 100:31, 112:14, 112:17</p> <p>big-noting [3] - 112:14, 112:17</p> <p>bill [1] - 3:42</p> <p>bit [9] - 18:34, 18:40, 18:47, 19:2, 19:10, 24:40, 98:47, 122:40</p> <p>blah [2] - 74:7, 74:8</p> <p>blank [2] - 61:24, 116:29</p> <p>bloody [1] - 108:21</p> <p>blush [1] - 34:29</p> <p>board [8] - 60:13, 62:26, 72:43, 83:13, 83:18, 83:23, 83:41, 84:17</p> <p>bodies [4] - 13:7,</p>	<p>28:22, 63:7, 86:32</p> <p>beg [1] - 41:9</p> <p>began [1] - 65:3</p> <p>begin [1] - 64:18</p> <p>beginning [2] - 62:45, 117:4</p> <p>behalf [4] - 2:46, 3:9, 3:11, 3:15</p> <p>behaviour [2] - 4:32, 89:21</p> <p>behest [2] - 84:5, 84:11</p> <p>behind [5] - 68:23, 108:7, 117:16, 120:29, 123:23</p> <p>Bekier [1] - 83:14</p> <p>belief [2] - 26:31, 30:1</p> <p>believes [1] - 113:41</p> <p>bells [1] - 82:41</p> <p>belonging [1] - 118:32</p> <p>below [1] - 90:44</p> <p>best [11] - 55:5, 55:45, 62:7, 63:21, 63:47, 76:20, 93:18, 98:10, 98:11, 100:13, 100:45</p> <p>bet [1] - 65:39</p> <p>bet's [1] - 72:19</p> <p>better [7] - 28:24, 66:20, 66:26, 66:30, 66:43, 76:23, 76:28</p> <p>between [11] - 6:40, 18:11, 42:13, 46:2, 75:10, 79:31, 79:32, 96:24, 97:12, 99:41, 100:32</p> <p>beyond [3] - 13:17, 53:37, 104:42</p> <p>bid [1] - 53:32</p> <p>big [5] - 76:9, 100:31, 112:14, 112:17</p> <p>big-noting [3] - 112:14, 112:17</p> <p>bill [1] - 3:42</p> <p>bit [9] - 18:34, 18:40, 18:47, 19:2, 19:10, 24:40, 98:47, 122:40</p> <p>blah [2] - 74:7, 74:8</p> <p>blank [2] - 61:24, 116:29</p> <p>bloody [1] - 108:21</p> <p>blush [1] - 34:29</p> <p>board [8] - 60:13, 62:26, 72:43, 83:13, 83:18, 83:23, 83:41, 84:17</p> <p>bodies [4] - 13:7,</p>	<p>13:10, 13:11, 92:43</p> <p>bored [1] - 21:22</p> <p>boring [2] - 69:36, 69:39</p> <p>boss [1] - 81:2</p> <p>bottom [5] - 75:32, 108:12, 111:37, 116:17, 119:43</p> <p>bound [1] - 35:2</p> <p>box [1] - 107:47</p> <p>boy [1] - 109:14</p> <p>Boyd [1] - 8:47</p> <p>breaches [1] - 80:46</p> <p>breaching [1] - 81:14</p> <p>break [2] - 36:14, 52:32</p> <p>brief [1] - 84:25</p> <p>briefed [1] - 67:41</p> <p>briefly [1] - 15:30</p> <p>bring [1] - 43:18</p> <p>brings [1] - 7:43</p> <p>brought [1] - 81:16</p> <p>bruce [1] - 11:20</p> <p>Bruce [2] - 11:28, 12:4</p> <p>building [1] - 125:29</p> <p>built [1] - 20:11</p> <p>bullshit [1] - 64:17</p> <p>bullying [1] - 8:37</p> <p>bundle [12] - 35:20, 35:27, 107:22, 107:24, 111:28, 114:26, 116:15, 116:38, 117:15, 120:28, 125:26</p> <p>business [5] - 101:30, 101:37, 110:46, 113:36, 113:43</p> <p>busing [1] - 118:18</p> <p>buy [1] - 65:40</p> <p>BY [2] - 10:24, 105:33</p> <p>byline [1] - 46:10</p>	<p style="text-align: center;">C</p> <p>cadetship [2] - 10:42, 10:44</p> <p>caller [2] - 85:27, 85:36</p> <p>camera [1] - 9:41</p> <p>campaign [2] - 14:10, 64:18</p> <p>capacity [2] - 104:26, 113:35</p> <p>care [1] - 119:28</p> <p>career [1] - 11:6</p> <p>carried [1] - 124:16</p>
---	---	--	--	--	---

<p>case [18] - 6:19, 6:20, 9:14, 9:30, 51:28, 58:11, 58:14, 61:16, 62:37, 63:1, 63:45, 63:47, 81:39, 84:19, 86:41, 87:17, 88:9, 98:1</p> <p>cash [1] - 4:4</p> <p>CASINO [1] - 1:11</p> <p>Casino [25] - 2:3, 2:9, 3:19, 3:24, 3:25, 4:22, 4:44, 5:12, 5:37, 6:7, 7:45, 12:14, 12:18, 12:25, 12:44, 13:40, 15:37, 15:47, 16:14, 16:20, 16:23, 23:20, 72:22, 88:20, 91:1</p> <p>casino [85] - 2:7, 2:13, 3:21, 3:22, 3:34, 3:35, 3:43, 3:45, 4:19, 5:11, 7:47, 8:26, 8:42, 9:1, 9:15, 9:29, 16:2, 16:8, 19:20, 21:1, 21:4, 21:38, 22:33, 23:3, 24:24, 25:8, 25:23, 27:24, 27:31, 29:21, 29:22, 31:30, 32:3, 32:36, 32:43, 33:3, 33:5, 33:10, 33:23, 33:27, 38:28, 39:6, 42:24, 44:15, 45:31, 45:39, 46:18, 46:29, 46:37, 47:11, 47:25, 48:42, 49:2, 49:41, 50:9, 50:14, 54:7, 54:24, 54:29, 54:30, 54:33, 55:2, 55:7, 55:17, 55:27, 56:12, 56:24, 56:28, 69:1, 76:37, 79:23, 85:31, 87:4, 106:6, 106:38, 109:37, 110:44, 113:21, 113:23, 115:37, 115:44, 116:3</p> <p>casino' [1] - 76:8</p> <p>casinos [4] - 15:43, 16:30, 16:31, 20:4</p> <p>cat [1] - 68:28</p> <p>cavil [5] - 44:13, 44:15, 44:17, 44:21, 52:24</p> <p>ceased [1] - 121:25</p> <p>cent [1] - 100:26</p> <p>certain [4] - 2:22, 7:10, 36:8, 68:28</p> <p>certainly [33] - 10:7, 17:47, 18:14, 23:19, 25:21, 26:35, 33:8,</p>	<p>33:9, 36:3, 38:21, 47:4, 51:23, 51:38, 52:33, 52:47, 55:21, 55:36, 56:29, 73:1, 84:7, 85:46, 87:3, 90:12, 101:32, 106:16, 106:36, 106:37, 106:38, 110:23, 110:37, 114:29, 117:35, 124:34</p> <p>cessation [3] - 2:5, 5:9, 8:9</p> <p>cetera [4] - 54:8, 74:37, 79:16, 106:25</p> <p>chairman [16] - 41:19, 41:22, 41:39, 59:45, 61:7, 63:46, 64:2, 64:20, 64:25, 64:32, 66:14, 66:39, 67:33, 67:44, 75:33, 75:42</p> <p>champion [2] - 108:21, 109:7</p> <p>champions [1] - 108:42</p> <p>chance [2] - 21:14, 32:24</p> <p>change [8] - 15:37, 15:41, 30:5, 30:21, 30:47, 31:1, 70:33, 117:11</p> <p>changed [4] - 24:8, 26:23, 27:4, 65:43</p> <p>changes [1] - 20:15</p> <p>changing [2] - 65:20, 106:27</p> <p>charge [2] - 12:35, 85:33</p> <p>charitable [1] - 107:10</p> <p>charity [1] - 107:14</p> <p>chastised [1] - 24:6</p> <p>Chat [6] - 26:45, 27:5, 27:23, 30:15, 30:21, 31:1</p> <p>chat [1] - 53:45</p> <p>checked [2] - 94:10, 97:47</p> <p>checking [1] - 94:13</p> <p>cheers [1] - 90:45</p> <p>cheque [1] - 109:43</p> <p>chief [6] - 11:28, 15:43, 15:46, 15:47, 62:35, 65:38</p> <p>Chip [6] - 26:45, 27:5, 27:22, 30:15, 30:21, 31:1</p> <p>Christmas [4] - 69:10, 75:28, 75:29,</p>	<p>76:44</p> <p>chuck [1] - 28:9</p> <p>circuit [1] - 35:17</p> <p>circulated [1] - 117:36</p> <p>circulation [3] - 117:28, 117:32, 117:33</p> <p>circumstances [22] - 2:5, 4:40, 4:46, 5:9, 8:18, 13:39, 15:31, 20:26, 20:45, 22:5, 29:18, 29:26, 29:28, 33:37, 35:2, 43:45, 54:28, 54:42, 64:28, 70:20, 106:23, 110:24</p> <p>City [37] - 6:45, 12:14, 12:17, 12:25, 12:43, 13:39, 13:41, 15:37, 16:9, 16:13, 16:20, 16:23, 16:36, 17:41, 18:32, 18:39, 20:9, 20:27, 21:41, 29:10, 51:24, 51:40, 78:1, 78:18, 78:30, 106:13, 106:17, 106:31, 106:42, 107:10, 108:22, 108:42, 108:45, 117:25, 118:27, 119:34, 119:38</p> <p>claim [6] - 8:19, 16:18, 71:12, 75:21, 82:45, 83:3</p> <p>claims [8] - 8:12, 8:15, 8:17, 9:6, 9:8, 28:25, 51:47, 124:11</p> <p>clarify [3] - 52:41, 53:3, 93:12</p> <p>clean [2] - 3:42, 74:36</p> <p>clear [15] - 5:29, 19:23, 41:32, 53:10, 55:23, 56:9, 63:1, 65:17, 65:39, 71:15, 87:19, 88:39, 96:36, 103:47, 104:1</p> <p>clear-cut [3] - 63:1, 65:17, 71:15</p> <p>clearly [13] - 40:32, 43:19, 43:34, 43:36, 44:5, 50:11, 50:16, 68:22, 70:24, 75:28, 101:10, 110:19, 116:9</p> <p>CLGCA [21] - 23:47, 75:34, 75:43, 89:29, 91:13, 91:47, 94:30, 94:45, 95:2, 95:4, 95:26, 95:27, 95:31, 96:11, 96:43, 97:1,</p>	<p>97:8, 97:13, 98:22, 98:40</p> <p>CLGCA [1] - 24:5</p> <p>client [3] - 35:1, 35:18, 35:21</p> <p>close [11] - 15:11, 15:20, 21:40, 22:11, 53:23, 53:26, 53:32, 53:37, 62:24, 63:3, 81:29</p> <p>closely [2] - 23:13, 38:28</p> <p>clue [1] - 48:24</p> <p>cluster [1] - 56:22</p> <p>Cohen [1] - 114:31</p> <p>coincidentally [1] - 117:3</p> <p>COLIN [1] - 10:22</p> <p>Colin [4] - 10:27, 34:4, 34:8, 36:37</p> <p>colleague [1] - 45:3</p> <p>colleagues [3] - 11:46, 13:24, 52:15</p> <p>collection [1] - 37:38</p> <p>column [6] - 36:20, 36:32, 36:42, 37:1, 37:8</p> <p>columns [1] - 111:37</p> <p>combined [1] - 43:41</p> <p>comfortable [1] - 92:13</p> <p>coming [11] - 28:7, 32:8, 39:28, 39:47, 41:10, 43:27, 43:40, 50:12, 50:13, 98:25, 102:34</p> <p>coming" [1] - 50:33</p> <p>commence [2] - 12:13, 73:38</p> <p>commenced [3] - 5:16, 63:6, 65:9</p> <p>commencement [2] - 6:39, 70:16</p> <p>commences [6] - 36:27, 67:19, 69:16, 73:38, 77:1, 83:9</p> <p>commencing [15] - 37:47, 39:17, 51:12, 60:31, 64:8, 67:2, 67:18, 69:15, 72:6, 72:7, 74:28, 76:3, 83:7, 98:38, 99:19</p> <p>comment [3] - 30:35, 44:24, 85:40</p> <p>commenting [1] - 77:23</p> <p>comments [7] - 6:19, 26:22, 56:45, 57:2, 77:30, 114:25</p> <p>committee [2] -</p>	<p>50:19, 52:7</p> <p>communicate [2] - 78:28, 84:40</p> <p>communicated [3] - 3:37, 58:35, 64:47</p> <p>communicating [1] - 85:2</p> <p>communication [9] - 10:36, 58:31, 59:34, 79:31, 89:34, 89:38, 97:11, 97:12, 105:3</p> <p>communications [17] - 6:45, 7:3, 7:9, 7:19, 7:21, 7:24, 7:26, 7:34, 7:41, 14:32, 15:10, 22:47, 23:12, 44:20, 48:45, 56:21, 59:10</p> <p>company [12] - 40:2, 59:29, 65:43, 66:15, 66:40, 83:46, 97:9, 98:24, 101:9, 103:6, 120:3, 120:13</p> <p>company's [1] - 30:5</p> <p>complain [1] - 85:30</p> <p>complainant [36] - 6:6, 6:10, 6:11, 6:41, 7:1, 10:16, 10:17, 22:5, 57:38, 57:43, 58:2, 58:13, 58:20, 58:42, 61:29, 68:37, 68:42, 68:47, 69:3, 69:10, 69:19, 69:20, 69:47, 78:9, 81:4, 81:20, 81:33, 81:43, 87:20, 87:25, 90:19, 99:5, 102:39</p> <p>complainant" [1] - 6:6</p> <p>complainant's [4] - 7:31, 58:26, 69:18, 83:3</p> <p>complainants [7] - 5:23, 5:26, 6:3, 6:30, 10:1, 100:24, 101:28</p> <p>complained [2] - 6:15, 8:42</p> <p>complaint [25] - 3:28, 6:17, 58:5, 58:7, 58:16, 58:17, 58:21, 58:42, 58:43, 61:26, 61:29, 64:42, 64:44, 64:46, 64:47, 66:36, 68:27, 69:47, 81:5, 81:44, 82:5, 87:28, 87:47, 90:9, 99:36</p> <p>complaints [26] - 4:8, 5:47, 6:18, 6:25, 6:29, 25:22, 27:1, 58:3, 59:46, 60:18,</p>
---	---	---	--	--

<p>60:26, 62:15, 63:6, 63:10, 64:41, 68:32, 73:3, 73:5, 76:43, 77:25, 84:14, 84:18, 90:8, 90:13, 90:21, 104:43</p> <p>complaints-handling [1] - 4:8</p> <p>complete [1] - 116:29</p> <p>completed [5] - 3:29, 4:24, 5:32, 8:8, 8:36</p> <p>completely [3] - 52:30, 56:33, 124:40</p> <p>compliance [9] - 3:47, 20:11, 20:15, 20:20, 27:7, 27:15, 28:30, 31:31, 31:34</p> <p>compliment [2] - 38:12, 38:14</p> <p>complimentary [1] - 38:12</p> <p>component [1] - 6:23</p> <p>COMPRISING [1] - 93:28</p> <p>computer [8] - 121:20, 121:42, 122:1, 122:2, 123:43, 123:47, 124:2, 124:5</p> <p>concepts [1] - 27:13</p> <p>concern [5] - 2:37, 3:44, 7:9, 8:33, 62:22</p> <p>concerned [25] - 2:26, 7:6, 24:34, 31:24, 35:21, 56:39, 57:6, 57:9, 62:25, 65:33, 66:16, 67:44, 70:33, 74:16, 79:26, 84:26, 85:29, 85:37, 86:41, 87:3, 87:7, 88:6, 88:10, 88:11, 95:10</p> <p>concerning [7] - 2:18, 4:45, 5:18, 7:19, 106:30, 119:37, 124:9</p> <p>concerns [8] - 8:25, 8:29, 59:19, 59:21, 59:25, 73:25, 73:27, 82:16</p> <p>concert [1] - 114:31</p> <p>conclude [2] - 55:7, 65:13</p> <p>concluded [2] - 8:3, 90:18</p> <p>conclusion [5] - 4:34, 9:7, 68:14, 70:24, 75:46</p> <p>concrete [25] - 25:36, 25:40, 25:45,</p>	<p>25:46, 26:4, 26:17, 26:39, 26:44, 28:34, 29:1, 30:8, 30:13, 30:14, 30:25, 30:33, 30:42, 31:4, 31:9, 31:10, 31:18, 31:20, 31:29, 31:45, 43:46, 65:35</p> <p>conduct [6] - 4:11, 5:31, 6:15, 6:17, 6:25, 7:10</p> <p>conducted [9] - 2:25, 3:20, 7:12, 9:25, 23:27, 59:6, 59:29, 62:23, 64:36</p> <p>conducting [4] - 23:21, 66:44, 66:46, 68:20</p> <p>confidence [2] - 67:24, 68:5</p> <p>confident [3] - 43:17, 43:19, 44:10</p> <p>confidential [15] - 28:14, 34:36, 113:35, 113:41, 114:10, 117:25, 118:26, 118:32, 119:8, 119:22, 119:37, 122:5, 122:7, 122:25, 122:41</p> <p>confidentiality [4] - 7:23, 80:46, 81:14, 84:24</p> <p>confirm [2] - 107:46, 125:18</p> <p>conflict [3] - 101:46, 102:16, 102:36</p> <p>connection [1] - 2:2</p> <p>connections [1] - 15:4</p> <p>conscientious [1] - 112:46</p> <p>conscious [2] - 28:12, 105:19</p> <p>considerable [1] - 7:22</p> <p>consideration [1] - 36:14</p> <p>considered [7] - 4:23, 5:39, 7:7, 17:16, 19:2, 25:45, 71:1</p> <p>contact [17] - 11:45, 12:4, 13:23, 14:28, 44:38, 54:14, 54:18, 54:23, 58:27, 59:45, 60:12, 62:3, 69:3, 83:45, 84:7, 85:36, 124:10</p> <p>contacted [14] - 60:3, 60:8, 60:9,</p>	<p>60:10, 61:11, 63:18, 63:25, 64:33, 66:34, 66:35, 67:30, 67:40, 84:2, 84:6</p> <p>contacting [4] - 83:41, 84:8, 84:12, 85:10</p> <p>contacts [8] - 13:29, 13:34, 14:41, 40:37, 40:45, 40:46, 73:11</p> <p>contain [1] - 34:35</p> <p>contained [1] - 77:34</p> <p>containing [2] - 78:17, 83:33</p> <p>contains [3] - 36:17, 36:21, 60:39</p> <p>contemplate [1] - 88:25</p> <p>contemplating [3] - 76:24, 76:32, 83:41</p> <p>content [8] - 17:37, 22:6, 37:42, 52:33, 68:41, 77:23, 93:46, 107:44</p> <p>contentious [1] - 113:37</p> <p>contents [3] - 35:8, 117:43, 118:14</p> <p>context [29] - 7:16, 11:45, 26:3, 26:38, 26:43, 35:16, 39:25, 39:26, 41:2, 41:22, 53:36, 54:15, 59:32, 63:14, 68:36, 73:10, 73:16, 76:1, 76:42, 81:19, 82:33, 83:39, 86:5, 95:12, 104:41, 113:4, 115:14</p> <p>continuation [1] - 4:23</p> <p>continue [8] - 3:23, 3:34, 18:17, 18:31, 22:32, 74:35, 76:11, 78:44</p> <p>continued [4] - 22:21, 22:27, 23:7, 85:33</p> <p>continues [3] - 9:17, 9:18, 73:46</p> <p>continuing [3] - 12:8, 60:14, 99:20</p> <p>contrary [2] - 85:4, 112:21</p> <p>CONTROL [1] - 1:11</p> <p>Control [14] - 2:3, 2:9, 3:20, 3:24, 3:25, 4:22, 4:44, 5:12, 5:37, 6:7, 7:46, 23:21, 88:21, 91:1</p> <p>controlled [3] -</p>	<p>12:18, 12:22, 12:23</p> <p>convenient [4] - 84:31, 105:25, 113:9, 115:4</p> <p>conversation [26] - 39:7, 42:7, 60:15, 81:35, 85:33, 88:23, 89:2, 94:34, 95:14, 95:23, 95:24, 95:25, 95:27, 96:6, 96:20, 97:5, 97:6, 97:12, 97:15, 97:25, 97:35, 97:39, 97:40, 98:4, 98:15, 111:35</p> <p>conversations [1] - 56:19</p> <p>convinced [1] - 65:41</p> <p>copied [1] - 90:36</p> <p>copies [5] - 34:28, 35:19, 35:31, 35:41, 107:29</p> <p>copy [13] - 4:13, 26:13, 34:16, 35:40, 35:46, 41:29, 41:31, 46:11, 117:37, 117:39, 118:21, 118:26</p> <p>copyboy [1] - 10:41</p> <p>corner [1] - 36:28</p> <p>Correct [1] - 92:23</p> <p>correct [58] - 12:10, 13:26, 14:18, 15:35, 21:14, 22:8, 23:32, 24:9, 24:10, 24:16, 31:21, 34:9, 39:30, 40:38, 40:42, 40:46, 41:40, 44:35, 44:39, 44:47, 45:11, 46:24, 48:33, 48:42, 48:43, 49:5, 49:10, 53:8, 56:31, 57:16, 68:47, 70:9, 70:10, 73:5, 73:42, 76:26, 76:45, 77:45, 79:43, 80:3, 80:10, 80:13, 81:45, 83:36, 84:15, 87:15, 89:16, 89:21, 92:6, 93:2, 94:25, 96:4, 96:7, 97:22, 100:35, 118:11, 122:23</p> <p>corrected [2] - 62:34, 110:35</p> <p>correctly [1] - 94:18</p> <p>correspondent [2] - 11:8, 45:14</p> <p>corridors [1] - 54:19</p> <p>council [1] - 107:34</p> <p>counsel [7] - 2:30, 2:38, 2:43, 23:35,</p>	<p>35:13, 46:11, 107:24</p> <p>Counsel [1] - 1:33</p> <p>couple [15] - 18:6, 27:44, 45:41, 50:18, 52:20, 62:47, 65:17, 65:42, 70:22, 72:5, 82:30, 90:23, 101:21, 101:25, 103:28</p> <p>course [38] - 6:43, 7:9, 11:36, 12:22, 12:31, 13:28, 15:19, 16:4, 20:22, 24:6, 29:36, 31:41, 32:41, 32:45, 35:41, 37:18, 44:33, 53:3, 53:18, 58:28, 66:21, 66:27, 66:31, 66:43, 73:34, 74:24, 74:45, 75:11, 75:36, 75:40, 75:44, 76:33, 86:26, 86:45, 87:39, 103:5, 103:38, 124:44</p> <p>court [1] - 36:11</p> <p>cover [6] - 8:24, 49:40, 59:18, 105:12, 105:21</p> <p>cover-up [1] - 59:18</p> <p>covered [5] - 8:34, 35:35, 35:36, 105:22</p> <p>crazy [2] - 50:19, 52:21</p> <p>criminal [1] - 4:10</p> <p>criminals [1] - 8:26</p> <p>criticise [1] - 102:12</p> <p>criticism [2] - 16:4, 77:15</p> <p>crooks [1] - 69:34</p> <p>cross [5] - 34:18, 35:43, 43:44, 101:36, 102:22</p> <p>cross-examination [2] - 34:18, 35:43</p> <p>culminated [1] - 85:19</p> <p>Culpan [1] - 3:15</p> <p>cultural [4] - 20:11, 20:15, 20:19, 31:34</p> <p>culture [1] - 25:8</p> <p>cumulatively [1] - 32:24</p> <p>cupboard [6] - 27:41, 27:46, 28:5, 28:10, 28:24, 29:6</p> <p>current [5] - 11:28, 11:33, 31:30, 32:21, 51:47</p> <p>customarily [1] - 36:11</p> <p>customers [2] - 31:31, 31:32</p>
---	---	--	--	--

<p>cut [5] - 63:1, 65:17, 71:15, 87:33, 91:25</p>	<p>63:24, 64:9, 64:21, 64:40, 64:42, 65:1, 66:25, 67:29, 68:18, 68:45, 69:16, 69:32, 69:37, 70:24, 70:25, 72:7, 72:38, 73:17, 73:38, 74:29, 76:2, 76:22, 80:14, 86:6, 101:39, 117:14, 121:25</p>	<p>despite [4] - 18:16, 90:17, 90:21, 90:22</p>	<p>104:8</p>	<p>49:16, 49:17</p>
<p>D</p>		<p>destroy [10] - 28:19, 28:22, 118:42, 119:24, 122:29, 122:42, 123:2, 123:26, 123:29, 123:46</p>	<p>directed [1] - 93:35</p>	<p>dishonest [3] - 112:12, 124:21, 124:22</p>
<p>Daily [1] - 10:41</p> <p>damage [1] - 104:33</p> <p>damaging [1] - 50:8</p> <p>data [1] - 37:38</p> <p>date [11] - 8:1, 8:2, 36:38, 41:26, 41:31, 42:46, 63:5, 64:46, 68:19, 98:39, 114:30</p> <p>DATED [2] - 93:29, 93:30</p> <p>dated [2] - 116:19, 120:30</p> <p>dates [3] - 15:36, 62:15, 62:19</p> <p>David [1] - 19:4</p> <p>day-to-day [3] - 16:15, 16:19, 47:12</p> <p>days [18] - 13:24, 42:40, 42:46, 58:1, 62:44, 62:47, 63:7, 65:17, 65:42, 68:12, 70:22, 83:5, 90:23, 101:22, 101:25, 101:33, 102:31, 108:34</p> <p>deal [15] - 4:36, 7:4, 13:38, 15:30, 20:22, 21:37, 28:8, 34:35, 40:41, 56:23, 56:24, 72:32, 84:27, 98:47, 125:37</p> <p>dealer [1] - 8:46</p> <p>dealing [13] - 11:40, 11:41, 12:47, 13:2, 13:19, 14:46, 35:11, 54:10, 66:35, 72:37, 93:24, 99:42, 105:25</p> <p>dealings [3] - 40:41, 73:12, 86:46</p> <p>dealt [6] - 2:38, 20:18, 20:35, 56:22, 71:2, 97:13</p> <p>debate [4] - 4:36, 4:38, 7:5, 7:6</p> <p>December [57] - 2:13, 2:23, 3:29, 3:30, 8:1, 8:40, 9:7, 13:42, 14:5, 14:7, 14:8, 33:20, 45:20, 45:31, 46:10, 48:18, 49:33, 49:47, 53:12, 56:34, 56:36, 57:19, 58:1, 59:35, 60:35, 60:44, 62:11, 62:17, 62:41,</p>	<p>decide [2] - 33:27, 123:2</p> <p>decided [5] - 5:2, 18:2, 75:4, 110:46, 122:29</p> <p>decision [8] - 5:27, 33:27, 72:18, 72:26, 73:4, 76:43, 102:22, 103:21</p> <p>decision-makers [1] - 5:27</p> <p>decline [1] - 43:35</p> <p>deeply [2] - 17:21, 17:29</p> <p>definitely [3] - 27:29, 80:33, 80:34</p> <p>delay [1] - 70:47</p> <p>delays [2] - 70:31, 70:33</p> <p>demand [1] - 18:13</p> <p>demanded [1] - 17:46</p> <p>demanding [1] - 18:12</p> <p>demonstrate [2] - 34:23, 38:17</p> <p>demonstrates [1] - 39:43</p> <p>demotion [1] - 17:16</p> <p>denoted [1] - 37:13</p> <p>deny [8] - 78:7, 114:2, 117:47, 118:1, 118:21, 120:19, 120:24, 120:26</p> <p>denying [1] - 78:25</p> <p>depart [2] - 29:28, 106:20</p> <p>departed [1] - 106:23</p> <p>department [1] - 100:4</p> <p>departure [3] - 4:46, 29:26, 96:47</p> <p>dependent [1] - 36:2</p> <p>depth [1] - 81:35</p> <p>derived [3] - 113:34, 116:6, 124:19</p> <p>describe [5] - 19:31, 20:9, 53:23, 53:27, 55:44</p> <p>designed [1] - 27:12</p>	<p>destroying [2] - 64:1, 119:20</p> <p>destruction [1] - 122:41</p> <p>detail [9] - 24:27, 25:5, 25:30, 43:23, 55:1, 81:11, 82:1, 82:2, 104:43</p> <p>detailed [1] - 9:14</p> <p>details [13] - 51:19, 56:42, 57:25, 57:36, 57:37, 57:43, 58:20, 81:33, 81:43, 87:46, 98:1, 98:25, 125:37</p> <p>deteriorated [1] - 24:34</p> <p>determined [1] - 2:37</p> <p>developed [1] - 53:38</p> <p>developments [1] - 58:47</p> <p>dick [4] - 106:34, 112:1, 112:18, 112:23</p> <p>died [1] - 79:5</p> <p>differ [1] - 41:9</p> <p>difference [3] - 18:11, 46:2, 100:31</p> <p>different [11] - 22:30, 44:32, 52:31, 52:41, 74:27, 78:34, 80:28, 86:2, 87:24, 105:13, 124:8</p> <p>difficult [8] - 88:26, 102:5, 102:6, 102:39, 102:42, 103:15, 103:17, 113:3</p> <p>diminished [2] - 17:7, 18:1</p> <p>dinner [2] - 54:8, 65:40</p> <p>dint [1] - 35:1</p> <p>direct [2] - 74:27,</p>	<p>directly [4] - 24:44, 59:45, 103:30, 106:8</p> <p>director [26] - 2:7, 2:20, 4:31, 5:11, 5:20, 5:31, 6:44, 6:46, 7:14, 8:10, 12:32, 12:47, 13:16, 13:23, 14:32, 15:10, 16:22, 16:36, 19:28, 27:43, 31:30, 32:2, 39:33, 44:20, 83:36, 113:22</p> <p>directors [6] - 84:2, 84:6, 84:12, 85:10, 124:10, 124:24</p> <p>directs [1] - 10:14</p> <p>disadvantages [1] - 73:33</p> <p>disagree [11] - 17:20, 17:28, 17:30, 17:32, 18:29, 18:37, 93:41, 106:2, 124:27, 124:28, 124:30</p> <p>disbursements [1] - 4:4</p> <p>disclose [1] - 113:42</p> <p>disclosed [3] - 6:42, 114:14, 117:43</p> <p>disclosing [1] - 35:7</p> <p>disclosure [2] - 7:3, 34:44</p> <p>discuss [14] - 54:23, 55:16, 55:36, 56:12, 60:12, 60:17, 60:19, 60:25, 60:27, 73:29, 79:45, 92:41, 103:43, 104:42</p> <p>discussed [19] - 52:12, 54:47, 58:35, 58:47, 59:5, 59:36, 59:39, 59:41, 59:42, 59:44, 60:2, 61:21, 73:6, 74:25, 83:39, 125:3, 125:4, 125:7, 125:9</p> <p>discussing [7] - 52:6, 61:10, 63:17, 73:2, 74:22, 75:31, 125:5</p> <p>discussion [12] - 4:36, 4:37, 7:5, 7:6, 7:23, 17:12, 57:40, 57:42, 62:5, 86:27, 99:26, 104:42</p> <p>discussions [6] - 75:24, 81:16, 89:9, 92:34, 99:42, 104:40</p> <p>disgruntled [5] - 48:23, 49:4, 49:8,</p>	<p>dislike [2] - 33:32, 33:36</p> <p>dispute [1] - 100:35</p> <p>distance [1] - 19:42</p> <p>distressed [3] - 86:39, 88:39, 88:40</p> <p>division [1] - 19:5</p> <p>do" [1] - 74:21</p> <p>DOCUMENT [1] - 93:28</p> <p>document [11] - 28:9, 46:47, 90:33, 93:16, 93:36, 93:46, 114:10, 116:47, 122:45, 125:17</p> <p>documentary [1] - 124:5</p> <p>documentation [2] - 27:32, 29:12</p> <p>documents [38] - 5:18, 5:22, 27:33, 27:44, 28:14, 29:5, 29:7, 34:17, 35:32, 35:40, 36:17, 41:33, 46:6, 47:41, 48:14, 48:15, 107:22, 108:7, 116:45, 119:38, 120:2, 120:12, 120:41, 120:44, 121:4, 122:14, 122:17, 123:2, 123:4, 123:5, 123:9, 123:16, 123:19, 123:40, 123:41, 125:26, 125:29, 125:31</p> <p>donation [2] - 107:10, 109:42</p> <p>done [12] - 2:30, 5:45, 17:14, 18:33, 28:16, 59:36, 60:2, 65:28, 95:2, 103:38, 110:15, 124:26</p> <p>dots [1] - 80:18</p> <p>double [1] - 97:47</p> <p>double-checked [1] - 97:47</p> <p>doubt [4] - 30:21, 55:12, 76:10, 96:40</p> <p>down [15] - 26:32, 36:29, 38:8, 43:18, 43:42, 44:4, 46:40, 51:27, 53:41, 56:29, 121:12, 121:13, 121:45, 121:47, 122:3</p> <p>downhill [1] - 28:43</p> <p>downs [1] - 22:26</p>

<p>downwards [1] - 25:8</p> <p>dozen [1] - 8:21</p> <p>draft [21] - 26:4, 26:13, 26:18, 26:25, 27:40, 28:5, 28:19, 28:47, 29:37, 29:44, 64:19, 69:27, 77:29, 77:30, 90:44, 90:47, 91:15, 91:26, 92:5, 92:28, 94:1</p> <p>draw [1] - 105:28</p> <p>drawer [1] - 119:43</p> <p>dream [4] - 21:34, 105:46, 106:20, 109:31</p> <p>driver [1] - 82:15</p> <p>drop [3] - 29:23, 36:29, 46:40</p> <p>dropped [1] - 32:1</p> <p>dropping [1] - 29:21</p> <p>drug [1] - 8:25</p> <p>due [14] - 6:43, 11:36, 12:22, 12:31, 15:19, 20:22, 24:6, 31:41, 32:40, 32:45, 42:46, 44:33, 53:18, 86:26</p> <p>duly [1] - 14:31</p> <p>during [40] - 2:33, 6:22, 6:46, 11:6, 11:47, 14:10, 14:25, 18:26, 19:32, 21:38, 22:10, 22:21, 22:27, 22:31, 23:14, 23:19, 23:34, 25:34, 31:16, 31:20, 31:37, 31:46, 37:18, 43:26, 45:32, 45:35, 53:32, 54:13, 54:18, 55:30, 59:35, 88:16, 99:30, 99:33, 100:19, 103:37, 118:33, 119:42, 125:5, 125:9</p> <p>duties [5] - 11:40, 13:1, 13:15, 13:19, 13:28</p> <p>duty [3] - 9:1, 102:1, 115:18</p> <p>Dwyer [1] - 83:24</p>	<p>86:33, 99:37</p> <p>easier [1] - 119:24</p> <p>Echo [37] - 2:6, 2:19, 2:21, 2:46, 4:27, 4:38, 4:45, 5:10, 5:17, 5:30, 5:44, 6:24, 6:27, 6:28, 6:35, 7:12, 9:32, 33:42, 39:33, 60:13, 83:18, 83:36, 83:42, 84:6, 84:8, 84:12, 85:30, 89:42, 91:37, 94:38, 96:10, 96:46, 96:47, 97:8, 98:23, 105:36, 105:43</p> <p>Echo's [2] - 2:8, 5:12</p> <p>editions [1] - 30:21</p> <p>educate [1] - 27:12</p> <p>effect [6] - 3:34, 17:2, 18:17, 57:27, 85:28, 106:2</p> <p>effective [1] - 25:26</p> <p>effectively [10] - 16:12, 16:37, 17:16, 17:46, 22:26, 23:39, 25:29, 25:44, 48:41, 62:16</p> <p>effects [1] - 98:12</p> <p>eight [3] - 24:44, 25:2, 79:10</p> <p>either [9] - 37:2, 67:25, 67:39, 73:22, 85:43, 105:28, 122:43, 123:32, 125:32</p> <p>elaborate [1] - 31:14</p> <p>election [6] - 14:10, 14:12, 14:28, 17:24, 111:18, 111:21</p> <p>electorate [1] - 54:1</p> <p>electronic [1] - 117:21</p> <p>eleventh [1] - 111:36</p> <p>elicit [1] - 6:14</p> <p>elicited [3] - 6:22, 7:38, 36:2</p> <p>eliminate [1] - 123:47</p> <p>Elizabeth [1] - 8:47</p> <p>elsewhere [1] - 113:38</p> <p>Elton [2] - 39:25, 39:28</p> <p>Elton" [1] - 39:24</p> <p>EMAIL [2] - 93:28, 93:29</p> <p>email [35] - 23:47, 35:4, 74:17, 77:17, 77:24, 77:28, 77:33, 78:9, 78:16, 78:19, 90:30, 90:34, 90:35,</p>	<p>91:12, 91:15, 91:21, 92:4, 92:35, 93:19, 93:21, 93:36, 93:41, 93:46, 94:25, 94:35, 94:37, 96:24, 97:11, 98:42, 108:12, 108:35, 110:20, 110:27, 110:36</p> <p>emails [12] - 6:40, 7:4, 34:42, 35:3, 35:11, 35:14, 95:12, 96:23, 96:32, 96:33, 107:27, 107:28</p> <p>embarrassment [1] - 113:17</p> <p>emphasis [1] - 27:6</p> <p>emphasised [1] - 9:5</p> <p>employ [6] - 11:11, 12:12, 12:43, 13:39, 13:40, 27:31</p> <p>employed [2] - 106:42, 115:34</p> <p>employee [12] - 24:2, 48:23, 49:4, 49:9, 49:16, 49:17, 49:29, 57:21, 112:46, 113:35, 115:16, 118:31</p> <p>employer [4] - 28:15, 115:19, 118:32, 119:21</p> <p>employer's [2] - 113:36, 113:43</p> <p>employment [25] - 2:6, 4:30, 4:43, 5:6, 5:10, 5:20, 8:10, 10:30, 12:13, 15:31, 18:38, 19:37, 20:26, 20:46, 21:38, 28:13, 29:10, 29:18, 33:37, 54:43, 55:7, 89:16, 89:20, 101:1, 105:43</p> <p>end [26] - 5:5, 5:20, 18:38, 18:43, 19:36, 20:32, 21:35, 35:7, 55:39, 59:27, 61:20, 73:7, 73:30, 75:10, 75:35, 75:41, 87:8, 88:11, 101:7, 102:6, 105:44, 106:19, 106:24, 107:30, 117:4</p> <p>endearment [2] - 37:22, 40:13</p> <p>ended [13] - 4:31, 4:43, 14:10, 19:38, 20:27, 20:46, 28:13, 29:19, 33:38, 54:43, 66:22, 89:16, 89:20</p> <p>ending [8] - 21:17, 55:7, 55:8, 55:11,</p>	<p>55:12, 101:1, 105:44, 105:45</p> <p>enforcement [1] - 4:10</p> <p>enjoyed [1] - 21:21</p> <p>enough...we [1] - 74:9</p> <p>ensure [9] - 3:47, 4:2, 99:2, 99:16, 99:29, 99:32, 100:18, 100:46, 108:24</p> <p>ensuring [3] - 100:33, 102:37, 104:41</p> <p>entanglement [1] - 35:6</p> <p>entered [1] - 124:33</p> <p>Entertainment [15] - 2:6, 2:46, 4:27, 5:10, 7:12, 33:42, 60:13, 83:18, 83:36, 83:42, 84:6, 84:8, 84:13, 89:43, 96:46</p> <p>entire [1] - 67:23</p> <p>entirely [2] - 65:36, 72:32</p> <p>entitled [3] - 2:27, 2:29, 2:32</p> <p>entries [4] - 36:30, 114:27, 116:39, 116:40</p> <p>entry [5] - 4:9, 37:3, 111:34, 114:28, 116:17</p> <p>erase [1] - 123:47</p> <p>escalated [1] - 102:15</p> <p>especially [3] - 25:26, 77:9, 98:25</p> <p>essentially [12] - 6:23, 10:29, 12:35, 15:46, 18:31, 24:29, 25:7, 28:35, 29:43, 37:33, 54:38, 90:7</p> <p>established [1] - 34:40</p> <p>estranged [2] - 61:46, 62:8</p> <p>et [4] - 54:8, 74:37, 79:16, 106:25</p> <p>etc [1] - 74:16</p> <p>evening [2] - 57:32, 83:9</p> <p>event [12] - 3:28, 4:39, 5:5, 6:32, 9:13, 12:43, 23:31, 37:43, 55:30, 75:44, 76:30, 107:41</p> <p>events [14] - 4:19, 4:20, 4:26, 5:24, 5:29,</p>	<p>6:34, 8:4, 8:6, 8:30, 8:34, 33:16, 33:20, 56:34, 63:7</p> <p>Events [2] - 7:40, 15:21</p> <p>eventually [3] - 16:22, 75:45, 85:26</p> <p>evidence [86] - 2:18, 2:27, 2:28, 2:33, 5:25, 6:4, 6:9, 6:10, 6:14, 6:22, 6:26, 6:30, 7:18, 7:20, 7:28, 7:33, 7:36, 7:38, 8:44, 9:12, 9:20, 9:23, 9:30, 9:32, 10:15, 14:40, 23:40, 24:12, 24:14, 24:27, 24:30, 25:21, 25:34, 25:44, 26:45, 28:33, 29:16, 29:31, 29:36, 31:20, 31:24, 31:27, 31:38, 31:46, 32:6, 32:15, 32:22, 32:24, 32:30, 32:33, 33:29, 36:2, 36:38, 37:19, 40:25, 40:26, 43:27, 43:40, 44:4, 44:34, 51:4, 51:18, 51:46, 52:42, 53:4, 53:7, 63:10, 65:8, 65:17, 68:29, 72:47, 73:44, 86:8, 88:46, 95:35, 96:4, 96:29, 105:36, 105:42, 106:2, 112:22, 118:46, 119:1, 119:8, 124:21, 124:38</p> <p>evident [1] - 102:25</p> <p>ex [8] - 48:23, 49:4, 49:9, 49:16, 49:17, 113:43, 118:31, 119:21</p> <p>ex-employee [4] - 49:4, 49:9, 49:16, 49:17</p> <p>exactly [11] - 14:4, 22:3, 29:44, 33:2, 71:6, 75:36, 76:20, 86:18, 89:1, 99:7, 118:44</p> <p>exaggerated [1] - 112:41</p> <p>exaggerating [2] - 112:13, 112:16</p> <p>examination [4] - 5:32, 34:18, 34:22, 35:43</p> <p>examine [3] - 34:21, 34:24, 34:32</p> <p>example [10] - 3:46, 22:36, 26:17, 26:39,</p>
E				
<p>earliest [1] - 118:43</p> <p>early [15] - 5:6, 45:20, 45:31, 56:34, 56:36, 57:19, 58:1, 63:14, 68:11, 70:21, 71:14, 86:12, 86:19,</p>				

<p>29:1, 30:13, 36:29, 59:44, 73:32, 101:37 examples [18] - 25:36, 25:41, 25:46, 26:4, 26:44, 28:35, 30:8, 30:26, 30:33, 31:5, 31:10, 31:18, 31:20, 31:29, 31:33, 31:46, 43:46, 44:4 excellent [1] - 15:4 except [3] - 23:3, 84:8, 94:44 exchange [3] - 42:9, 67:23, 98:42 Exchange [7] - 4:29, 86:23, 89:14, 89:19, 95:19, 96:34, 96:36 executive [4] - 15:43, 15:47, 60:13, 83:36 exert [1] - 124:41 exist [1] - 76:37 expand [1] - 105:18 expect [3] - 7:35, 78:7, 100:7 expectation [3] - 68:7, 68:10, 68:24 expectations [1] - 83:5 expected [2] - 9:31, 38:26 expecting [1] - 38:36 expeditiously [1] - 70:19 experience [7] - 14:46, 16:29, 20:13, 40:41, 68:1, 68:3 experienced [1] - 31:25 expertise [1] - 18:7 explain [3] - 40:19, 41:16, 116:37 explained [4] - 30:38, 31:47, 74:15, 110:23 explanation [9] - 30:35, 30:41, 30:44, 30:46, 31:4, 41:45, 42:19, 42:34, 85:31 explanations [1] - 31:33 express [2] - 24:29, 26:31 expressed [10] - 24:30, 24:33, 25:6, 28:33, 29:15, 30:1, 30:28, 31:11, 67:47 expressing [5] - 40:5, 66:40, 70:8, 70:30, 73:25</p>	<p>expression [6] - 42:35, 42:36, 42:37, 50:24, 89:19, 98:29 expressions [1] - 37:22 extend [1] - 13:17 extended [1] - 53:37 extensive [11] - 14:41, 14:46, 15:4, 20:14, 40:37, 40:41, 40:45, 44:38, 68:1, 73:11, 73:12 extent [14] - 20:5, 20:38, 20:40, 20:43, 20:47, 35:5, 35:17, 35:36, 36:8, 54:3, 56:15, 68:28, 104:29, 105:3 extent" [1] - 20:7 extra [1] - 107:28 extracts [1] - 111:31</p> <p style="text-align: center;">F</p> <p>facilitating [1] - 110:4 fact [31] - 3:43, 9:9, 22:4, 23:11, 28:12, 29:20, 29:42, 29:43, 30:2, 38:27, 40:25, 42:45, 46:36, 56:10, 70:39, 73:1, 73:6, 73:21, 79:6, 79:12, 80:17, 82:20, 87:6, 90:21, 93:45, 93:47, 94:14, 97:36, 106:25, 110:39, 124:19 facts [2] - 47:1, 55:25 faded [1] - 19:42 fair [21] - 13:12, 13:29, 13:32, 14:42, 14:45, 25:30, 34:27, 38:25, 41:15, 42:30, 57:5, 57:44, 59:11, 60:6, 62:25, 64:37, 65:23, 68:35, 70:27, 70:29, 73:15 fairly [12] - 16:34, 22:14, 25:1, 36:17, 37:42, 42:44, 43:35, 65:14, 65:26, 79:19, 85:9, 100:1 falls [1] - 6:37 false [7] - 110:35, 112:40, 119:44, 119:46, 120:5, 120:15, 120:17 familiar [2] - 46:14,</p>	<p>55:40 far [2] - 36:20, 124:4 farewell [2] - 17:35, 19:41 fashioning [1] - 88:46 fault [1] - 96:39 favour [1] - 90:19 February [21] - 4:27, 5:6, 5:16, 16:42, 19:27, 19:32, 80:15, 86:23, 86:29, 89:14, 90:37, 93:19, 93:22, 94:20, 98:38, 99:26, 99:41, 102:29, 102:34, 104:40, 116:41 fed [3] - 50:3, 50:6, 113:25 federal [2] - 111:18, 111:21 feed [1] - 110:16 feedback [1] - 65:19 feeding [1] - 50:21 feelings [2] - 31:28, 122:40 felt [12] - 20:18, 25:25, 27:6, 32:22, 32:30, 43:17, 45:28, 59:28, 61:17, 75:22, 88:28, 101:7 few [12] - 21:15, 27:33, 27:41, 28:24, 42:13, 50:11, 56:1, 56:24, 83:5, 84:28, 107:9, 109:15 fifth [1] - 114:27 figure [2] - 20:3, 103:9 figures [1] - 48:9 final [4] - 26:32, 29:37, 29:42, 98:36 finalised [4] - 26:18, 45:22, 93:47, 94:6 finally [3] - 2:14, 2:22, 104:39 findings [3] - 3:36, 26:26, 26:34 fine [2] - 19:38, 21:8 finish [5] - 68:25, 95:45, 95:46, 103:2, 109:15 finished [7] - 19:20, 62:37, 65:42, 68:8, 100:42, 101:33, 103:11 first [39] - 4:26, 5:7, 6:5, 6:10, 6:19, 6:37, 7:17, 8:7, 8:34, 9:36, 10:16, 34:29, 35:47,</p>	<p>37:26, 46:27, 51:12, 53:28, 53:35, 56:7, 60:34, 69:8, 69:18, 69:44, 72:11, 74:8, 74:30, 76:36, 77:44, 81:12, 94:46, 96:5, 96:30, 97:5, 97:6, 103:22, 108:13, 114:28, 116:47, 117:14 firstly [9] - 2:5, 2:18, 35:11, 35:45, 36:27, 55:30, 60:31, 87:46, 101:44 five [4] - 3:26, 23:27, 42:38, 84:30 fix [5] - 42:21, 42:31, 42:37, 69:40 flippant [8] - 38:7, 38:23, 39:46, 40:8, 40:28, 41:5, 44:8, 44:9 flying [1] - 36:8 focus [1] - 56:17 focusing [2] - 13:15, 55:39 folder [3] - 34:13, 107:47, 118:28 follow [16] - 10:31, 15:32, 21:47, 22:32, 22:46, 23:7, 32:16, 34:17, 35:47, 37:23, 79:29, 88:43, 91:32, 103:30, 103:34, 103:43 follow-up [2] - 79:29, 91:32 followed [5] - 8:12, 23:13, 72:16, 79:9, 116:40 following [20] - 2:4, 2:18, 2:25, 3:32, 4:7, 4:18, 4:42, 34:22, 42:15, 51:14, 57:47, 58:24, 69:17, 74:10, 76:18, 76:33, 78:35, 83:1, 85:25, 85:28 follows [8] - 4:26, 5:35, 73:46, 78:37, 94:28, 99:19, 108:18, 116:20 force [2] - 3:23, 3:36 foresee [2] - 103:8, 103:9 foreshadow [1] - 35:39 foreshadowed [1] - 9:37 forget [1] - 125:7 forgotten [2] -</p>	<p>108:45, 118:47 form [11] - 10:1, 10:41, 19:44, 20:2, 32:30, 38:9, 55:31, 70:17, 89:33, 89:37, 92:31 formal [13] - 10:30, 24:14, 35:32, 58:2, 58:7, 58:16, 58:20, 62:32, 63:5, 64:41, 75:5, 75:8, 75:15 formally [7] - 68:19, 71:10, 75:4, 75:7, 75:17, 75:24, 75:35 format [1] - 111:30 formed [16] - 3:33, 5:37, 5:38, 5:42, 20:8, 21:39, 22:10, 24:37, 24:47, 27:18, 29:2, 29:26, 47:17, 47:39, 62:31 former [16] - 2:19, 5:19, 5:31, 6:43, 7:14, 8:10, 8:46, 9:1, 9:2, 24:2, 33:44, 78:1, 78:17, 78:29, 79:4, 113:35 forms [2] - 44:39, 58:30 forums [2] - 32:1, 88:47 forward [8] - 32:23, 43:27, 43:40, 50:12, 50:14, 77:33, 94:5, 96:25 forwarded [9] - 35:5, 52:44, 77:34, 78:15, 78:16, 80:19, 96:12, 100:4, 100:9 forwarding [4] - 48:32, 93:41, 94:25, 99:20 forwards [1] - 96:25 foundation [4] - 30:28, 30:34, 31:19, 43:47 four [7] - 8:41, 9:6, 11:23, 52:19, 82:13, 91:13, 91:18 fourth [1] - 114:27 Frank [1] - 99:7 free [2] - 46:30, 47:34 freely [1] - 113:38 frequently [2] - 53:40, 59:5 friend [14] - 2:47, 15:20, 35:33, 53:23, 63:21, 75:2, 78:31, 81:29, 86:37, 87:11,</p>
--	---	--	---	--

<p>87:12, 87:39, 99:9, 106:47 friendly [2] - 11:37, 54:19 friends [7] - 53:26, 53:33, 55:45, 88:15, 88:28, 107:29, 109:9 friendship [2] - 53:37, 53:38 FROM [2] - 93:28, 93:30 front [2] - 93:32, 107:35 frustrate [1] - 65:5 frustrated [1] - 75:27 fuck [2] - 39:37, 73:22 fucked [4] - 49:42, 64:15, 64:16, 72:15 fuckers [1] - 77:8 fuckng [1] - 64:17 full [5] - 10:26, 18:4, 34:33, 64:3, 76:6 fully [1] - 67:41 fun [1] - 31:32 function [6] - 56:38, 57:32, 110:28, 110:32, 111:17, 111:24 functions [2] - 8:29, 8:43 fundraising [2] - 108:8, 108:31 Furness [68] - 1:16, 2:42, 2:45, 3:8, 3:11, 3:14, 3:19, 4:21, 7:43, 9:5, 9:35, 9:46, 23:34, 23:40, 24:15, 24:23, 24:28, 25:7, 25:22, 25:31, 25:35, 25:36, 26:31, 28:20, 28:34, 29:16, 29:32, 29:38, 29:45, 30:2, 30:9, 30:12, 30:14, 30:27, 30:29, 30:38, 31:38, 31:46, 32:6, 32:9, 32:13, 32:16, 32:20, 32:28, 32:34, 32:35, 33:2, 34:20, 35:3, 35:31, 36:9, 43:22, 43:30, 46:12, 47:28, 51:5, 51:32, 52:12, 52:20, 71:17, 80:31, 84:22, 104:37, 105:12, 122:17, 122:43, 123:10, 125:21 furness [1] - 119:9 FURNESS [35] - 2:1, 3:2, 3:17, 9:41, 10:7,</p>	<p>10:14, 34:42, 35:10, 35:26, 35:45, 41:26, 41:31, 44:29, 47:46, 52:35, 69:27, 71:19, 75:14, 80:17, 84:30, 93:15, 96:28, 104:13, 104:26, 105:9, 105:24, 107:24, 107:44, 108:4, 115:40, 116:37, 117:3, 117:9, 125:25, 125:36 furnished [1] - 45:22 future [2] - 104:17, 113:2</p> <p style="text-align: center;">G</p> <p>G" [1] - 99:13 Gail [1] - 1:16 gamblers' [1] - 76:7 gambling [4] - 4:1, 25:13, 28:30, 46:37 Games [1] - 53:32 Gaming [4] - 3:20, 23:21, 91:1, 117:22 gaming [4] - 4:9, 9:16, 9:29, 13:12 gathered [2] - 5:39, 63:10 general [17] - 12:17, 15:36, 15:41, 16:34, 17:1, 17:4, 29:35, 50:46, 53:5, 56:37, 57:19, 58:46, 59:24, 59:32, 61:35, 68:32, 85:9 generally [6] - 8:24, 53:47, 68:33, 92:12, 113:44, 116:3 generated [2] - 4:35, 7:4 generosity [1] - 108:44 generous [4] - 109:42, 109:46, 110:2, 110:3 gentleman [3] - 6:41, 16:18, 107:15 genuinely [1] - 86:33 George [8] - 74:31, 74:40, 74:41, 74:47, 75:16, 99:2, 99:16, 99:21 girl [3] - 58:14, 66:17, 81:38 giveaway [2] - 46:18, 46:31 given [21] - 2:33,</p>	<p>4:20, 5:1, 5:23, 5:45, 6:32, 20:31, 24:13, 25:12, 31:5, 35:37, 36:38, 39:6, 71:1, 72:47, 73:44, 117:15, 118:23, 119:8, 123:36 gold [1] - 78:10 Goodbye [1] - 19:41 goodbye [3] - 43:12, 44:7, 44:10 goss [4] - 78:41, 80:18, 80:20, 80:36 gossip [5] - 79:21, 79:26, 79:36, 79:40, 80:7 Goulburn [1] - 1:22 government [39] - 6:44, 12:8, 12:26, 12:29, 12:31, 12:35, 13:1, 13:6, 13:10, 13:16, 13:23, 13:33, 13:35, 14:11, 17:23, 17:38, 18:26, 21:6, 21:8, 21:12, 21:15, 23:1, 23:12, 23:16, 45:5, 53:30, 54:7, 54:31, 54:39, 55:3, 55:45, 101:30, 101:36, 102:15, 103:25, 109:31, 115:12 granted [1] - 2:36 grateful [1] - 35:29 great [14] - 20:15, 20:47, 25:29, 38:22, 55:1, 71:2, 78:41, 80:18, 80:20, 80:36, 110:12, 110:15, 116:7, 116:23 Greenwich [1] - 36:47 grievance [6] - 105:43, 106:16, 106:29, 110:40, 113:21, 113:22 grievances [1] - 29:17 Grimbo [2] - 108:20, 108:41 grimbo [1] - 119:41 grimshaw [1] - 80:17 GRIMSHAW [2] - 10:22, 93:30 Grimshaw [64] - 3:12, 6:42, 6:43, 7:35, 10:20, 10:27, 10:29, 20:24, 22:31, 28:32, 29:30, 32:5, 33:41, 34:32, 35:35, 36:16, 40:22, 42:44, 44:32,</p>	<p>47:46, 48:30, 51:2, 52:33, 52:41, 59:11, 72:3, 75:15, 77:15, 84:38, 85:18, 86:2, 89:13, 90:34, 93:5, 93:21, 96:28, 98:36, 100:32, 104:14, 104:39, 105:11, 105:35, 106:9, 107:22, 107:46, 108:6, 109:46, 110:31, 111:7, 111:17, 112:32, 113:6, 113:43, 115:4, 115:24, 116:30, 117:12, 120:8, 120:34, 122:26, 122:39, 122:40, 123:37, 124:8 Grimshaw's [2] - 34:30, 34:39 Group [4] - 2:6, 2:46, 4:27, 5:10 guess [2] - 42:2, 100:1 guessed [1] - 93:11 guessing [1] - 86:33 guts [1] - 49:13 guy [1] - 91:9 guys [1] - 109:7</p> <p style="text-align: center;">H</p> <p>half [3] - 98:42, 115:30, 125:22 hand [6] - 36:21, 36:28, 100:34, 100:38, 107:29, 111:38 handling [1] - 4:8 hang [3] - 62:39, 95:45, 97:19 happy [20] - 29:27, 45:42, 49:18, 52:31, 105:17, 105:45, 105:46, 106:12, 106:18, 106:19, 106:23, 106:24, 106:25, 109:30, 109:33, 110:24, 113:16, 113:31, 113:34, 114:3 haranguing [1] - 56:29 harassed [7] - 63:47, 66:14, 66:39, 67:12, 67:32, 85:5, 89:3 harassed" [1] - 61:33</p>	<p>harassment [31] - 8:37, 53:11, 75:8, 75:21, 76:19, 76:25, 76:31, 76:38, 76:43, 81:37, 81:39, 83:45, 84:19, 85:15, 85:32, 86:7, 86:14, 86:28, 86:41, 86:47, 87:15, 87:17, 87:24, 87:47, 88:9, 89:46, 90:8, 90:13, 99:36, 100:47, 124:11 Harbidge [3] - 39:23, 39:32, 39:38 harboured [1] - 106:29 hard [3] - 60:47, 76:10, 95:46 hardly [1] - 118:19 hate [2] - 42:20, 64:15 he" [1] - 61:16 head [1] - 19:4 headed [5] - 16:12, 25:8, 46:18, 63:2, 63:21 heading [1] - 109:31 headline [2] - 76:7, 76:9 health [1] - 3:42 hear [3] - 2:17, 84:17, 110:14 heard [11] - 7:21, 22:4, 56:35, 78:41, 79:12, 79:21, 79:41, 80:18, 80:20, 80:36, 96:5 HEARING [1] - 125:40 hearing [4] - 2:1, 2:25, 43:26, 52:27 hearings [5] - 2:17, 5:24, 6:33, 8:45, 9:33 Heath [6] - 44:42, 48:21, 48:30, 48:33, 48:34 Heath's [1] - 48:35 held [3] - 2:2, 3:27, 5:24 hello [1] - 53:45 help [9] - 14:27, 45:33, 45:40, 45:41, 69:40, 77:29, 85:7, 100:18, 123:9 helped [1] - 77:30 Herald [5] - 45:11, 76:11, 117:13, 117:14, 118:23 Herald.. [1] - 76:5 herself [3] - 57:15,</p>
---	--	--	--	---

<p>58:6, 87:15 hi [1] - 90:43 Hi [1] - 61:24 hide [1] - 122:40 high [2] - 40:45, 115:17 high-level [1] - 40:45 high-profile [1] - 115:17 higher [1] - 62:27 highlighted [1] - 3:44 history [2] - 14:39, 47:47 Hitchcock [2] - 107:15, 108:9 hmm [3] - 21:29, 40:43, 77:4 hold [2] - 3:21, 5:2 home [8] - 18:44, 19:41, 28:3, 28:6, 28:9, 29:6, 118:33, 118:34 honest [4] - 17:22, 21:3, 21:5, 122:33 honestly [1] - 115:25 honey [1] - 74:16 honourable [3] - 119:21, 119:26, 119:27 hope [5] - 39:37, 68:25, 94:40, 97:17, 97:44 hopefully [1] - 103:6 hoping [1] - 75:27 Hospitality [2] - 7:40, 15:21 Houlihan [1] - 65:4 hour [4] - 91:47, 98:42, 110:13, 125:22 hours [2] - 69:17, 91:47 house [3] - 27:2, 27:9, 27:14 HR [1] - 81:2 huge [2] - 72:43, 76:7 humour [1] - 115:23 husband [6] - 61:43, 61:46, 62:8, 124:23, 124:25, 125:13 husband's [1] - 125:18</p>	<p>116:34, 118:6 ideas [1] - 75:31 identification [2] - 92:46, 107:39 identified [9] - 8:19, 8:41, 93:18, 98:26, 99:29, 99:33, 100:19, 107:40, 107:41 identifying [3] - 6:9, 10:15, 21:46 identities [3] - 5:46, 56:36, 61:36 identity [2] - 7:32, 10:1 ignore [1] - 36:47 ignoring [1] - 40:12 ILGA [2] - 89:29, 91:9 ill [1] - 29:17 imagine [1] - 72:44 immediately [1] - 54:37 imminent [2] - 45:21, 50:7 impact [1] - 44:2 impacted [2] - 104:16, 104:30 impersonate [1] - 124:23 importance [3] - 25:13, 25:16, 101:45 important [13] - 3:40, 6:13, 21:45, 27:13, 27:14, 97:33, 97:34, 98:9, 100:28, 100:29, 100:32, 100:35, 103:34 impression [3] - 52:26, 62:43, 110:35 impressions [1] - 31:28 improper [1] - 124:40 in-house [3] - 27:2, 27:9, 27:14 inadvertently [2] - 119:22, 123:8 inappropriate [3] - 61:17, 85:1, 106:37 incident [26] - 29:6, 47:34, 47:43, 48:6, 48:10, 49:25, 49:26, 49:28, 56:37, 57:22, 62:43, 67:4, 85:31, 119:42, 120:19, 121:4, 121:8, 121:11, 121:18, 121:30, 121:33, 121:34, 121:35, 121:38, 122:2, 123:42</p>	<p>incidents [1] - 4:3 include [7] - 5:22, 11:41, 13:2, 13:6, 15:42, 29:6, 34:30 included [7] - 4:38, 51:14, 91:21, 92:22, 92:27, 94:45, 99:15 includes [1] - 39:22 including [5] - 2:7, 5:11, 5:26, 84:39, 90:9 incoming [7] - 17:23, 37:9, 37:38, 116:46, 116:47, 117:4 incoming" [1] - 37:13 incorrect [3] - 30:3, 30:43, 31:5 incredibly [2] - 20:12, 97:34 indeed [15] - 5:38, 9:10, 9:12, 10:2, 15:24, 23:31, 34:43, 38:28, 59:35, 73:15, 73:24, 93:18, 105:29, 105:44, 122:5 independent [2] - 40:32, 59:28 indicate [3] - 35:33, 80:19, 125:28 indicated [12] - 7:31, 8:6, 14:30, 15:30, 25:12, 27:17, 34:20, 34:35, 65:15, 65:16, 79:42, 81:28 indicates [3] - 37:1, 37:8, 78:15 indicating [1] - 108:13 indication [1] - 20:33 indicators [2] - 4:1, 4:2 individual [1] - 8:38 individuals [2] - 3:2, 5:46 inevitable [1] - 76:38 inextricably [1] - 35:2 influence [6] - 2:21, 20:37, 43:20, 50:18, 52:16, 124:41 influenced [4] - 20:25, 20:45, 40:33, 52:20 inform [6] - 2:9, 5:13, 27:12, 87:23, 112:47, 115:19 information [90] - 2:10, 2:12, 4:45, 4:47, 5:1, 5:14, 6:10, 7:46,</p>	<p>10:16, 24:23, 25:36, 25:41, 25:45, 27:22, 27:23, 27:27, 29:1, 30:14, 30:26, 30:42, 31:10, 31:20, 32:12, 32:19, 32:27, 33:29, 34:1, 39:11, 43:32, 43:33, 43:34, 44:1, 45:30, 45:33, 45:35, 45:39, 45:45, 45:46, 46:1, 46:3, 46:43, 47:38, 47:40, 48:4, 48:11, 49:12, 49:13, 49:27, 49:29, 50:8, 50:12, 50:14, 50:16, 52:6, 60:17, 60:19, 61:5, 65:35, 68:18, 68:36, 69:24, 73:3, 74:23, 78:29, 81:19, 81:21, 85:23, 92:17, 92:31, 92:43, 94:41, 94:42, 97:45, 98:19, 98:20, 113:31, 113:34, 113:37, 113:40, 113:42, 118:14, 118:15, 118:28, 118:32, 118:37, 119:23, 120:37, 122:5, 122:7, 122:25 informed [5] - 4:29, 29:42, 67:47, 70:47, 98:23 inquire [1] - 2:4 inquiries [1] - 52:19 INQUIRY [1] - 1:11 inquiry [56] - 2:2, 2:3, 2:13, 2:37, 3:40, 4:21, 4:23, 5:3, 5:8, 5:16, 5:36, 5:42, 6:5, 6:23, 6:33, 6:39, 7:8, 7:19, 7:29, 7:47, 8:3, 8:4, 8:11, 8:22, 9:20, 10:14, 24:1, 27:43, 28:25, 28:27, 28:28, 33:30, 34:1, 35:1, 35:38, 40:27, 40:32, 40:34, 43:24, 43:26, 61:5, 63:21, 65:36, 67:33, 67:45, 68:8, 68:19, 73:7, 85:24, 104:20, 114:12, 119:17, 121:12, 121:13, 122:8 insofar [1] - 2:26 instead [1] - 63:20 instigated [1] - 24:18 instructions [1] - 3:6 intend [1] - 105:21 intended [5] - 6:13,</p>	<p>16:4, 77:15, 120:2, 120:12 intending [2] - 115:17, 125:22 intent [1] - 39:44 intention [9] - 7:10, 32:33, 32:35, 32:40, 32:45, 44:14, 52:25, 124:35, 124:37 intentions [1] - 33:7 interest [9] - 3:22, 3:35, 5:2, 5:43, 6:16, 7:20, 23:16, 35:39, 47:7 interested [2] - 4:15, 50:35 interesting [1] - 79:13 interfere [1] - 113:32 interference [2] - 61:19, 102:44 interfering [2] - 7:11, 102:43 internal [1] - 29:11 interrupted [1] - 107:33 intervening [2] - 72:30, 72:31 interview [1] - 31:17 interviewed [4] - 58:14, 68:20, 68:22, 82:21 interviewing [1] - 71:11 investigated [4] - 6:28, 9:9, 30:16, 90:13 investigating [3] - 5:26, 66:35, 68:31 investigation [62] - 3:20, 3:23, 3:26, 3:28, 3:32, 3:43, 4:18, 4:24, 4:35, 5:19, 5:30, 5:40, 7:11, 8:8, 9:8, 9:10, 23:21, 23:26, 23:36, 45:21, 59:1, 59:6, 59:13, 59:26, 59:29, 62:23, 62:25, 62:30, 62:33, 62:35, 63:1, 63:6, 63:15, 64:35, 65:3, 65:5, 65:9, 65:14, 65:26, 66:21, 66:26, 66:44, 66:46, 67:2, 68:20, 68:47, 69:1, 69:47, 70:9, 70:17, 70:18, 70:32, 71:6, 74:24, 75:41, 76:33, 82:16, 82:19, 83:1, 85:5, 90:18 investigations [6] -</p>
I				
<p>I'm [1] - 47:20 idea [7] - 38:31, 49:6, 82:35, 82:36, 115:6,</p>				

<p>8:35, 9:22, 9:24, 52:17, 59:38, 60:14</p> <p>investigator [5] - 62:35, 62:46, 63:9, 65:38, 68:11</p> <p>investigators [1] - 77:11</p> <p>investors [1] - 13:20</p> <p>involve [1] - 84:24</p> <p>involved [20] - 47:12, 59:26, 62:27, 81:7, 81:37, 81:39, 82:14, 85:5, 86:40, 87:14, 87:16, 88:9, 90:22, 95:1, 100:24, 100:43, 101:1, 101:11, 101:32, 102:17</p> <p>involvement [6] - 68:30, 86:13, 87:20, 101:27, 102:38, 104:9</p> <p>involves [1] - 56:34</p> <p>involving [3] - 47:34, 57:22, 85:32</p> <p>irrelevancies [1] - 41:8</p> <p>irrelevant [1] - 73:47</p> <p>is...he [1] - 112:1</p> <p>issue [20] - 19:1, 28:7, 30:22, 45:42, 67:8, 70:46, 81:38, 84:24, 89:31, 101:11, 101:12, 101:24, 101:41, 101:42, 102:15, 102:25, 103:24, 103:25, 104:23</p> <p>issued [2] - 4:29, 95:30</p> <p>issues [17] - 2:10, 7:8, 7:44, 9:8, 13:20, 19:18, 20:11, 20:20, 27:7, 27:42, 28:30, 30:39, 31:23, 31:34, 45:41, 56:24, 56:25</p> <p>it" [1] - 95:6</p> <p>it'd [1] - 102:42</p> <p>item [3] - 107:46, 122:45</p> <p>itself [1] - 122:5</p>	<p>job [27] - 14:7, 17:37, 18:4, 18:6, 18:43, 20:29, 21:17, 21:31, 21:34, 56:7, 74:32, 75:1, 75:2, 75:20, 76:9, 86:41, 88:11, 89:30, 102:3, 102:7, 105:46, 106:20, 109:31, 110:10, 110:15, 110:25, 110:33</p> <p>jogged [1] - 27:38</p> <p>John [10] - 1:21, 39:25, 39:28, 41:23, 61:7, 67:28, 83:29, 83:34, 83:35, 84:40</p> <p>join [2] - 17:22, 109:30</p> <p>joined [3] - 12:19, 21:6, 54:31</p> <p>joining [2] - 21:7, 21:11</p> <p>joking [2] - 40:23, 40:31</p> <p>journalist [7] - 10:45, 11:46, 13:24, 44:42, 45:41, 76:11, 113:36</p> <p>journalistic [2] - 50:27, 52:15</p> <p>journalists [9] - 44:35, 50:15, 111:3, 111:7, 111:13, 111:14, 113:26, 113:29, 113:43</p> <p>journo [1] - 76:9</p> <p>journos [2] - 108:23, 108:46</p> <p>judge [1] - 35:7</p> <p>junkets [1] - 4:8</p> <p>Jupiters [2] - 72:14, 72:22</p> <p>justify [1] - 75:19</p>	<p>77:11, 107:15</p> <p>key [4] - 4:2, 6:27, 77:8, 82:38</p> <p>kind [5] - 109:10, 109:34, 109:39, 110:7, 110:15</p> <p>knowledge [12] - 53:15, 54:28, 71:5, 73:12, 84:7, 84:11, 84:15, 85:43, 85:46, 86:46, 88:18, 88:19</p> <p>known [6] - 6:45, 15:7, 26:5, 45:3, 53:28, 55:47</p> <p>knows [1] - 49:41</p>	<p>3:14, 11:11, 12:12, 13:40, 17:37, 34:23, 35:34, 44:15, 83:12, 103:6, 105:11, 106:12, 108:46, 112:3, 112:32, 125:29, 125:31</p> <p>leaving [10] - 9:42, 19:46, 20:47, 21:4, 21:31, 40:2, 97:8, 98:24, 101:8, 110:33</p> <p>led [6] - 4:40, 5:20, 6:26, 9:12, 55:6, 115:9</p> <p>left [29] - 13:39, 14:4, 14:8, 15:31, 17:7, 17:26, 17:32, 17:34, 18:22, 19:28, 27:31, 29:10, 36:21, 36:28, 48:42, 54:29, 54:30, 54:37, 55:2, 76:12, 110:47, 117:39, 118:27, 118:29, 119:44, 120:4, 120:14, 120:21, 122:45</p> <p>left-hand [2] - 36:21, 36:28</p> <p>legal [1] - 119:34</p> <p>legend [1] - 109:8</p> <p>legislation [1] - 3:25</p> <p>legitimate [1] - 31:33</p> <p>Leigh [1] - 1:34</p> <p>lengthy [3] - 11:6, 36:17, 88:18</p> <p>Leonard [1] - 114:31</p> <p>less [6] - 22:20, 22:25, 25:13, 25:16, 27:6, 39:36</p> <p>letter [1] - 99:13</p> <p>level [4] - 1:21, 25:27, 40:45, 54:17</p> <p>lexicon [1] - 116:1</p> <p>liability [1] - 72:45</p> <p>liaising [3] - 11:42, 13:2, 13:6</p> <p>liaison [1] - 13:33</p> <p>Liberal [2] - 53:30, 111:24</p> <p>licence [6] - 3:21, 3:23, 3:34, 3:35, 20:13, 51:18</p> <p>licking [1] - 39:23</p> <p>life [3] - 101:9, 102:1, 104:15</p> <p>light [1] - 44:1</p> <p>Limited [5] - 2:46, 2:47, 3:33, 4:27, 4:28</p> <p>limited [4] - 6:23, 34:44, 117:28, 117:32</p>	<p>limousine [1] - 82:14</p> <p>line [6] - 37:47, 46:27, 51:12, 51:35, 75:32, 85:38</p> <p>lines [3] - 45:15, 53:7, 100:17</p> <p>lingo [1] - 50:27</p> <p>linked [1] - 4:2</p> <p>Lip [1] - 109:7</p> <p>lipson [2] - 7:40, 81:44</p> <p>LIPSON [2] - 93:29, 93:30</p> <p>Lipson [41] - 3:9, 7:38, 35:4, 55:41, 56:12, 81:25, 81:33, 82:7, 89:28, 89:33, 89:45, 90:26, 90:36, 90:41, 91:12, 91:21, 92:22, 92:34, 93:19, 93:21, 93:36, 93:46, 94:13, 94:35, 95:14, 95:23, 96:6, 96:24, 96:42, 97:6, 97:13, 98:10, 98:33, 106:46, 107:11, 108:8, 108:18, 108:35, 110:12, 110:35, 111:36</p> <p>Lipson's [3] - 92:11, 93:41, 94:25</p> <p>Liquor [3] - 3:19, 23:20, 91:1</p> <p>list [1] - 4:14</p> <p>listen [2] - 103:29, 103:46</p> <p>lives [1] - 101:34</p> <p>located [1] - 29:39</p> <p>logical [1] - 19:17</p> <p>long-standing [2] - 45:3, 106:46</p> <p>long-time [1] - 86:36</p> <p>look [17] - 18:42, 19:3, 38:22, 46:14, 54:47, 62:32, 80:32, 93:1, 105:27, 108:7, 111:28, 111:34, 114:25, 114:26, 114:38, 117:15, 122:37</p> <p>looked [4] - 30:20, 81:36, 82:30, 82:35</p> <p>looking [4] - 17:22, 111:37, 121:19, 122:39</p> <p>looks [1] - 38:9</p> <p>lose [1] - 99:10</p> <p>lost [2] - 7:24, 46:36</p> <p>Lou [2] - 64:14, 74:15</p>
<p style="text-align: center;">J</p> <p>James [1] - 9:29</p> <p>January [15] - 14:9, 59:35, 68:45, 77:1, 77:42, 78:35, 80:42, 81:13, 82:13, 83:8, 85:19, 85:24, 86:33, 87:2, 99:37</p>	<p style="text-align: center;">K</p> <p>keen [1] - 34:44</p> <p>keep [20] - 17:35, 17:41, 18:33, 18:41, 19:6, 19:7, 27:40, 28:5, 74:36, 86:3, 88:11, 102:2, 103:23, 109:14, 118:26, 118:31, 118:37, 121:34, 123:8, 125:27</p> <p>kept [7] - 27:46, 46:41, 101:6, 104:41, 121:31, 121:33, 121:34</p> <p>Kevin [3] - 77:9,</p>	<p style="text-align: center;">L</p> <p>lady [1] - 49:27</p> <p>language [7] - 80:24, 80:25, 80:33, 98:31, 98:33, 98:34</p> <p>large [1] - 5:18</p> <p>largely [1] - 104:16</p> <p>Larry [4] - 15:42, 62:24, 64:16, 83:14</p> <p>last [14] - 4:24, 12:40, 37:47, 50:13, 52:43, 53:29, 60:47, 61:25, 78:40, 78:42, 80:21, 99:10, 107:9, 122:29</p> <p>late [4] - 45:31, 53:26, 54:10, 101:39</p> <p>latter [4] - 32:15, 33:9, 55:15, 56:11</p> <p>law [1] - 4:9</p> <p>lawyer [1] - 70:43</p> <p>lay [2] - 81:4, 82:5</p> <p>layout [1] - 116:37</p> <p>lead [1] - 32:20</p> <p>leader [1] - 113:1</p> <p>leaders [1] - 115:32</p> <p>leak [4] - 49:20, 49:21, 49:23, 49:25</p> <p>leaked [3] - 60:18, 60:20, 73:8</p> <p>leaking [1] - 76:24</p> <p>leaks [4] - 48:22, 49:3, 49:8, 49:20</p> <p>learned [3] - 2:47, 35:33, 107:29</p> <p>least [12] - 8:11, 8:41, 16:12, 22:46, 34:32, 64:41, 92:5, 98:12, 100:4, 100:47, 106:30, 110:40</p> <p>leave [22] - 2:34, 2:35, 2:45, 3:8, 3:11,</p>		

<p>Louise [8] - 62:23, 63:22, 63:26, 68:13, 68:24, 94:40, 97:16, 97:44</p> <p>loves [2] - 49:42, 116:22</p> <p>loving [1] - 68:3</p> <p>lower [2] - 31:34, 32:38</p> <p>loyal [2] - 112:46, 115:16</p> <p>loyalty [1] - 99:11</p> <p>ludicrous [1] - 52:18</p>	<p>managing [15] - 2:7, 2:20, 4:31, 5:11, 5:20, 5:31, 7:14, 8:10, 16:22, 16:36, 19:27, 31:29, 32:2, 39:32, 113:22</p> <p>manner [4] - 2:26, 20:35, 40:24, 106:19</p> <p>March [17] - 14:11, 14:30, 22:46, 23:39, 24:28, 25:7, 25:31, 25:35, 29:38, 30:2, 30:9, 30:15, 30:27, 31:22, 51:5, 107:4, 122:43</p> <p>Mark [2] - 8:47, 90:35</p> <p>mark [2] - 93:15, 96:15</p> <p>mark.nolan@business.nsw.gov.au [1] - 90:36</p> <p>marked [2] - 92:46, 107:39</p> <p>market [1] - 4:30</p> <p>marketing [1] - 17:4</p> <p>marks [1] - 64:4</p> <p>married [1] - 61:36</p> <p>marshall [4] - 66:1, 70:41, 97:25, 97:29</p> <p>Marshall [6] - 62:23, 63:22, 63:26, 68:13, 94:40, 97:16</p> <p>massaged [1] - 110:37</p> <p>massive [1] - 75:30</p> <p>mate [3] - 108:46, 110:12, 110:14</p> <p>material [14] - 5:35, 5:38, 34:36, 73:2, 76:24, 76:32, 105:13, 105:14, 105:21, 108:7, 119:8, 119:16, 122:42</p> <p>materials [2] - 123:47, 124:5</p> <p>Matt [1] - 99:7</p> <p>matter [26] - 5:7, 5:47, 35:6, 36:1, 44:9, 52:31, 62:44, 63:7, 75:18, 90:4, 99:6, 100:24, 100:33, 100:35, 100:41, 101:18, 101:44, 103:42, 103:47, 104:2, 104:7, 104:22, 105:36, 107:30, 121:38</p> <p>matters [31] - 2:4, 2:14, 2:36, 2:37, 3:44,</p>	<p>4:7, 7:6, 7:7, 8:24, 8:33, 8:43, 10:30, 20:23, 21:46, 25:45, 26:27, 35:35, 37:23, 37:46, 38:45, 54:24, 56:35, 72:32, 73:47, 74:18, 76:25, 94:33, 108:29, 108:30, 121:43</p> <p>me.. [1] - 110:8</p> <p>me...he [1] - 114:31</p> <p>mean [11] - 37:1, 40:32, 42:35, 47:10, 50:22, 56:17, 70:43, 73:29, 75:15, 75:39, 92:26</p> <p>meaning [2] - 14:17, 38:46</p> <p>means [2] - 44:17, 44:21</p> <p>meant [3] - 41:17, 95:16, 103:5</p> <p>media [72] - 4:15, 6:42, 6:44, 7:5, 7:22, 7:39, 8:18, 10:4, 11:42, 12:25, 12:28, 12:31, 12:35, 13:1, 13:3, 13:16, 13:22, 13:29, 14:27, 14:41, 14:46, 27:42, 28:8, 40:38, 40:42, 42:1, 44:39, 46:47, 48:45, 49:2, 50:8, 50:21, 51:16, 55:40, 56:21, 60:18, 60:20, 68:1, 72:15, 72:26, 72:37, 73:1, 73:3, 73:4, 73:7, 73:8, 73:11, 73:12, 73:26, 73:27, 73:33, 74:4, 74:9, 74:23, 75:32, 75:42, 76:14, 76:25, 76:32, 85:35, 89:31, 90:44, 91:1, 91:9, 91:15, 91:26, 94:38, 94:41, 94:42, 97:41, 124:25</p> <p>meet [2] - 53:28, 54:16</p> <p>meeting [1] - 38:37</p> <p>member [2] - 6:27, 79:4</p> <p>members [4] - 8:38, 60:13, 83:41, 84:17</p> <p>memory [2] - 26:2, 27:38</p> <p>mention [5] - 27:36, 35:13, 39:24, 87:28, 87:32</p> <p>mentioned [3] - 99:4, 99:16, 100:19</p>	<p>mentioned... [1] - 99:3</p> <p>message [35] - 36:39, 36:43, 37:2, 37:7, 37:38, 37:39, 38:8, 38:41, 39:16, 39:22, 41:27, 48:32, 64:12, 72:11, 72:17, 73:39, 79:20, 86:5, 91:12, 98:5, 98:16, 98:17, 98:29, 98:40, 99:14, 99:15, 99:21, 99:25, 99:30, 99:46, 100:6, 100:9, 100:16, 112:12, 112:45</p> <p>messages [33] - 6:40, 7:4, 7:33, 33:43, 34:2, 34:14, 34:29, 34:34, 35:10, 35:19, 36:20, 37:20, 37:34, 37:43, 42:13, 52:43, 53:4, 60:30, 64:7, 69:15, 70:7, 72:4, 72:30, 73:37, 74:28, 76:2, 77:1, 86:3, 98:37, 107:27, 107:40, 111:31</p> <p>met [9] - 11:46, 21:39, 45:5, 45:8, 52:11, 53:29, 53:35, 56:1, 87:39</p> <p>MFI [1] - 93:28</p> <p>Michael [1] - 1:33</p> <p>mid [2] - 87:2, 99:37</p> <p>mid-2009 [1] - 15:38</p> <p>middle [2] - 34:8, 86:33</p> <p>might [18] - 7:24, 35:5, 38:36, 39:5, 39:11, 52:35, 67:42, 71:11, 81:13, 86:42, 101:36, 112:2, 112:31, 112:47, 113:17, 121:8, 124:40, 125:25</p> <p>mind [15] - 32:14, 43:44, 76:21, 101:36, 102:14, 102:21, 102:22, 102:35, 102:36, 103:14, 103:20, 103:21, 115:43, 119:16, 124:33</p> <p>mindful [2] - 56:35, 61:35</p> <p>mine [6] - 78:31, 80:38, 87:11, 87:12, 89:2, 101:11</p> <p>Minister [6] - 7:39, 11:16, 15:20, 15:24,</p>	<p>53:31</p> <p>minister [9] - 3:38, 11:28, 53:19, 88:20, 92:19, 104:10, 104:16, 104:17, 104:33</p> <p>ministers [2] - 15:16, 53:46</p> <p>minor [2] - 13:20, 55:29</p> <p>minute [4] - 39:36, 42:40, 43:7, 107:26</p> <p>minutes [16] - 9:42, 40:10, 60:44, 64:8, 67:24, 72:17, 79:10, 84:28, 84:30, 91:13, 91:18, 94:24, 97:43, 109:4, 125:23</p> <p>misled [1] - 106:26</p> <p>Miss [1] - 47:28</p> <p>mixture [1] - 27:14</p> <p>mmm-hmm [2] - 21:29, 40:43</p> <p>Mmmm [1] - 72:17</p> <p>mob [1] - 110:15</p> <p>mobile [16] - 33:44, 34:2, 36:33, 60:40, 61:6, 63:31, 83:28, 83:35, 84:13, 84:40, 85:2, 85:14, 85:19, 85:44, 111:33</p> <p>moment [15] - 13:38, 32:12, 35:11, 39:42, 44:31, 44:46, 46:5, 46:12, 58:46, 59:25, 65:8, 68:27, 70:46, 106:3, 114:23</p> <p>Monday [1] - 1:27</p> <p>money [7] - 17:36, 46:37, 69:34, 109:45, 109:47, 110:4</p> <p>monitor [2] - 22:32, 23:7</p> <p>month [3] - 27:19, 50:13, 111:35</p> <p>months [12] - 16:38, 18:18, 19:29, 19:45, 21:15, 24:38, 24:45, 25:2, 107:9, 118:34, 121:29</p> <p>Morning [2] - 76:11, 117:13</p> <p>morning [19] - 36:12, 37:29, 52:42, 74:37, 78:39, 80:42, 105:20, 105:37, 106:22, 108:1, 112:22, 113:29, 118:46, 119:1, 122:16, 124:22, 124:38,</p>
M				
<p>Machines [1] - 117:22</p> <p>Maddison [1] - 1:21</p> <p>magazine [2] - 27:2, 27:9</p> <p>main [5] - 7:33, 14:28, 28:27, 28:28, 102:6</p> <p>maintain [1] - 69:2</p> <p>maintained [2] - 13:23, 13:34</p> <p>major [6] - 10:39, 10:40, 67:6, 101:19, 101:24, 102:25</p> <p>Major [2] - 7:40, 15:20</p> <p>majoring [1] - 10:35</p> <p>makers [1] - 5:27</p> <p>man [4] - 14:41, 14:45, 15:3, 40:37</p> <p>manage [1] - 123:41</p> <p>managed [1] - 123:8</p> <p>management [42] - 4:37, 15:37, 15:42, 16:13, 16:19, 16:29, 17:40, 19:24, 19:45, 20:3, 20:9, 20:44, 24:31, 24:37, 24:39, 25:9, 25:12, 25:23, 27:5, 27:18, 28:44, 31:11, 32:21, 32:37, 33:10, 45:26, 55:17, 56:13, 58:3, 59:18, 59:37, 62:16, 64:47, 65:1, 74:23, 85:29, 85:39, 109:12, 109:28, 109:36, 110:8, 111:1</p> <p>management's [1] - 28:29</p> <p>manager [7] - 9:1, 9:22, 9:29, 78:1, 78:18, 78:29, 85:32</p>				

<p>125:25, 125:38 most [10] - 8:15, 20:14, 33:28, 54:18, 64:1, 67:5, 101:14, 105:25, 107:26, 111:8 motivated [2] - 29:17, 29:25 motivations [1] - 33:7 motives [1] - 102:11 move [17] - 18:3, 18:9, 19:8, 20:32, 21:37, 22:30, 44:29, 52:30, 52:40, 56:33, 69:41, 70:12, 72:14, 98:36, 101:33, 109:30, 124:8 moved [2] - 45:5, 106:31 moving [6] - 17:25, 20:31, 44:32, 72:21, 109:33, 110:24 mucking [3] - 38:10, 38:22, 40:6 mulled [1] - 82:26 Mullin [5] - 15:43, 24:31, 24:40, 33:11, 62:24 mullin [2] - 16:5, 64:28 Mullin's [2] - 16:17, 20:2 Mullins [1] - 16:25 musical [1] - 79:22 must [2] - 69:36, 83:24</p>	<p>39:12, 39:38, 39:43, 40:18, 43:13, 44:7, 44:11 Nasty [1] - 38:46 nature [11] - 6:18, 6:20, 6:24, 7:27, 10:5, 34:43, 35:37, 56:45, 57:37, 68:41, 104:43 navigate [1] - 36:18 near [1] - 113:1 necessarily [1] - 76:34 necessary [1] - 84:26 need [20] - 6:1, 35:32, 36:13, 46:22, 69:34, 71:15, 74:3, 76:19, 76:30, 96:36, 97:32, 100:43, 101:31, 104:22, 109:13, 109:29, 110:8, 123:30, 123:32, 125:37 needed [1] - 88:15 needs [8] - 64:19, 64:24, 72:15, 72:18, 72:25, 72:26, 77:6, 107:39 negative [3] - 20:13, 110:47, 111:1 negotiating [1] - 18:25 Neish [1] - 82:41 nervous [2] - 51:25, 51:40 never [13] - 29:13, 40:47, 55:20, 61:21, 69:33, 74:25, 99:10, 110:42, 111:12, 111:14, 124:16, 124:33, 125:2 new [23] - 13:28, 19:24, 24:31, 24:38, 25:9, 25:12, 27:5, 27:18, 28:29, 28:44, 31:11, 56:33, 63:1, 75:25, 75:26, 76:47, 109:12, 109:27, 110:7, 110:25, 110:33, 111:1, 111:33 New [1] - 15:5 news [4] - 27:14, 27:15, 111:12 next [17] - 36:32, 36:42, 37:1, 37:3, 39:15, 41:9, 60:43, 63:2, 64:18, 70:23, 74:28, 77:41, 93:1, 93:5, 94:19, 114:38 nickname [6] -</p>	<p>38:13, 38:21, 77:44, 78:4, 80:27, 80:37 nicknamer [1] - 80:38 nicknames [1] - 38:8 nigh [1] - 102:24 night [7] - 42:38, 74:15, 78:40, 78:42, 80:21, 111:18, 111:25 nine [1] - 108:34 no-one [6] - 10:7, 34:39, 94:43, 100:34, 102:11, 102:12 nodes [1] - 113:13 Nolan [4] - 90:35, 90:41, 91:5, 93:19 NOLAN [1] - 93:28 nominating [1] - 35:4 non [3] - 60:13, 83:36, 113:37 non-contentious [1] - 113:37 non-executive [2] - 60:13, 83:36 none [6] - 5:35, 43:47, 45:34, 52:47, 88:3, 120:47 Norm [14] - 55:41, 81:3, 81:24, 81:25, 81:33, 90:43, 93:8, 94:30, 94:47, 95:4, 95:5, 95:27, 97:47, 99:7 norm [1] - 7:38 normal [14] - 73:28, 75:23, 75:36, 75:40, 75:44, 75:45, 87:34, 89:30, 92:6, 92:9, 92:10, 92:42, 101:9, 103:7 normally [4] - 26:20, 54:18, 70:40, 92:18 Norman [2] - 3:9, 98:17 note [6] - 3:41, 6:13, 71:17, 121:42, 121:44 notes [6] - 5:22, 70:43, 121:12, 121:13, 121:38, 122:46 nothing [15] - 31:27, 67:28, 67:43, 69:39, 70:30, 70:38, 79:41, 87:6, 88:34, 94:37, 101:30, 101:31, 104:47, 105:7, 122:27 notice [1] - 52:22 notified [1] - 4:39 notify [1] - 4:38</p>	<p>noting [3] - 112:14, 112:17 notion [1] - 52:24 notorious [1] - 47:34 notwithstanding [4] - 49:32, 53:35, 54:15, 106:41 November [25] - 37:28, 38:19, 39:18, 40:11, 41:29, 42:16, 43:8, 45:19, 45:31, 52:46, 52:47, 53:10, 114:28, 114:38, 115:10, 116:19, 116:40, 116:42, 120:30, 121:15, 121:22, 121:29, 122:10, 123:10, 123:32 November/ December [2] - 53:42, 113:28 now" [1] - 73:40 NSW [1] - 8:47 number [36] - 3:44, 3:45, 4:3, 4:19, 6:40, 8:12, 8:23, 8:36, 10:45, 13:34, 32:23, 36:19, 36:24, 36:28, 36:31, 36:32, 36:33, 57:38, 60:40, 61:6, 61:7, 63:31, 83:28, 83:34, 83:35, 84:41, 85:2, 85:14, 85:20, 85:26, 85:29, 85:36, 85:37, 85:44, 90:22, 121:39 numbers [12] - 36:21, 63:36, 84:46, 121:4, 121:5, 121:8, 121:11, 121:18, 121:30, 121:35, 122:3, 123:42 numerous [1] - 12:27</p>	<p>85:14, 85:44 oath [1] - 123:36 object [4] - 44:24, 69:23, 103:2, 115:36 objection [2] - 10:8, 69:43 obligations [3] - 2:8, 4:1, 5:12 obliged [1] - 4:38 obtained [6] - 5:25, 5:36, 33:42, 45:35, 85:28, 118:22 obvious [6] - 6:29, 37:42, 38:1, 42:44, 79:20, 105:19 obviously [19] - 15:10, 21:46, 22:38, 27:12, 30:30, 34:29, 44:47, 46:13, 49:44, 50:45, 58:30, 60:40, 61:33, 62:40, 94:34, 97:20, 100:32, 100:34, 123:16 occasion [3] - 99:35, 107:9, 120:25 occasionally [2] - 13:19, 111:3 occasions [1] - 58:34 occurred [9] - 4:19, 8:30, 16:43, 21:38, 56:10, 56:38, 64:8, 70:4, 85:18 occurs [1] - 67:23 OF [1] - 1:11 offence [1] - 76:10 offer [3] - 30:41, 42:34, 47:25 offered [2] - 17:35, 46:30 office [20] - 6:46, 11:27, 12:3, 12:4, 12:13, 15:11, 19:40, 24:3, 45:35, 45:36, 49:18, 75:18, 75:20, 94:31, 95:4, 98:22, 101:31, 102:4, 103:26, 113:32 Office [1] - 99:6 office's [1] - 14:32 officer [3] - 6:27, 9:2, 16:8 offices [3] - 13:6, 13:10, 13:11 official [1] - 9:32 officially" [1] - 94:45 often [3] - 26:23, 28:9, 115:32 old [4] - 69:33, 87:11, 88:15, 111:32</p>
N		O		
<p>name [29] - 3:14, 6:9, 6:11, 6:41, 10:15, 10:17, 10:26, 16:18, 21:46, 24:7, 34:8, 41:23, 44:42, 51:46, 69:18, 82:36, 82:41, 85:28, 86:42, 86:46, 95:9, 99:6, 99:31, 100:15, 100:18, 100:33, 104:41, 125:12, 125:18 named [2] - 88:12, 102:26 namely [1] - 124:38 names [1] - 8:45 narrow [2] - 53:41, 102:13 nasty [14] - 38:2, 38:6, 38:18, 38:25, 38:35, 38:47, 39:5,</p>			<p>o'clock [7] - 95:17, 95:18, 96:15, 96:30, 96:31, 96:45, 97:29 O'Farrell [10] - 14:21, 14:31, 79:1, 79:41, 79:45, 80:6, 100:23, 112:31, 114:35, 115:9 O'Neill [9] - 83:13, 83:29, 83:34, 83:35, 85:3, 85:20, 85:24, 85:34, 85:38 O'Neill's [3] - 84:40,</p>	

<p>Olympic [1] - 53:32 Olympics [2] - 11:17, 53:32 omitting [2] - 73:47, 74:18 ON [1] - 125:41 once [8] - 20:28, 40:23, 50:14, 61:21, 65:15, 69:1, 84:45, 121:31 one [63] - 10:7, 18:39, 21:37, 23:6, 24:7, 28:39, 30:8, 31:22, 34:39, 36:10, 36:13, 37:19, 39:36, 41:37, 52:41, 52:44, 52:45, 53:4, 55:45, 58:17, 62:21, 62:39, 64:37, 64:42, 65:4, 68:7, 68:14, 69:23, 70:40, 73:8, 77:11, 79:29, 80:47, 81:2, 82:24, 85:26, 92:11, 93:7, 93:9, 94:43, 94:45, 96:1, 97:45, 98:13, 100:24, 100:34, 100:47, 101:14, 101:28, 101:37, 101:45, 102:11, 102:12, 106:3, 107:31, 114:28, 116:39, 117:17, 117:35, 123:16, 124:20 one-page [1] - 117:17 ones [3] - 27:37, 103:34, 109:42 Opaula" [1] - 83:25 open [3] - 25:25, 62:36, 89:6 opening [6] - 6:8, 7:36, 9:35, 9:46, 21:45, 34:20 operates [1] - 4:28 operation [4] - 3:43, 3:45, 4:7, 4:37 operations [3] - 16:2, 24:23, 103:26 operator [1] - 8:13 opinion [7] - 3:33, 3:36, 5:42, 25:22, 29:2, 66:40, 67:47 opinions [13] - 24:29, 25:6, 25:30, 25:37, 26:40, 27:17, 28:34, 28:36, 28:39, 29:15, 30:27, 31:10, 43:45 opportunity [2] -</p>	<p>21:6, 23:47 opposed [1] - 111:33 opposition [5] - 14:10, 21:13, 54:39, 113:1, 115:11 options [1] - 18:6 oral [2] - 31:24, 31:27 order [6] - 6:6, 9:46, 10:2, 10:5, 10:8, 10:14 ordered [1] - 69:1 ordinary [1] - 76:33 organisation [5] - 26:5, 26:8, 107:11, 115:33 organising [3] - 108:8, 109:8, 109:43 original [2] - 30:1, 83:5 originally [3] - 16:21, 54:38, 65:16 otherwise [8] - 2:9, 5:13, 7:23, 26:39, 36:29, 81:44, 103:33, 124:5 out' [1] - 92:27 outcome [8] - 7:13, 52:16, 63:16, 64:37, 65:23, 70:8, 70:27, 82:15 outgoing [4] - 37:15, 116:46, 117:1, 117:5 outlets [3] - 6:42, 94:38, 94:42 outlets" [1] - 94:41 outlined [2] - 9:17, 77:17 outlining [1] - 76:36 outside [1] - 59:29 overall [2] - 16:15, 30:5 oversaw [1] - 16:2 own [6] - 2:34, 34:30, 66:21, 66:27, 66:31, 91:22</p>	<p>116:15, 116:38, 117:3, 117:17, 120:33 PAGE [1] - 93:28 pages [1] - 116:41 paginated [1] - 36:29 paid [2] - 14:17, 21:17 pants [1] - 36:9 paper [6] - 49:40, 52:21, 76:13, 84:9, 121:45, 122:3 papers [5] - 51:24, 51:39, 72:42, 76:21, 98:2 paragraph [1] - 47:47 parameters [1] - 105:26 paraplegic [3] - 107:16, 107:18, 107:21 parliament [5] - 53:43, 53:46, 53:47, 54:20, 88:40 part [28] - 5:36, 5:38, 5:39, 9:9, 18:21, 32:15, 32:30, 33:3, 33:9, 33:37, 37:6, 48:30, 50:27, 50:32, 53:40, 55:15, 56:11, 58:14, 75:2, 75:5, 80:19, 81:12, 86:43, 93:40, 104:20, 112:16, 118:13 participants [1] - 5:25 particular [13] - 3:27, 6:33, 12:47, 13:32, 14:20, 19:1, 33:11, 35:19, 45:26, 56:44, 57:37, 64:42, 111:1 particularly [2] - 34:33, 103:34 parties [2] - 35:5, 111:9 parting [3] - 109:10, 109:40, 110:7 partner [181] - 22:6, 22:11, 22:20, 22:36, 27:28, 29:11, 38:10, 38:20, 38:23, 38:35, 38:45, 39:3, 39:4, 39:10, 39:18, 40:16, 40:20, 41:2, 41:10, 41:11, 41:17, 41:46, 42:8, 42:14, 42:20, 42:24, 43:3, 44:9, 48:31, 53:6, 56:36, 57:20, 57:21, 57:27, 57:28, 57:36, 57:47,</p>	<p>58:5, 58:19, 58:25, 58:27, 58:35, 58:47, 59:12, 59:36, 60:6, 60:35, 60:45, 60:46, 61:24, 61:36, 62:36, 62:43, 63:17, 63:26, 63:39, 63:41, 64:12, 64:34, 65:16, 65:20, 65:27, 65:39, 66:1, 66:13, 66:45, 67:12, 67:14, 67:19, 67:27, 67:39, 68:3, 68:5, 68:14, 68:21, 68:25, 68:30, 69:2, 69:9, 69:20, 69:45, 70:34, 71:1, 72:12, 72:13, 72:16, 72:20, 72:25, 73:18, 73:39, 73:47, 74:13, 74:31, 74:36, 75:10, 75:26, 75:44, 76:4, 76:18, 77:2, 77:16, 77:18, 77:29, 77:31, 77:33, 77:43, 78:17, 78:32, 78:36, 79:32, 80:15, 80:19, 80:43, 81:14, 81:37, 83:10, 83:22, 83:29, 83:35, 83:41, 83:44, 84:1, 84:12, 84:40, 85:4, 85:43, 85:47, 86:39, 87:14, 87:16, 87:40, 88:9, 89:3, 89:45, 90:9, 90:19, 93:41, 94:5, 94:21, 94:25, 94:28, 94:39, 94:41, 94:46, 95:1, 95:3, 95:9, 96:26, 97:16, 97:20, 97:24, 98:25, 98:41, 99:29, 99:32, 99:36, 100:9, 100:25, 100:43, 101:2, 101:29, 102:1, 102:2, 102:7, 102:8, 102:12, 102:24, 102:26, 102:38, 103:6, 103:9, 103:23, 111:43, 112:45, 114:40, 116:18, 119:36, 119:41, 120:1, 120:11, 124:19 partner" [1] - 22:1 partner's [44] - 33:44, 34:3, 37:9, 37:14, 37:21, 37:30, 38:41, 40:10, 41:16, 42:31, 43:7, 48:18, 49:34, 58:16, 58:36, 61:26, 61:30, 62:8, 64:20, 64:46, 67:27, 68:27, 69:35, 71:12, 72:37, 74:4, 76:22,</p>	<p>82:45, 86:13, 86:28, 86:46, 87:19, 87:47, 95:9, 99:31, 100:15, 100:18, 100:33, 104:41, 111:32, 116:16, 124:23, 125:12, 125:18 partners [1] - 81:22 Party [1] - 111:24 party [1] - 113:17 pass [1] - 78:19 passage [2] - 51:11, 116:29 passages [1] - 51:12 passing [3] - 56:15, 56:17, 56:28 past [2] - 92:7, 92:12 pasted [1] - 91:25 Paton [2] - 83:12, 83:13 Paula [1] - 83:24 pause [1] - 84:22 pausing [1] - 76:13 payout [1] - 109:15 people [34] - 8:12, 8:41, 32:23, 33:28, 35:41, 43:27, 43:40, 50:11, 50:13, 50:35, 58:15, 59:1, 59:13, 59:26, 59:30, 63:2, 66:43, 66:45, 81:1, 81:3, 81:20, 82:13, 88:16, 88:27, 88:47, 90:22, 90:37, 98:21, 106:43, 111:10, 115:10, 117:29, 117:35, 124:40 people's [1] - 43:41 per [1] - 100:26 perceive [1] - 75:1 perceived [2] - 70:31, 109:26 perfect [1] - 76:21 perform [1] - 16:19 performance [2] - 4:2, 79:21 perhaps [24] - 4:34, 9:37, 10:2, 10:3, 14:35, 24:7, 34:12, 35:23, 35:26, 39:24, 39:25, 42:19, 45:10, 49:21, 52:33, 52:35, 55:38, 57:5, 69:45, 79:35, 82:29, 92:45, 93:15, 93:18 period [27] - 6:47, 11:3, 12:27, 12:44, 13:16, 14:26, 18:26, 21:35, 22:27, 25:1, 25:2, 27:19, 44:46,</p>
<p style="text-align: center;">P</p> <p>package [3] - 18:25, 18:27, 19:7 page [28] - 36:27, 37:27, 39:15, 39:42, 42:12, 51:12, 51:35, 72:8, 74:13, 76:6, 76:8, 77:42, 91:11, 91:12, 93:16, 93:20, 93:35, 93:40, 108:13, 111:36, 114:26,</p>		<p>particular [13] - 3:27, 6:33, 12:47, 13:32, 14:20, 19:1, 33:11, 35:19, 45:26, 56:44, 57:37, 64:42, 111:1 particularly [2] - 34:33, 103:34 parties [2] - 35:5, 111:9 parting [3] - 109:10, 109:40, 110:7 partner [181] - 22:6, 22:11, 22:20, 22:36, 27:28, 29:11, 38:10, 38:20, 38:23, 38:35, 38:45, 39:3, 39:4, 39:10, 39:18, 40:16, 40:20, 41:2, 41:10, 41:11, 41:17, 41:46, 42:8, 42:14, 42:20, 42:24, 43:3, 44:9, 48:31, 53:6, 56:36, 57:20, 57:21, 57:27, 57:28, 57:36, 57:47,</p>	<p>58:5, 58:19, 58:25, 58:27, 58:35, 58:47, 59:12, 59:36, 60:6, 60:35, 60:45, 60:46, 61:24, 61:36, 62:36, 62:43, 63:17, 63:26, 63:39, 63:41, 64:12, 64:34, 65:16, 65:20, 65:27, 65:39, 66:1, 66:13, 66:45, 67:12, 67:14, 67:19, 67:27, 67:39, 68:3, 68:5, 68:14, 68:21, 68:25, 68:30, 69:2, 69:9, 69:20, 69:45, 70:34, 71:1, 72:12, 72:13, 72:16, 72:20, 72:25, 73:18, 73:39, 73:47, 74:13, 74:31, 74:36, 75:10, 75:26, 75:44, 76:4, 76:18, 77:2, 77:16, 77:18, 77:29, 77:31, 77:33, 77:43, 78:17, 78:32, 78:36, 79:32, 80:15, 80:19, 80:43, 81:14, 81:37, 83:10, 83:22, 83:29, 83:35, 83:41, 83:44, 84:1, 84:12, 84:40, 85:4, 85:43, 85:47, 86:39, 87:14, 87:16, 87:40, 88:9, 89:3, 89:45, 90:9, 90:19, 93:41, 94:5, 94:21, 94:25, 94:28, 94:39, 94:41, 94:46, 95:1, 95:3, 95:9, 96:26, 97:16, 97:20, 97:24, 98:25, 98:41, 99:29, 99:32, 99:36, 100:9, 100:25, 100:43, 101:2, 101:29, 102:1, 102:2, 102:7, 102:8, 102:12, 102:24, 102:26, 102:38, 103:6, 103:9, 103:23, 111:43, 112:45, 114:40, 116:18, 119:36, 119:41, 120:1, 120:11, 124:19 partner" [1] - 22:1 partner's [44] - 33:44, 34:3, 37:9, 37:14, 37:21, 37:30, 38:41, 40:10, 41:16, 42:31, 43:7, 48:18, 49:34, 58:16, 58:36, 61:26, 61:30, 62:8, 64:20, 64:46, 67:27, 68:27, 69:35, 71:12, 72:37, 74:4, 76:22,</p>	<p>82:45, 86:13, 86:28, 86:46, 87:19, 87:47, 95:9, 99:31, 100:15, 100:18, 100:33, 104:41, 111:32, 116:16, 124:23, 125:12, 125:18 partners [1] - 81:22 Party [1] - 111:24 party [1] - 113:17 pass [1] - 78:19 passage [2] - 51:11, 116:29 passages [1] - 51:12 passing [3] - 56:15, 56:17, 56:28 past [2] - 92:7, 92:12 pasted [1] - 91:25 Paton [2] - 83:12, 83:13 Paula [1] - 83:24 pause [1] - 84:22 pausing [1] - 76:13 payout [1] - 109:15 people [34] - 8:12, 8:41, 32:23, 33:28, 35:41, 43:27, 43:40, 50:11, 50:13, 50:35, 58:15, 59:1, 59:13, 59:26, 59:30, 63:2, 66:43, 66:45, 81:1, 81:3, 81:20, 82:13, 88:16, 88:27, 88:47, 90:22, 90:37, 98:21, 106:43, 111:10, 115:10, 117:29, 117:35, 124:40 people's [1] - 43:41 per [1] - 100:26 perceive [1] - 75:1 perceived [2] - 70:31, 109:26 perfect [1] - 76:21 perform [1] - 16:19 performance [2] - 4:2, 79:21 perhaps [24] - 4:34, 9:37, 10:2, 10:3, 14:35, 24:7, 34:12, 35:23, 35:26, 39:24, 39:25, 42:19, 45:10, 49:21, 52:33, 52:35, 55:38, 57:5, 69:45, 79:35, 82:29, 92:45, 93:15, 93:18 period [27] - 6:47, 11:3, 12:27, 12:44, 13:16, 14:26, 18:26, 21:35, 22:27, 25:1, 25:2, 27:19, 44:46,</p>

<p>45:19, 45:32, 45:36, 54:14, 54:19, 55:39, 63:11, 88:16, 113:27, 118:33, 121:23, 125:5, 125:9</p> <p>periods [1] - 23:27</p> <p>permit [1] - 105:25</p> <p>person [15] - 3:34, 8:18, 14:28, 19:17, 32:42, 33:4, 33:23, 33:26, 37:34, 48:41, 49:2, 78:1, 110:43, 113:41, 115:17</p> <p>personal [47] - 6:47, 7:27, 15:20, 21:40, 22:11, 33:32, 33:36, 34:35, 34:43, 37:23, 37:46, 38:17, 38:45, 53:23, 53:26, 53:38, 54:17, 55:35, 57:40, 57:42, 72:32, 73:47, 74:18, 75:9, 75:10, 75:21, 75:23, 75:44, 81:29, 86:37, 87:39, 88:29, 89:2, 94:33, 101:11, 101:27, 101:41, 102:1, 102:2, 103:24, 103:42, 103:46, 104:2, 104:22, 106:39</p> <p>personally [2] - 67:27, 102:17</p> <p>persons [6] - 4:16, 6:28, 7:10, 8:21, 34:26, 34:27</p> <p>pertinently [1] - 8:40</p> <p>PETER [1] - 10:22</p> <p>Peter [5] - 3:12, 6:42, 7:35, 10:20, 10:27</p> <p>phone [33] - 33:44, 34:2, 34:3, 34:4, 36:32, 36:33, 37:6, 37:9, 37:14, 37:21, 37:29, 37:30, 37:34, 37:39, 38:41, 48:18, 49:34, 60:40, 61:6, 63:31, 70:43, 78:20, 83:28, 83:33, 83:35, 84:40, 85:2, 85:20, 85:44, 91:45, 111:32, 111:33</p> <p>photocopy [1] - 117:16</p> <p>physical [1] - 81:39</p> <p>physically [1] - 121:45</p> <p>pick [2] - 46:29, 72:36</p> <p>piece [6] - 29:1, 70:21, 76:6, 78:29,</p>	<p>106:26, 122:3</p> <p>pieces [1] - 30:26</p> <p>pig [2] - 67:26, 74:17</p> <p>pile [1] - 123:16</p> <p>pisser [2] - 120:3, 120:14</p> <p>Pistols [1] - 79:5</p> <p>pity [1] - 76:12</p> <p>place [12] - 16:37, 20:14, 20:15, 20:16, 32:3, 39:7, 42:20, 53:12, 89:6, 106:19, 109:36, 114:11</p> <p>placing [1] - 52:14</p> <p>plan [3] - 124:10, 124:19, 124:23</p> <p>Planning [1] - 117:22</p> <p>plans [1] - 124:21</p> <p>play [3] - 47:47, 79:22, 118:13</p> <p>pleased [3] - 97:36, 110:33, 116:22</p> <p>plenty [1] - 76:12</p> <p>plot [1] - 73:23</p> <p>plus [1] - 37:1</p> <p>point [8] - 26:16, 28:26, 62:29, 63:13, 70:40, 106:5, 109:41, 125:28</p> <p>pointedly [1] - 48:21</p> <p>pointing [2] - 43:3, 76:6</p> <p>points [1] - 55:29</p> <p>police [4] - 8:23, 81:4, 81:7, 81:41</p> <p>political [13] - 11:7, 15:4, 40:45, 40:46, 45:14, 61:19, 68:1, 102:43, 102:44, 112:47, 115:17, 115:32, 124:41</p> <p>politician [1] - 116:6</p> <p>politicians [1] - 12:5</p> <p>politics [1] - 55:36</p> <p>position [45] - 11:23, 11:32, 12:3, 12:25, 12:39, 12:47, 13:22, 14:14, 14:20, 14:36, 16:37, 17:8, 18:13, 19:14, 20:3, 21:32, 22:14, 22:17, 22:40, 22:47, 23:12, 32:29, 34:31, 34:38, 39:45, 40:21, 48:42, 54:22, 57:12, 64:35, 68:37, 83:2, 85:39, 88:26, 95:32, 95:34, 101:46, 101:47, 102:16, 102:35, 102:40, 103:15, 103:18,</p>	<p>104:7, 104:33</p> <p>positive [6] - 40:5, 43:8, 63:15, 73:32, 111:6, 111:8</p> <p>possession [2] - 68:36, 123:5</p> <p>possibility [4] - 63:17, 72:21, 73:2, 74:22</p> <p>possible [8] - 34:16, 65:13, 70:4, 70:5, 70:19, 100:14, 102:2, 103:24</p> <p>post [2] - 8:4, 44:15</p> <p>post-section [1] - 8:4</p> <p>potential [5] - 71:11, 82:44, 101:46, 102:16, 102:38</p> <p>Power [6] - 119:30, 119:37, 119:41, 120:1, 120:6, 120:11</p> <p>power [3] - 40:24, 40:30, 40:31</p> <p>powerful [1] - 43:35</p> <p>PR [2] - 20:32</p> <p>preceding [1] - 91:15</p> <p>precise [3] - 6:15, 57:26, 100:14</p> <p>prefer [3] - 105:18, 125:28, 125:31</p> <p>Premier [26] - 6:46, 11:28, 11:32, 11:33, 14:22, 14:31, 15:7, 79:1, 79:20, 80:12, 100:39, 100:43, 100:46, 101:6, 101:10, 101:32, 101:45, 102:18, 102:26, 102:37, 102:39, 102:41, 103:15, 104:4, 112:28</p> <p>Premier's [11] - 24:3, 45:35, 45:36, 49:18, 75:17, 75:20, 80:24, 101:14, 102:3, 103:26, 113:32</p> <p>preparation [1] - 124:10</p> <p>prepared [5] - 26:9, 31:41, 51:8, 64:43, 65:1</p> <p>presence [2] - 8:25, 105:18</p> <p>present [6] - 13:40, 14:35, 51:3, 61:4, 64:41, 86:3</p> <p>presently [1] - 7:39</p> <p>preserving [1] - 61:36</p>	<p>press [5] - 11:15, 11:41, 56:23, 92:11, 106:5</p> <p>pressure [5] - 59:37, 72:16, 72:26, 72:37, 74:22</p> <p>presume [1] - 115:11</p> <p>pretended [1] - 124:44</p> <p>pretty [3] - 19:34, 58:27, 76:9</p> <p>previous [2] - 40:17, 53:30</p> <p>previously [3] - 16:8, 36:10, 114:24</p> <p>PRICE [1] - 3:14</p> <p>Price [1] - 3:14</p> <p>primarily [6] - 6:26, 7:4, 8:37, 10:30, 13:11, 36:19</p> <p>prime [1] - 14:25</p> <p>principally [1] - 54:4</p> <p>print [4] - 33:43, 34:12, 38:22, 44:38</p> <p>print-out [2] - 33:43, 34:12</p> <p>printed [1] - 119:41</p> <p>printing [1] - 120:19</p> <p>printout [4] - 36:17, 36:30, 46:9, 108:1</p> <p>priority [1] - 103:23</p> <p>private [10] - 4:9, 5:24, 9:16, 23:43, 23:44, 85:2, 85:26, 104:13, 104:15, 104:26</p> <p>privately [1] - 8:16</p> <p>prize [1] - 108:14</p> <p>problem [5] - 4:1, 55:35, 66:12, 67:31, 124:46</p> <p>problems [1] - 76:37</p> <p>procedure [1] - 92:45</p> <p>procedures [1] - 36:9</p> <p>proceed [7] - 59:39, 60:23, 60:28, 63:45, 75:41, 81:6, 84:36</p> <p>proceeded [3] - 61:12, 69:17, 70:18</p> <p>proceeding [3] - 65:14, 65:26, 65:36</p> <p>proceedings [2] - 36:12, 107:34</p> <p>process [24] - 4:8, 5:40, 53:16, 66:17, 73:29, 74:15, 74:24, 75:23, 75:35, 75:39, 75:45, 86:43, 87:8,</p>	<p>87:34, 92:6, 92:9, 92:10, 92:42, 99:33, 100:20, 101:8, 103:5, 103:10, 122:41</p> <p>produced [3] - 5:17, 28:47, 29:38</p> <p>producer [1] - 107:7</p> <p>professional [6] - 53:36, 54:4, 54:15, 104:3, 104:9, 104:30</p> <p>professionally [1] - 104:33</p> <p>profile [1] - 115:17</p> <p>program [6] - 46:23, 46:42, 47:4, 47:24, 47:33</p> <p>prohibit [1] - 6:8</p> <p>promise [3] - 65:40, 105:20, 108:22</p> <p>promises [1] - 90:22</p> <p>promotional [2] - 46:30, 47:11</p> <p>proper [6] - 6:16, 34:28, 34:31, 34:40, 70:17, 118:31</p> <p>properly [9] - 4:4, 7:7, 20:18, 64:36, 65:14, 65:26, 65:37, 69:43, 70:19</p> <p>property [1] - 39:33</p> <p>propose [5] - 9:35, 34:36, 37:18, 104:36, 107:28</p> <p>proposing [1] - 92:20</p> <p>proposition [14] - 15:2, 17:20, 17:28, 17:32, 18:29, 18:37, 33:15, 40:37, 41:37, 44:13, 44:16, 66:36, 70:29, 124:27</p> <p>prospect [1] - 87:3</p> <p>prospects [1] - 44:1</p> <p>prostitution [3] - 51:19, 123:21, 123:23</p> <p>protect [1] - 51:17</p> <p>proud [1] - 116:23</p> <p>provide [24] - 4:45, 14:21, 26:4, 26:39, 26:44, 30:34, 31:3, 31:19, 34:28, 34:38, 35:19, 45:30, 46:7, 46:11, 47:40, 47:43, 47:46, 63:38, 63:44, 81:43, 113:31, 113:34, 120:37, 120:41</p> <p>provided [34] - 5:33, 10:2, 27:27, 29:45, 30:14, 32:13, 32:15,</p>
--	--	--	---	--

<p>32:20, 32:28, 34:13, 34:33, 35:27, 35:42, 36:16, 43:33, 44:5, 45:33, 45:38, 45:45, 45:46, 46:1, 46:5, 47:38, 47:40, 48:14, 52:7, 53:18, 55:31, 68:45, 95:2, 104:8, 107:47, 113:40, 125:26</p> <p>provides [1] - 36:42</p> <p>providing [8] - 56:42, 63:31, 85:19, 94:40, 97:45, 98:19, 98:20, 110:3</p> <p>provision [1] - 4:22</p> <p>proximity [2] - 4:34, 101:37</p> <p>prudent [1] - 10:3</p> <p>Pty [3] - 2:46, 3:33, 4:28</p> <p>public [32] - 2:1, 2:17, 2:25, 3:22, 3:35, 4:36, 5:2, 5:43, 5:45, 6:1, 6:14, 6:16, 6:22, 6:30, 6:33, 7:5, 7:18, 7:20, 7:23, 8:45, 9:20, 9:33, 12:28, 13:35, 17:2, 18:3, 89:6, 102:3, 103:9, 104:3, 104:9, 104:30</p> <p>publication [3] - 6:8, 30:16, 30:22</p> <p>publicity [4] - 8:8, 106:43, 110:47, 111:2</p> <p>publicly [8] - 2:23, 7:21, 7:33, 8:17, 8:41, 9:6, 9:19, 100:34</p> <p>published [2] - 6:43, 10:17</p> <p>purely [2] - 7:26, 104:22</p> <p>purpose [4] - 2:17, 9:41, 120:24, 124:24</p> <p>purposes [6] - 13:40, 51:3, 61:4, 64:41, 86:4, 92:31</p> <p>pursuant [4] - 4:43, 4:47, 5:37, 9:47</p> <p>pursue [3] - 17:37, 59:37, 121:9</p> <p>pursued [1] - 7:10</p> <p>push [1] - 74:3</p> <p>pushed [1] - 109:27</p> <p>pushing [1] - 110:21</p> <p>put [29] - 16:37, 20:14, 26:19, 32:11, 38:8, 44:31, 48:34, 51:23, 59:36, 69:9, 76:21, 76:41, 82:33,</p>	<p>84:23, 85:43, 92:20, 92:43, 94:38, 100:15, 101:40, 102:42, 105:14, 105:16, 106:3, 108:13, 112:39, 116:11, 116:33, 124:5</p> <p>puts [1] - 67:5</p> <p>putting [20] - 15:41, 16:34, 29:35, 43:22, 52:43, 56:37, 58:46, 59:24, 59:32, 61:35, 63:5, 68:27, 68:32, 74:22, 76:1, 88:25, 97:11, 102:39, 103:15, 103:17</p> <p style="text-align: center;">Q</p> <p>QC [1] - 2:45</p> <p>quantity [1] - 5:18</p> <p>Queensland [1] - 72:42</p> <p>questioning [1] - 102:11</p> <p>questions [24] - 2:30, 2:35, 2:36, 7:8, 34:11, 35:34, 35:47, 53:15, 53:17, 84:23, 103:28, 103:30, 103:39, 104:39, 105:12, 105:26, 106:9, 114:3, 114:6, 117:12, 117:18, 124:9, 124:12, 125:23</p> <p>quick [2] - 4:10, 46:14</p> <p>quickest [1] - 105:24</p> <p>quickly [3] - 81:40, 87:33, 117:17</p> <p>quiet [1] - 109:14</p> <p>quite [14] - 16:38, 17:24, 17:36, 20:28, 21:8, 30:3, 39:44, 46:42, 50:44, 55:27, 56:1, 69:29, 75:14, 111:29</p> <p>quote [1] - 61:15</p> <p style="text-align: center;">R</p> <p>Racing [2] - 7:40, 15:21</p> <p>racing [3] - 18:24, 18:27, 19:21</p> <p>raise [6] - 8:29, 32:38, 51:20, 56:27, 75:18, 107:38</p> <p>raised [8] - 9:8, 9:18,</p>	<p>28:27, 36:1, 99:35, 105:13, 105:16</p> <p>raising [2] - 28:28, 36:13</p> <p>ran [2] - 65:19, 94:38</p> <p>rang [9] - 70:41, 78:31, 85:14, 85:37, 89:35, 94:42, 97:43, 97:46, 98:17</p> <p>range [1] - 31:23</p> <p>ranging [1] - 12:28</p> <p>rarely [1] - 13:19</p> <p>rather [4] - 18:44, 55:36, 59:29, 119:20</p> <p>reached [1] - 75:46</p> <p>read [31] - 10:3, 36:33, 37:2, 37:19, 38:1, 46:12, 46:13, 46:22, 48:29, 51:2, 51:11, 51:13, 60:39, 64:13, 64:18, 67:23, 69:18, 70:7, 76:10, 76:27, 77:44, 80:20, 84:8, 88:43, 89:5, 98:46, 107:41, 108:39, 117:17, 120:33</p> <p>reading [4] - 37:22, 41:38, 47:18, 51:4</p> <p>reads [4] - 49:38, 49:40, 78:36, 111:46</p> <p>real [2] - 18:6, 69:36</p> <p>realised [1] - 113:16</p> <p>realistic [1] - 18:7</p> <p>really [18] - 10:40, 19:19, 19:38, 29:22, 31:27, 51:27, 66:16, 76:3, 85:34, 86:40, 87:11, 88:10, 95:46, 111:10, 120:3, 120:4, 120:13, 120:15</p> <p>reason [8] - 23:12, 34:31, 39:4, 70:26, 82:11, 104:19, 109:39, 124:37</p> <p>reasonable [2] - 52:27, 61:41</p> <p>reasons [5] - 6:29, 23:6, 24:7, 105:19, 116:44</p> <p>rebuild [1] - 72:14</p> <p>recalled [1] - 77:23</p> <p>recalled""but [1] - 77:5</p> <p>received [14] - 2:12, 7:46, 33:44, 34:3, 36:43, 48:32, 69:46, 79:20, 85:25, 89:29, 92:28, 99:21, 110:47, 111:1</p>	<p>receiving [1] - 114:34</p> <p>recent [1] - 89:10</p> <p>reckon [4] - 60:45, 61:14, 77:5, 80:47</p> <p>reckons [1] - 81:3</p> <p>recollect [3] - 42:8, 95:14, 115:45</p> <p>recollection [36] - 19:3, 26:17, 26:20, 30:36, 32:9, 55:5, 56:18, 62:33, 66:1, 68:17, 69:11, 70:23, 88:42, 89:37, 89:39, 90:25, 91:29, 91:45, 94:13, 95:17, 95:22, 95:35, 95:37, 95:38, 95:40, 95:41, 96:17, 98:10, 100:14, 100:45, 115:14, 115:25, 115:27, 115:29, 116:14, 116:26</p> <p>recommendations [4] - 3:46, 4:6, 4:14</p> <p>reconstruction [1] - 95:36</p> <p>record [4] - 10:3, 31:45, 32:11, 107:41</p> <p>recorded [6] - 31:38, 34:4, 37:14, 37:37, 77:24, 116:46</p> <p>Records [1] - 46:41</p> <p>records [7] - 47:1, 111:32, 116:47, 121:37, 122:43, 123:47, 124:2</p> <p>recounting [1] - 94:34</p> <p>redundancy [11] - 17:46, 17:47, 18:9, 18:11, 18:12, 18:17, 18:30, 21:7, 54:31, 55:2, 106:25</p> <p>redundant [1] - 113:16</p> <p>refer [8] - 22:4, 35:18, 36:19, 38:18, 47:32, 74:40, 96:33, 103:25</p> <p>reference [34] - 2:3, 5:8, 6:37, 7:17, 7:18, 7:44, 8:7, 8:34, 9:27, 21:45, 26:33, 36:37, 38:5, 38:6, 38:7, 39:32, 41:22, 42:45, 48:40, 49:44, 73:40, 76:30, 77:11, 78:4, 78:47, 79:1, 79:5, 81:24, 81:25, 83:18,</p>	<p>105:17, 111:37, 112:27, 112:28</p> <p>referred [29] - 2:15, 4:7, 6:4, 7:41, 8:23, 8:35, 9:31, 9:46, 13:18, 14:40, 20:7, 20:23, 22:4, 22:6, 24:5, 25:20, 25:21, 29:5, 52:45, 53:5, 68:5, 69:19, 82:4, 82:25, 85:15, 86:22, 96:32, 115:37, 116:2</p> <p>referring [1] - 21:12, 24:8, 26:4, 26:44, 40:17, 68:6, 77:16, 79:20, 98:4, 100:15, 116:2</p> <p>refers [7] - 34:43, 46:23, 46:36, 46:41, 117:21, 118:7, 118:22</p> <p>reformed [1] - 80:39</p> <p>refresh [3] - 26:2, 69:10, 116:26</p> <p>refreshed [1] - 95:22</p> <p>regard [13] - 14:39, 15:3, 20:19, 20:30, 25:2, 38:27, 63:14, 63:15, 69:23, 103:10, 112:22, 114:3, 124:39</p> <p>regarded [1] - 104:31</p> <p>regarding [1] - 85:31</p> <p>regards [1] - 98:13</p> <p>regime [1] - 19:24</p> <p>regular [1] - 58:27</p> <p>regularly [1] - 53:44</p> <p>regulator [1] - 8:30</p> <p>regulatory [1] - 24:9</p> <p>reject [1] - 60:47</p> <p>rejoin [1] - 55:3</p> <p>relate [2] - 8:24, 8:30</p> <p>related [11] - 6:34, 28:39, 41:47, 45:34, 83:45, 90:3, 104:15, 111:9, 116:3, 121:4, 121:7</p> <p>relates [4] - 9:13, 46:23, 104:22, 104:24</p> <p>relating [26] - 4:19, 7:20, 9:47, 26:9, 26:27, 28:28, 30:15, 38:29, 39:13, 54:24, 61:26, 68:37, 69:47, 81:34, 87:28, 88:19, 89:43, 91:42, 92:11, 103:25, 108:29, 108:30, 111:8, 115:6, 115:20, 115:21</p> <p>relation [70] - 2:8, 2:13, 3:42, 3:44, 4:6,</p>
--	---	---	---	---

<p>5:12, 5:24, 6:3, 6:25, 7:28, 7:34, 7:47, 8:33, 8:36, 9:25, 13:33, 14:27, 15:47, 16:29, 19:44, 20:8, 20:43, 23:36, 24:23, 24:30, 25:26, 26:26, 27:4, 27:22, 34:26, 34:33, 36:9, 38:31, 41:3, 42:8, 42:19, 45:26, 48:5, 48:10, 53:4, 53:17, 54:23, 55:16, 56:27, 56:35, 57:2, 58:9, 58:13, 58:39, 58:43, 60:14, 68:29, 68:46, 69:44, 73:4, 73:44, 76:25, 76:43, 81:12, 81:20, 81:21, 82:44, 83:40, 86:47, 89:46, 94:33, 94:35, 103:29, 104:7, 124:11</p> <p>relations [12] - 6:44, 12:26, 12:28, 12:29, 12:32, 12:36, 13:1, 13:17, 13:23, 17:2, 18:3</p> <p>relationship [20] - 6:47, 15:11, 15:13, 15:15, 19:31, 19:36, 19:38, 21:40, 22:11, 22:20, 22:25, 24:3, 53:27, 53:36, 54:16, 54:27, 55:44, 87:6, 105:39, 105:47</p> <p>relationships [1] - 4:9</p> <p>relatively [2] - 16:35, 22:40</p> <p>relaxed [8] - 17:24, 20:28, 20:47, 21:3, 21:11, 21:17, 21:31, 110:9</p> <p>release [2] - 76:15, 101:38</p> <p>released [4] - 3:29, 42:46, 86:42, 86:47</p> <p>releasing [4] - 73:2, 74:23, 76:32, 94:42</p> <p>relevant [21] - 2:10, 2:14, 2:29, 2:36, 3:40, 5:13, 5:18, 5:25, 6:47, 7:8, 7:41, 7:44, 8:29, 8:43, 23:2, 23:16, 24:9, 24:22, 28:14, 35:38</p> <p>relevantly [7] - 22:31, 37:2, 37:7, 37:47, 40:12, 40:17, 83:28</p> <p>relied [1] - 123:19</p>	<p>rely [1] - 20:34</p> <p>relying [1] - 35:42</p> <p>remain [4] - 2:32, 11:2, 11:23, 11:45</p> <p>remained [3] - 11:36, 14:36, 53:33</p> <p>remaining [1] - 8:33</p> <p>remains [2] - 3:36, 9:36</p> <p>remarks [1] - 34:21</p> <p>remember [24] - 19:6, 26:35, 27:37, 51:31, 70:2, 78:26, 79:33, 82:31, 95:32, 100:29, 103:39, 111:21, 112:34, 112:36, 112:37, 112:42, 113:4, 116:8, 116:9, 119:3, 119:4, 119:7, 124:34, 125:5</p> <p>remembered [1] - 121:11</p> <p>remind [2] - 25:47, 111:19</p> <p>removal [3] - 7:13, 32:29, 41:3</p> <p>remove [1] - 26:33</p> <p>removed [4] - 32:40, 32:46, 39:44, 107:35</p> <p>Renaë [1] - 85:28</p> <p>renew [1] - 35:23</p> <p>repeat [4] - 20:41, 65:15, 120:9, 125:16</p> <p>rephrase [1] - 92:30</p> <p>replaced [1] - 48:41</p> <p>replacement [6] - 18:20, 18:23, 18:34, 18:42, 19:28, 19:39</p> <p>report [65] - 2:4, 3:29, 3:37, 3:41, 4:14, 5:33, 8:7, 9:10, 9:14, 9:17, 19:14, 26:4, 26:13, 26:18, 26:21, 26:25, 26:32, 27:23, 27:40, 28:5, 28:19, 28:47, 29:37, 29:43, 30:4, 30:47, 39:47, 42:46, 43:17, 45:21, 45:27, 46:23, 47:43, 48:1, 48:6, 49:25, 49:26, 49:28, 50:7, 53:18, 62:34, 76:12, 76:15, 101:38, 114:7, 114:15, 117:21, 117:22, 117:25, 117:36, 117:37, 117:43, 118:3, 118:7, 118:21, 118:26, 121:4, 121:8, 121:11, 121:18, 121:35,</p>	<p>121:38, 122:2, 123:42</p> <p>reported [7] - 4:3, 19:15, 19:25, 19:33, 45:27, 58:5, 62:42</p> <p>reporting [1] - 75:20</p> <p>reports [8] - 26:9, 29:6, 76:14, 119:42, 120:20, 121:30, 121:33, 121:34</p> <p>represent [2] - 66:15, 105:35</p> <p>representative [3] - 2:29, 34:30, 34:39</p> <p>representatives [3] - 2:26, 2:32, 34:26</p> <p>represented [1] - 2:28</p> <p>represents [1] - 39:46</p> <p>request [1] - 92:22</p> <p>requested [1] - 29:31</p> <p>requesting [1] - 23:47</p> <p>required [11] - 3:26, 4:44, 11:42, 13:3, 18:17, 18:23, 18:26, 18:30, 19:20, 23:26, 42:19</p> <p>requirement [1] - 4:47</p> <p>reservations [2] - 73:25, 90:17</p> <p>resolution [2] - 76:42, 90:20</p> <p>resolved [8] - 62:44, 70:22, 70:25, 75:28, 75:29, 84:36, 90:23, 100:41</p> <p>resolved.. [1] - 74:6</p> <p>respect [11] - 8:42, 20:10, 21:24, 35:47, 50:25, 96:35, 104:8, 106:38, 107:21, 108:30, 120:37</p> <p>respectfully [1] - 35:37</p> <p>respective [1] - 59:5</p> <p>respects [1] - 15:46</p> <p>respond [1] - 106:8</p> <p>responded [7] - 5:44, 6:28, 79:39, 81:40, 100:2, 109:4, 110:12</p> <p>responds [2] - 83:22, 83:30</p> <p>response [44] - 2:18, 2:21, 3:27, 6:24, 6:35, 9:15, 9:17, 30:29, 30:38, 38:40, 39:36, 40:10, 42:40, 43:7,</p>	<p>43:12, 64:14, 64:15, 64:17, 64:19, 64:20, 65:20, 67:25, 67:27, 69:35, 69:37, 72:22, 72:36, 74:1, 74:4, 74:8, 74:17, 74:19, 76:5, 76:20, 76:22, 77:18, 77:29, 83:23, 91:32, 91:46, 100:10, 108:17, 116:16, 116:18</p> <p>responses [7] - 4:10, 9:24, 77:24, 77:30, 77:34, 78:17, 78:24</p> <p>responsibilities [12] - 2:11, 7:45, 11:40, 13:2, 13:11, 13:15, 13:33, 17:3, 17:7, 21:25, 102:4</p> <p>responsibility [3] - 14:25, 22:17, 102:7</p> <p>responsible [17] - 3:38, 3:47, 16:13, 20:4, 22:40, 25:13, 25:16, 26:10, 26:27, 28:29, 28:30, 28:39, 30:6, 53:19, 68:31, 88:20, 97:17</p> <p>rest [2] - 41:8, 48:34</p> <p>restructure [8] - 16:37, 16:42, 17:1, 17:11, 17:21, 17:25, 17:29, 17:46</p> <p>rests [4] - 40:12, 40:18, 40:21, 41:3</p> <p>result [15] - 4:32, 17:45, 24:38, 29:26, 32:28, 40:1, 40:4, 43:42, 57:15, 68:11, 68:29, 68:37, 88:18, 89:20, 106:24</p> <p>resulted [3] - 8:11, 90:14, 101:1</p> <p>resume [3] - 9:42, 52:36, 71:19</p> <p>RESUMPTION [1] - 72:1</p> <p>retain [1] - 27:31</p> <p>retained [2] - 23:35, 44:38</p> <p>retrospect [1] - 88:27</p> <p>return [4] - 102:24, 118:39, 119:23, 125:27</p> <p>returned [4] - 28:14, 32:36, 107:42, 108:4</p> <p>reveal [1] - 6:14</p> <p>revealed [2] - 7:32, 100:34</p>	<p>revealing [1] - 5:46</p> <p>reveals [4] - 6:9, 6:11, 10:15, 10:16</p> <p>review [5] - 20:13, 26:22, 51:18, 51:47, 90:45</p> <p>revise [1] - 4:1</p> <p>Rewards [5] - 46:24, 46:42, 47:4, 47:24, 47:33</p> <p>RG [1] - 27:6</p> <p>rid [5] - 39:38, 39:43, 40:7, 40:18</p> <p>right-hand [1] - 111:38</p> <p>ring [6] - 64:2, 73:40, 74:32, 82:41, 92:19, 119:21</p> <p>ringing [6] - 63:46, 66:14, 67:44, 75:42, 85:44, 124:35</p> <p>rise [3] - 4:20, 6:32, 7:9</p> <p>risk [2] - 72:43, 86:42</p> <p>Roach [1] - 8:46</p> <p>Robins [1] - 9:29</p> <p>role [21] - 14:11, 14:25, 18:1, 18:3, 20:32, 21:12, 23:2, 23:4, 24:3, 27:42, 58:15, 75:5, 89:30, 104:2, 104:3, 104:9, 104:30, 106:27, 119:33</p> <p>roles [3] - 12:27, 16:21, 80:47</p> <p>roll [1] - 50:15</p> <p>rolled [1] - 58:16</p> <p>rooms [2] - 4:9, 9:16</p> <p>rough [4] - 18:41, 18:47, 19:2, 19:10</p> <p>roughly [3] - 19:33, 27:19, 86:32</p> <p>RSA [1] - 27:6</p> <p>rumour [1] - 104:31</p> <p>rumors [2] - 104:21, 104:32</p> <p>run [8] - 12:19, 32:43, 33:4, 33:23, 33:26, 46:23, 92:6, 92:12</p> <p>running [8] - 39:23, 68:23, 79:22, 106:6, 106:37, 109:37, 110:44, 113:23</p>
--	--	---	--	---

S				
<p>safely [1] - 37:37</p> <p>salutations [1] - 37:22</p> <p>sanderson [1] - 2:42</p> <p>Sanderson [1] - 1:34</p> <p>satisfaction [1] - 66:47</p> <p>satisfied [2] - 5:42, 7:19</p> <p>satisfies [1] - 35:20</p> <p>save [1] - 106:8</p> <p>saw [10] - 17:25, 28:26, 31:47, 70:25, 76:23, 76:27, 101:11, 101:40, 101:41, 110:28</p> <p>SC [5] - 1:16, 1:33, 2:1, 2:42, 3:8</p> <p>scan [1] - 124:4</p> <p>scandal [2] - 76:19, 76:31</p> <p>scene [1] - 54:6</p> <p>scepticism [3] - 70:8, 70:30, 70:47</p> <p>schedule [1] - 68:23</p> <p>Schmitt [5] - 48:21, 48:40, 48:41, 49:2, 49:21</p> <p>school [1] - 10:41</p> <p>scoff [1] - 32:2</p> <p>scrutiny [1] - 113:1</p> <p>scuttlebutt [1] - 104:20</p> <p>seat [1] - 36:8</p> <p>second [20] - 6:6, 6:11, 6:20, 6:32, 6:41, 7:1, 7:31, 7:43, 9:26, 10:17, 22:5, 30:13, 30:25, 37:47, 91:11, 93:20, 93:35, 96:31, 97:12, 97:15</p> <p>secondly [4] - 2:10, 2:20, 55:38, 117:1</p> <p>seconds [1] - 41:10</p> <p>secret [2] - 73:6, 118:19</p> <p>secretaries [1] - 56:23</p> <p>secretary [3] - 8:47, 11:16, 11:41</p> <p>secretary's [1] - 92:12</p> <p>SECTION [1] - 1:11</p> <p>section [35] - 2:2, 3:24, 3:32, 4:18, 4:24, 4:35, 4:43, 5:3, 5:32, 5:37, 5:39, 6:7, 8:3,</p>	<p>8:4, 8:8, 9:7, 9:9, 9:14, 9:37, 9:47, 32:13, 39:47, 40:25, 42:45, 43:17, 45:20, 50:7, 50:19, 52:7, 52:17, 52:19, 53:16, 76:15, 101:38, 122:8</p> <p>securing [1] - 18:34</p> <p>security [1] - 9:2</p> <p>see [84] - 17:47, 19:41, 21:34, 27:44, 28:20, 29:23, 30:12, 32:35, 35:23, 36:20, 36:31, 36:39, 36:44, 37:2, 37:3, 37:6, 37:7, 37:10, 37:15, 37:27, 38:2, 38:40, 39:17, 39:19, 39:38, 41:12, 42:21, 42:41, 43:8, 46:18, 46:33, 48:26, 53:41, 53:43, 53:46, 54:3, 61:1, 62:29, 63:13, 63:46, 64:9, 66:12, 67:20, 67:31, 70:38, 73:32, 74:32, 74:37, 75:25, 78:12, 78:44, 79:16, 84:16, 84:18, 86:37, 88:38, 89:24, 89:27, 90:38, 91:2, 91:11, 92:22, 97:28, 97:30, 99:32, 101:44, 108:12, 108:26, 109:1, 109:13, 109:29, 110:8, 110:46, 111:39, 112:5, 112:6, 114:30, 114:31, 114:45, 116:14, 116:18, 117:3, 119:27, 122:21</p> <p>seeing [2] - 110:10, 122:43</p> <p>seek [8] - 2:45, 3:8, 3:11, 3:14, 34:22, 84:25, 105:11, 123:46</p> <p>seeking [3] - 35:34, 52:16, 54:13</p> <p>seem [1] - 72:32</p> <p>send [3] - 92:16, 92:18, 92:19</p> <p>sending [3] - 39:3, 76:4, 115:26</p> <p>sends [1] - 92:4</p> <p>senior [26] - 6:27, 9:32, 11:15, 11:41, 15:37, 15:42, 16:8, 20:3, 22:14, 22:40, 22:47, 23:11, 23:35, 25:23, 25:27, 33:10, 45:25, 56:13, 58:15,</p>	<p>64:47, 78:1, 78:18, 78:29, 85:32, 101:14, 102:17</p> <p>seniority [1] - 116:7</p> <p>sense [2] - 6:32, 104:13</p> <p>sent [43] - 33:43, 34:3, 36:39, 36:43, 37:3, 37:14, 37:20, 37:28, 37:29, 37:34, 37:39, 38:5, 38:41, 39:18, 39:36, 40:10, 42:15, 48:18, 48:31, 60:35, 69:20, 69:25, 77:17, 78:36, 80:2, 90:29, 90:37, 91:18, 92:29, 92:35, 92:38, 93:46, 94:20, 94:21, 96:11, 96:24, 97:1, 99:30, 99:46, 100:5, 108:35, 111:42</p> <p>separate [2] - 4:22, 101:41</p> <p>separated [1] - 61:38</p> <p>separately [1] - 54:17</p> <p>September [16] - 16:43, 19:29, 19:33, 19:46, 27:19, 67:18, 105:38, 106:30, 106:34, 106:41, 108:9, 108:17, 108:35, 109:5, 110:13, 110:41</p> <p>sequence [38] - 36:19, 36:24, 36:28, 36:31, 37:26, 39:17, 39:37, 40:11, 41:12, 42:14, 42:41, 48:17, 49:33, 60:31, 60:34, 60:43, 61:6, 64:7, 64:20, 67:17, 69:14, 69:31, 72:6, 72:37, 73:16, 73:37, 73:46, 74:29, 74:30, 76:41, 80:41, 83:8, 83:9, 83:23, 94:19, 98:5, 98:38</p> <p>sequences [3] - 42:13, 69:44, 84:38</p> <p>sequentially [1] - 116:46</p> <p>series [14] - 52:43, 67:18, 69:15, 70:7, 72:6, 72:11, 72:30, 73:37, 74:28, 76:2, 76:47, 84:23, 85:18, 98:37</p> <p>serious [4] - 44:9, 84:19, 113:6, 123:36</p>	<p>seriously [5] - 25:23, 51:21, 73:21, 82:9, 82:12</p> <p>serve [1] - 12:8</p> <p>served [1] - 13:45</p> <p>service [9] - 3:47, 13:35, 14:26, 25:16, 26:10, 26:27, 28:29, 28:40, 30:6</p> <p>services [1] - 14:17</p> <p>serving [2] - 12:5, 15:15</p> <p>sessions [1] - 31:37</p> <p>set [7] - 23:30, 33:1, 33:2, 63:21, 65:6, 69:2, 105:27</p> <p>setback [1] - 70:26</p> <p>sets [1] - 59:1</p> <p>setting [2] - 54:4, 89:21</p> <p>setting" [1] - 4:32</p> <p>seven [6] - 12:40, 19:29, 60:20, 73:7, 75:46, 90:20</p> <p>several [6] - 20:31, 45:32, 65:19, 85:25, 94:38, 113:25</p> <p>sew [2] - 81:5, 82:6</p> <p>Sex [1] - 79:4</p> <p>sexual [32] - 6:18, 6:20, 53:11, 56:45, 57:29, 75:21, 76:19, 76:25, 76:31, 76:38, 76:43, 81:37, 83:45, 84:19, 85:15, 85:32, 86:7, 86:14, 86:28, 86:40, 86:47, 87:15, 87:17, 87:24, 87:47, 88:9, 89:46, 90:8, 99:36, 100:47, 124:11</p> <p>sexually [10] - 60:46, 61:24, 61:32, 61:33, 63:47, 66:13, 66:38, 67:32, 85:4, 89:3</p> <p>shareholder [3] - 85:30, 85:35, 85:37</p> <p>sharing [2] - 81:19, 81:21</p> <p>sharp [5] - 34:45, 35:27, 105:27, 125:27, 125:34</p> <p>SHARP [6] - 3:11, 35:29, 44:24, 69:23, 95:45, 115:36</p> <p>shed [1] - 44:1</p> <p>shit [1] - 76:9</p> <p>shocked [1] - 110:14</p> <p>short [6] - 9:38, 25:1, 25:2, 35:17, 52:32, 58:44</p>	<p>short-circuit [1] - 35:17</p> <p>shortly [8] - 4:42, 7:36, 16:17, 16:35, 33:8, 59:11, 59:34, 110:28</p> <p>show [6] - 39:23, 50:46, 90:33, 107:21, 118:3, 120:44</p> <p>Showboat [1] - 12:20</p> <p>shown [3] - 47:47, 90:34, 96:23</p> <p>shows [2] - 54:8, 78:8</p> <p>shut [1] - 62:36</p> <p>sick [1] - 73:21</p> <p>Sid [21] - 2:6, 4:31, 5:10, 16:18, 39:23, 59:30, 62:24, 64:16, 74:31, 75:1, 78:41, 79:5, 80:20, 80:27, 80:36, 80:37, 87:29, 89:43, 99:4, 112:1, 112:18</p> <p>Sid's [1] - 96:47</p> <p>side [5] - 19:20, 19:21, 36:21, 76:8, 111:38</p> <p>significant [1] - 21:24</p> <p>similar [2] - 39:16, 78:9</p> <p>simply [9] - 26:39, 55:24, 55:26, 66:20, 69:19, 72:21, 78:25, 104:30, 107:39</p> <p>sing [1] - 39:29</p> <p>single [1] - 75:31</p> <p>sit [3] - 56:29, 67:25, 125:22</p> <p>sitting [2] - 53:43, 53:47</p> <p>situation [16] - 10:34, 11:27, 15:35, 16:35, 17:45, 18:16, 20:24, 21:39, 24:13, 30:32, 57:20, 57:36, 86:12, 99:14, 102:5, 102:42</p> <p>six [7] - 12:40, 19:29, 24:38, 24:44, 25:2, 27:19, 109:4</p> <p>six-month [1] - 27:19</p> <p>slightly [5] - 22:30, 44:32, 74:27, 78:34, 86:2</p> <p>small [3] - 8:36, 50:32, 90:21</p> <p>smash [6] - 114:44, 115:13, 115:17,</p>

<p>115:33, 115:43, 116:5 smiling [1] - 122:36 SMS [3] - 33:43, 35:10, 111:31 snake [1] - 64:17 social [2] - 27:14, 89:21 social/work [1] - 4:32 sold [1] - 107:27 someone [24] - 45:3, 46:46, 59:45, 60:12, 61:10, 61:20, 62:26, 63:46, 64:19, 64:24, 66:38, 67:32, 75:3, 75:17, 75:20, 77:44, 85:14, 115:16, 116:5, 121:9, 124:44 sometime [2] - 69:35, 97:42 sometimes [3] - 28:10, 112:24 somewhere [1] - 39:29 soon [4] - 18:42, 40:1, 62:34, 100:1 sooner [1] - 95:18 Soraya [1] - 9:2 sorry [22] - 14:7, 14:14, 27:46, 30:46, 32:5, 41:35, 44:20, 44:27, 47:9, 65:5, 67:15, 69:29, 75:7, 75:14, 80:28, 84:27, 91:35, 106:22, 107:18, 109:45, 121:7, 122:39 Sorry [1] - 69:35 sort [8] - 19:5, 27:1, 38:15, 43:47, 51:31, 92:30, 99:26, 104:21 sorts [5] - 51:19, 84:18, 92:43, 101:28, 111:9 sought [3] - 6:7, 7:13, 80:5 sound [1] - 105:47 sounds [1] - 69:33 Souris [38] - 15:27, 53:19, 53:22, 53:27, 53:41, 54:27, 55:16, 55:26, 55:31, 60:26, 74:41, 75:2, 75:17, 86:6, 86:13, 86:27, 86:35, 86:36, 87:10, 87:23, 87:39, 87:46, 88:14, 88:19, 88:20, 89:5, 99:22, 99:27, 99:43, 99:46, 100:6, 100:16, 100:23,</p>	<p>100:46, 103:39, 104:40, 105:4, 107:3 souris's [1] - 100:10 Souris's [3] - 55:40, 81:28, 104:7 South [1] - 15:5 space [2] - 64:8, 67:24 speaker [1] - 70:43 speaker-phone [1] - 70:43 specific [20] - 3:6, 5:5, 8:37, 9:13, 23:30, 23:31, 26:27, 32:12, 46:1, 46:2, 46:43, 47:1, 48:9, 56:19, 56:42, 57:43, 59:10, 59:33, 70:46, 79:41 specifically [9] - 7:17, 31:17, 47:32, 69:9, 77:23, 85:13, 86:5, 93:20, 97:13 specifcifs [1] - 62:14 speculating [1] - 42:4 speeches [1] - 88:39 spoken [2] - 48:12, 119:36 Sport [1] - 53:31 stack [3] - 50:13, 119:42, 120:19 staff [4] - 8:38, 11:29, 27:13, 52:32 stage [40] - 3:5, 9:31, 11:6, 12:17, 16:17, 32:14, 34:32, 34:38, 38:20, 42:7, 54:22, 54:47, 62:22, 62:29, 62:31, 63:14, 63:20, 65:27, 65:28, 65:46, 67:29, 68:7, 68:14, 70:15, 70:41, 76:37, 80:11, 80:13, 81:13, 82:11, 84:25, 86:12, 89:45, 93:45, 97:24, 99:26, 99:30, 100:40, 115:11, 115:38 stand [2] - 62:33, 64:14 standards [9] - 24:33, 29:21, 29:23, 31:35, 32:1, 32:2, 32:36, 32:38, 43:35 standing [3] - 45:3, 104:16, 106:46 stands [1] - 31:45 Star [152] - 2:7, 2:19, 2:21, 2:23, 2:46, 3:21, 3:33, 4:8, 4:28, 4:31, 4:37, 4:43, 4:44, 5:6,</p>	<p>5:11, 5:17, 5:30, 5:44, 6:24, 6:44, 6:45, 7:12, 7:14, 7:47, 8:13, 8:26, 8:38, 8:46, 9:1, 9:3, 9:22, 12:14, 12:17, 12:25, 12:36, 12:43, 13:39, 13:41, 15:31, 15:37, 15:47, 16:13, 16:20, 16:22, 16:36, 17:41, 18:18, 18:32, 18:39, 19:45, 19:46, 20:9, 20:26, 20:27, 21:41, 22:10, 22:32, 23:8, 23:13, 23:15, 23:22, 29:10, 29:11, 29:19, 32:21, 39:33, 45:26, 46:24, 51:24, 51:40, 57:21, 58:3, 59:1, 59:7, 59:13, 59:37, 62:16, 72:21, 75:34, 76:7, 76:8, 77:12, 78:1, 78:18, 78:29, 79:13, 81:13, 81:38, 85:29, 85:31, 85:38, 87:43, 88:19, 100:24, 100:25, 105:36, 105:43, 106:12, 106:17, 106:31, 106:42, 107:9, 108:42, 108:44, 109:10, 109:27, 109:34, 109:39, 109:42, 110:2, 110:3, 110:47, 111:6, 111:13, 112:2, 112:32, 112:33, 112:46, 112:47, 113:17, 114:45, 115:13, 115:16, 115:37, 115:43, 115:44, 115:45, 116:1, 116:5, 116:24, 117:25, 117:39, 118:27, 119:34, 119:38, 120:20, 120:25, 121:25, 122:26, 123:42, 124:1, 124:2, 124:11, 124:25 Star's [6] - 9:23, 46:42, 59:27, 109:45, 109:47, 122:43 Star...we [1] - 110:7 Stars [1] - 108:22 start [9] - 10:29, 45:8, 60:45, 61:14, 66:5, 69:31, 88:22, 95:43, 107:3 started [9] - 16:42, 19:27, 19:40, 51:26,</p>	<p>54:38, 62:35, 63:1, 63:28 starting [2] - 42:14, 42:16 starts [1] - 64:12 state [5] - 11:7, 32:14, 45:14, 85:6, 88:40 statement [24] - 51:31, 90:44, 91:1, 91:15, 91:26, 91:35, 92:5, 92:10, 92:28, 93:47, 94:6, 94:14, 95:26, 95:27, 95:30, 96:31, 96:33, 96:43, 97:14, 98:40, 119:45, 119:46, 120:5, 120:16 Statement" [1] - 91:14 statements [4] - 26:26, 26:33, 63:15, 92:7 States [4] - 16:5, 16:25, 16:30, 16:31 station [1] - 107:7 statutory [1] - 92:17 stay [1] - 18:26 stayed [1] - 12:43 STEIRN [7] - 3:8, 10:10, 34:16, 34:47, 35:13, 35:23, 103:2 Steirn [1] - 35:26 steirn [1] - 34:42 steirn's [1] - 35:18 Steirn's [1] - 34:31 step [2] - 62:39, 96:1 steps [2] - 123:46, 124:10 Stewart [6] - 77:7, 82:25, 82:26, 82:31, 82:38, 82:41 stick [2] - 64:34, 102:8 sticking [1] - 102:12 still [32] - 18:25, 19:20, 22:36, 27:24, 28:10, 38:27, 43:8, 44:47, 51:17, 60:44, 61:36, 61:40, 61:41, 66:13, 67:6, 67:31, 67:43, 68:10, 72:38, 74:19, 74:29, 76:11, 76:24, 82:15, 83:4, 91:45, 93:32, 98:38, 106:42, 122:10, 122:25, 123:17 sting [1] - 48:24 Stock [7] - 4:29, 86:23, 89:14, 89:19, 95:19, 96:34, 96:36</p>	<p>stop [5] - 53:45, 62:39, 72:41, 97:19, 102:47 stopped [1] - 105:37 stopping [1] - 75:7 store [1] - 123:41 stored [1] - 37:7 stories [17] - 45:32, 45:34, 45:40, 50:11, 50:16, 50:17, 50:18, 75:42, 76:20, 76:36, 97:17, 111:4, 111:6, 111:8, 111:12, 111:15, 113:26 story [38] - 41:11, 41:17, 41:23, 41:39, 41:46, 41:47, 46:9, 49:41, 49:42, 49:44, 49:47, 50:3, 50:32, 52:21, 52:45, 65:45, 66:10, 66:12, 66:34, 67:29, 67:40, 73:22, 76:5, 76:6, 76:27, 76:28, 76:38, 83:40, 94:39, 101:20, 101:21, 101:25, 113:26, 113:30, 123:9, 123:20, 123:21, 123:23 Story [20] - 41:23, 59:45, 60:3, 60:7, 61:7, 61:11, 61:18, 61:24, 62:3, 63:17, 63:19, 63:25, 67:28, 67:36, 73:40, 73:41, 74:1, 74:32, 83:13, 124:35 Story's [1] - 63:31 story...we [1] - 76:23 straight [5] - 10:40, 14:8, 28:17, 52:11, 62:42 strange [1] - 19:39 Street [1] - 1:22 stress [1] - 67:6 stressed [1] - 88:22 stressing [1] - 24:1 strictly [1] - 54:14 strong [2] - 81:7, 84:17 study [2] - 9:14, 9:30 stuff [3] - 32:7, 77:4, 77:22 subject [14] - 5:7, 5:30, 6:17, 7:7, 7:22, 8:6, 9:19, 9:26, 14:35, 35:33, 91:13, 98:15, 112:47, 121:38 submission [2] - 6:16, 6:36</p>
---	---	---	---	--

<p>submissions [2] - 6:5, 7:28</p> <p>submit [1] - 35:37</p> <p>subsequent [4] - 4:20, 4:26, 30:22, 91:46</p> <p>subsequently [2] - 88:43, 122:47</p> <p>substance [4] - 9:15, 78:22, 79:35, 89:15</p> <p>subtle [1] - 124:20</p> <p>suddenly [2] - 65:21, 65:42</p> <p>suffering [2] - 67:6, 75:29</p> <p>suicide [2] - 4:13, 6:17</p> <p>suggest [10] - 22:3, 27:4, 40:36, 65:36, 69:8, 70:15, 110:39, 116:16, 124:20, 124:22</p> <p>suggested [7] - 3:42, 40:34, 43:26, 43:29, 90:29, 90:47, 91:33</p> <p>suggesting [13] - 36:13, 49:1, 52:25, 55:23, 56:9, 56:43, 57:26, 64:24, 64:32, 66:42, 66:43, 103:33, 112:39</p> <p>suggestion [4] - 52:14, 61:23, 62:2, 86:45</p> <p>suggests [4] - 34:1, 61:5, 77:6, 85:24</p> <p>suitability [1] - 3:21</p> <p>suitable [8] - 3:33, 32:42, 33:4, 33:23, 35:24, 106:6, 109:37, 113:23</p> <p>suited [2] - 51:29, 120:25</p> <p>SULLIVAN [18] - 2:45, 3:5, 10:12, 13:47, 35:31, 36:6, 105:11, 105:31, 105:33, 105:35, 107:26, 108:6, 115:42, 116:44, 117:7, 117:11, 125:21, 125:31</p> <p>Sullivan [9] - 3:3, 35:45, 105:9, 105:24, 107:47, 111:19, 116:37, 120:9, 123:38</p> <p>summaries [1] - 123:41</p> <p>summary [2] - 4:13, 25:30</p>	<p>summons [1] - 33:42</p> <p>summonsed [3] - 5:17, 8:44, 24:13</p> <p>Sun [3] - 45:11, 117:13, 118:23</p> <p>Sunday [3] - 51:24, 51:39, 76:12</p> <p>supervisor [1] - 8:46</p> <p>supplied [2] - 4:47, 5:1</p> <p>support [7] - 25:37, 29:1, 30:27, 31:10, 55:31, 83:2, 104:8</p> <p>supported [1] - 103:38</p> <p>supportive [2] - 55:27, 99:9</p> <p>supposed [1] - 33:28</p> <p>surely [1] - 35:6</p> <p>surrounding [6] - 2:5, 5:2, 5:9, 6:34, 8:9, 69:24</p> <p>suspension [1] - 14:36</p> <p>suspicious [1] - 8:25</p> <p>sustained [3] - 63:11, 97:34, 97:37</p> <p>sv [1] - 60:46</p> <p>SV [1] - 61:25</p> <p>sway [1] - 40:27</p> <p>sweet [2] - 78:39, 83:30</p> <p>sworn [2] - 10:22, 14:31</p> <p>Sydney [4] - 1:22, 10:35, 76:10, 117:13</p> <p>sympathy [8] - 65:21, 65:31, 67:7, 67:11, 67:14, 70:37, 71:2, 87:5</p> <p>system [5] - 25:22, 25:26, 26:45, 27:1, 118:18</p>	<p>6:27, 32:37, 65:5, 69:1, 71:6, 109:12, 109:28, 109:36, 110:8</p> <p>teaser [8] - 50:25, 50:28, 50:29, 50:35, 50:46, 51:39, 52:10, 52:11</p> <p>teasers [5] - 50:21, 51:23, 52:5, 52:15, 52:20</p> <p>technologically [1] - 116:45</p> <p>Tele [3] - 76:8, 76:23, 76:27</p> <p>Telegraph [10] - 10:41, 10:42, 10:45, 11:2, 11:7, 11:11, 11:47, 13:25, 44:22, 56:7</p> <p>telephone [8] - 58:30, 69:46, 84:13, 85:14, 85:25, 85:26, 92:3, 96:5</p> <p>television [1] - 107:7</p> <p>ten [2] - 14:2, 117:28</p> <p>term [7] - 5:7, 6:37, 7:17, 7:43, 8:7, 8:34, 9:26</p> <p>terminated [3] - 40:21, 90:7, 90:14</p> <p>termination [3] - 6:35, 101:19, 106:17</p> <p>terms [41] - 2:3, 7:17, 11:37, 12:17, 15:36, 15:41, 16:34, 17:1, 17:4, 17:26, 17:33, 17:34, 17:36, 29:35, 29:44, 34:30, 34:47, 35:38, 40:12, 41:46, 45:21, 50:46, 53:5, 55:35, 56:37, 57:19, 58:46, 59:24, 59:33, 61:35, 61:40, 61:41, 68:32, 84:14, 85:9, 92:45, 102:11, 105:17, 109:41</p> <p>terrible [2] - 75:30, 85:6</p> <p>text [154] - 6:40, 7:3, 33:43, 34:13, 34:28, 34:34, 36:19, 36:43, 37:3, 37:8, 37:9, 37:14, 37:15, 37:20, 37:26, 37:28, 37:34, 37:47, 38:5, 38:8, 38:41, 39:3, 39:4, 39:16, 39:18, 39:22, 39:36, 40:10, 40:17, 40:19, 41:9, 41:15, 41:16, 41:26, 42:13,</p>	<p>42:30, 42:31, 42:47, 48:18, 48:29, 48:31, 48:32, 48:35, 49:33, 49:34, 50:45, 52:43, 52:45, 53:4, 58:30, 60:30, 60:34, 60:44, 61:6, 64:7, 64:12, 67:19, 69:14, 69:20, 69:32, 69:37, 72:4, 72:11, 72:12, 72:17, 72:30, 72:37, 73:16, 73:17, 73:37, 73:39, 73:46, 74:28, 74:30, 74:41, 74:47, 76:2, 76:4, 76:18, 77:1, 77:2, 77:42, 77:43, 78:36, 78:39, 79:9, 79:20, 79:29, 80:2, 80:20, 80:32, 80:41, 80:42, 81:12, 81:32, 82:33, 83:7, 83:8, 83:10, 83:33, 84:38, 84:39, 86:3, 86:5, 90:47, 91:14, 91:21, 91:25, 92:4, 92:27, 93:2, 93:4, 93:5, 94:19, 94:20, 94:21, 98:5, 98:15, 98:17, 98:29, 98:37, 98:40, 98:46, 99:14, 99:15, 99:21, 99:25, 99:30, 99:46, 100:5, 100:9, 100:10, 100:15, 103:29, 107:27, 107:40, 111:42, 111:46, 112:12, 112:19, 112:37, 112:42, 112:45, 113:4, 114:34, 114:38, 115:14, 116:17, 116:18</p> <p>texted [2] - 99:28, 114:30</p> <p>texted...just [1] - 114:43</p> <p>texting [1] - 38:9</p> <p>texts [15] - 34:12, 35:16, 35:18, 42:15, 48:17, 52:46, 64:6, 67:18, 72:6, 82:24, 85:18, 111:28, 114:40, 115:26, 116:29</p> <p>thanked [1] - 108:23</p> <p>themselves [2] - 8:19, 8:42</p> <p>thereabouts [2] - 12:12, 19:37</p> <p>therefore [1] - 5:35</p> <p>thinking [3] - 41:39,</p>	<p>72:41, 102:22</p> <p>thinks [3] - 49:41, 50:17, 52:19</p> <p>third [4] - 8:22, 8:28, 46:40, 116:17</p> <p>thoughts [1] - 75:26</p> <p>threat [1] - 74:5</p> <p>threaten [1] - 124:25</p> <p>three [3] - 60:43, 80:18, 118:34</p> <p>threw [1] - 38:21</p> <p>throughout [4] - 11:2, 67:14, 68:45, 109:35</p> <p>throwing [1] - 75:31</p> <p>thrown [1] - 67:8</p> <p>Tim [1] - 8:46</p> <p>timed [2] - 114:39, 116:19</p> <p>timing [5] - 6:24, 76:1, 86:21, 93:1, 95:13</p> <p>timings [1] - 95:20</p> <p>TO [3] - 93:28, 93:30, 125:40</p> <p>today [13] - 4:16, 12:9, 29:17, 31:12, 32:8, 38:31, 55:17, 56:14, 57:36, 67:24, 68:6, 88:46, 103:37</p> <p>together [5] - 22:23, 101:40, 108:14, 110:16, 116:23</p> <p>TOGETHER [1] - 93:29</p> <p>tomorrow [5] - 74:14, 74:20, 74:37, 125:25, 125:38</p> <p>took [23] - 19:1, 19:3, 19:11, 21:13, 47:7, 52:6, 52:44, 53:11, 82:24, 102:45, 103:4, 106:19, 110:22, 111:30, 114:11, 117:39, 119:17, 119:22, 119:43, 121:47, 122:2, 124:1, 124:2</p> <p>top [3] - 36:28, 93:40, 114:27</p> <p>topic [13] - 22:30, 44:32, 52:31, 52:41, 55:29, 56:33, 72:5, 74:27, 78:34, 86:3, 114:24, 117:11, 124:8</p> <p>topics [2] - 105:12, 105:15</p> <p>total [1] - 65:43</p> <p>totally [13] - 31:32, 40:28, 40:33, 61:17,</p>
T				
<p>tab [8] - 108:7, 108:13, 108:34, 111:29, 114:25, 117:16, 120:30, 123:23</p> <p>Tabcorp [8] - 12:18, 12:22, 12:23, 15:43, 18:24, 19:4, 20:3, 83:23</p> <p>table [2] - 2:33, 10:7</p> <p>tapes [1] - 67:13</p> <p>tea [1] - 36:12</p> <p>team [10] - 5:26,</p>				

<p>75:22, 85:6, 101:41, 106:18, 110:9, 116:12, 124:28, 124:30 tough [1] - 69:33 Tourism [1] - 13:12 Tourism [2] - 7:40, 15:20 towards [5] - 28:29, 30:5, 38:18, 55:39, 70:34 Tower [1] - 1:21 town [1] - 116:24 trainee [1] - 9:2 transcript [1] - 51:4 transcripts [2] - 5:22, 31:41 transgress [1] - 105:21 transgressing [1] - 105:29 Transport [1] - 11:16 traumatic [1] - 67:5 treated [3] - 41:19, 41:43, 51:21 treating [2] - 38:20, 53:6 tried [2] - 17:35, 17:41 true [11] - 109:20, 109:23, 109:24, 112:8, 116:11, 116:12, 116:33, 116:34, 119:44, 120:5, 120:15 truth [10] - 109:26, 112:21, 112:44, 113:10, 113:12, 113:15, 113:25, 115:6, 119:12, 123:15 truthful [1] - 115:1 try [9] - 18:20, 26:2, 32:35, 70:38, 102:2, 103:23, 103:30, 106:8, 122:40 trying [10] - 47:20, 80:46, 95:37, 95:46, 96:44, 98:10, 102:4, 109:41, 124:41 TUESDAY [1] - 125:41 turn [7] - 72:6, 86:2, 102:14, 102:21, 102:36, 103:20, 103:21 turned [7] - 30:2, 30:28, 30:42, 31:5, 102:35, 103:14, 119:16 Turner [1] - 85:28</p>	<p>turning [2] - 65:22, 65:32 turns [1] - 65:18 two [34] - 5:46, 6:39, 6:42, 8:21, 22:23, 25:44, 30:8, 30:33, 30:38, 31:4, 31:18, 43:46, 44:4, 51:11, 52:44, 53:4, 55:29, 59:1, 61:38, 63:2, 67:4, 67:24, 69:17, 70:16, 70:47, 80:47, 82:14, 93:16, 96:29, 101:33, 101:40, 102:4, 115:26, 116:22 TWO [1] - 93:28 two-page [1] - 93:16 TWO-PAGE [1] - 93:28 typed [1] - 82:36 types [2] - 8:24, 111:15 typo [1] - 83:24</p>	<p>unpaid [1] - 21:32 unreasonable [1] - 74:7 unsubstantiated [3] - 104:24, 104:31, 104:32 unsure [1] - 31:23 unveiling [1] - 51:26 unwelcome [5] - 6:18, 6:19, 56:44, 56:45, 57:29 up [70] - 12:39, 14:10, 16:12, 19:1, 19:3, 19:11, 19:23, 20:11, 21:13, 22:21, 23:3, 27:19, 27:42, 28:7, 28:25, 28:35, 32:8, 35:2, 38:2, 39:12, 40:26, 41:5, 45:20, 46:13, 46:29, 56:25, 58:6, 59:18, 62:47, 63:2, 63:21, 64:34, 65:6, 66:22, 69:2, 70:27, 71:12, 72:8, 72:16, 72:36, 73:22, 74:13, 75:27, 75:31, 78:31, 79:9, 79:29, 80:5, 80:37, 81:5, 81:16, 82:6, 83:2, 84:25, 85:44, 91:32, 92:16, 92:19, 92:30, 94:43, 96:37, 98:17, 102:8, 102:12, 106:20, 111:37, 112:3, 112:32, 119:21 update [3] - 69:21, 69:46, 70:42 updates [2] - 68:46, 71:1 UPON [1] - 72:1 ups [1] - 22:26 upset [3] - 57:2, 81:36, 88:8 urgent [1] - 90:45 usual [1] - 39:23</p>	<p>32:45, 32:47, 33:4, 33:11, 33:21, 33:22, 33:32, 33:34, 33:36, 38:7, 38:18, 38:27, 39:44, 40:1, 41:4, 44:14, 45:27, 53:6, 56:39, 56:44, 57:22, 57:29, 58:4, 58:7, 59:18, 63:3, 68:19, 72:21, 78:24, 79:6, 79:26, 81:34, 82:14, 86:7, 87:29, 89:47, 90:7, 90:14, 91:42, 97:8, 98:22, 98:23, 101:8, 103:5, 105:38, 106:26, 106:29, 110:40, 112:22, 124:26 Vaikunta's [18] - 4:42, 4:46, 5:6, 6:34, 16:35, 40:21, 57:39, 58:21, 63:21, 77:18, 77:24, 77:30, 77:34, 78:17, 78:23, 89:16, 101:1, 101:18 various [2] - 90:37, 121:37 vein [1] - 39:16 versed [1] - 46:46 version [3] - 26:32, 29:37, 29:43 versions [1] - 30:22 via [2] - 32:13, 97:8 Vicious [5] - 78:41, 79:5, 80:20, 80:27, 80:37 Vicious" [1] - 80:36 victim [4] - 67:7, 67:43, 81:1, 83:45 victims [2] - 67:12, 82:14 view [33] - 19:10, 19:44, 20:2, 20:8, 20:10, 20:24, 20:34, 20:37, 20:43, 24:22, 24:33, 30:4, 30:5, 31:6, 31:7, 32:37, 33:10, 47:18, 55:6, 62:31, 63:9, 70:16, 70:17, 70:21, 71:14, 84:17, 89:1, 102:45, 103:4, 105:29, 110:43, 123:4, 125:28 views [19] - 20:25, 24:29, 24:31, 24:37, 24:47, 25:5, 25:30, 25:37, 26:40, 27:17, 29:25, 33:2, 43:41, 55:16, 56:12, 56:28, 56:30, 59:5, 60:7</p>	<p>vindictive [2] - 120:4, 120:15 visited [1] - 97:16 Voice [1] - 8:47 volume [3] - 36:16, 107:34, 107:39 voluntary [7] - 14:9, 14:14, 14:20, 14:26, 21:12, 21:32, 21:35</p>
W				
				<p>wagering [1] - 19:5 wait [1] - 35:23 wake [2] - 112:3, 112:32 wake-up [2] - 112:3, 112:32 Wales [1] - 15:5 walks [1] - 46:29 Ward [1] - 9:1 ward [1] - 3:15 warned [1] - 51:28 watch [1] - 64:17 watered [1] - 26:32 ways [6] - 6:34, 46:46, 106:36, 109:11, 109:40, 110:7 website [1] - 97:44 website' [1] - 97:46 websites [2] - 94:39, 98:18 week [11] - 61:25, 62:45, 63:2, 65:3, 65:9, 65:18, 65:28, 66:5, 67:2, 67:3, 76:13 week' [1] - 60:47 weeks [10] - 6:39, 58:24, 60:20, 65:19, 67:4, 70:16, 73:7, 75:46, 90:20, 109:15 well-paid [1] - 21:17 whatsoever [2] - 88:34, 115:25 whereby [3] - 84:39, 85:33, 86:27 whilst [5] - 4:46, 9:5, 27:24, 74:15, 116:45 whistleblower [1] - 51:45 whistleblowers [2] - 51:25, 51:41 whole [8] - 35:20, 51:13, 65:22, 65:32, 67:8, 67:14, 100:41, 116:29 wife [1] - 74:3 WIGNEY [39] - 2:42,</p>

<p>3:19, 9:46, 10:20, 10:24, 10:26, 14:4, 34:20, 35:16, 36:8, 41:29, 41:35, 44:27, 44:31, 48:4, 52:30, 52:40, 69:29, 71:17, 72:3, 75:39, 80:27, 84:22, 84:35, 92:45, 93:4, 93:18, 93:26, 93:32, 96:1, 96:39, 103:13, 104:19, 104:29, 104:36, 105:7, 107:33, 107:38, 125:34</p> <p>Wigney [23] - 1:33, 2:40, 3:17, 10:18, 34:42, 35:10, 35:34, 35:37, 36:2, 41:26, 69:27, 93:16, 105:13, 105:22, 105:28, 105:37, 107:44, 108:2, 111:30, 113:27, 116:45, 124:9, 125:26</p> <p>Wigney's [1] - 35:47</p> <p>Williams [1] - 2:47</p> <p>win [1] - 17:24</p> <p>window [1] - 67:8</p> <p>wish [4] - 35:26, 40:5, 105:26, 125:27</p> <p>wishes [3] - 17:11, 18:19, 18:31</p> <p>WITH [1] - 93:29</p> <p>with.. [1] - 60:45</p> <p>witness [15] - 7:34, 9:36, 71:11, 82:29, 82:44, 96:35, 97:21, 105:14, 105:16, 105:19, 107:35, 107:36, 107:47, 113:13, 116:39</p> <p>WITNESS [3] - 14:2, 93:1, 103:4</p> <p>witnesses [10] - 2:27, 2:33, 2:35, 5:23, 9:6, 9:13, 34:22, 77:7, 82:20, 83:2</p> <p>witnesses' [1] - 2:32</p> <p>wok [3] - 47:34, 49:42, 52:45</p> <p>woke [1] - 78:39</p> <p>woman [5] - 21:40, 46:29, 48:12, 57:28, 83:22</p> <p>won [1] - 14:11</p> <p>wonder [1] - 35:19</p> <p>word [18] - 37:13, 38:2, 38:25, 38:26, 38:35, 38:46, 38:47, 39:5, 49:20, 53:1,</p>	<p>60:20, 62:18, 69:12, 73:8, 77:44, 111:44, 116:1</p> <p>words [20] - 26:19, 39:23, 48:30, 48:34, 51:33, 56:43, 57:26, 82:6, 82:7, 82:8, 83:29, 83:34, 85:27, 88:7, 98:11, 98:12, 99:15, 99:20, 115:9, 116:6</p> <p>worker [1] - 49:18</p> <p>workings [1] - 113:32</p> <p>works [1] - 36:31</p> <p>world [2] - 18:44, 64:1</p> <p>worried [1] - 64:36</p> <p>worry [7] - 18:8, 20:33, 70:26, 98:26, 99:3, 99:8, 99:20</p> <p>worse [1] - 38:9</p> <p>wrapped [1] - 62:47</p> <p>write [2] - 44:8, 116:7</p> <p>writing [2] - 50:17, 115:1</p> <p>written [4] - 5:33, 50:10, 76:28, 112:40</p> <p>wrote [10] - 23:47, 45:10, 108:12, 112:45, 115:24, 115:42, 116:5, 121:44, 121:47, 122:3</p>	<p style="text-align: center;">Z</p> <p>zip [3] - 94:31, 95:6, 98:30</p>
X		
	xxxx [1] - 60:46	
Y		
	<p>yarn [1] - 48:24</p> <p>year [10] - 4:24, 4:27, 5:7, 5:16, 11:15, 19:29, 20:12, 76:47, 99:10, 115:30</p> <p>years [19] - 3:27, 8:30, 10:46, 11:4, 11:24, 12:41, 12:44, 13:45, 15:7, 20:12, 21:28, 22:23, 22:43, 23:27, 53:30, 55:47, 56:1, 56:3, 61:38</p> <p>young [2] - 107:18, 107:21</p> <p>yourself [10] - 10:4, 31:4, 42:13, 79:32, 84:5, 91:12, 93:36, 98:41, 117:17, 120:33</p>	