

DETECTIVE SENIOR CONSTABLE GRAY

Q1 This is an electronically recorded interview between Detective Senior Constable Stuart Gray and Mr Len Allen at Unit 2/3 Henley Court, Moorabbin, Melbourne on Sunday, the 13th of February, 200. Also present and seated to my left is Detective Sergeant Brad Taylor from Melbourne C.I.B. and directly to my left is Senior Constable David Upston from the New South Wales Water Police. The time by my watch is now 5.57pm. Mr Allen, as you're aware we attended your residence this afternoon at 49 Tulip Grove, Cheltenham. Would you agree with that?

A Yes.

Q2 And we were, we were speaking to you in relation to a number of businesses which you're involved in, or aware about?

A Yes.

Q3 Aware of?

A Yes, that's right.

Q4 And we discussed, primarily, a business called Tuff Marine Accessories, which was owned by Ruth Plummer?

A Yes.

Q5 Do you recall that? And subsequent to a purchase which you attempted, from Tuff Marine Australia, you attempted to take possession of Tuff Marine Accessories. Is that correct?

A That's right, yes.

Q6 O.K. What were basically involved in here is finding out the sequence of events so far as the company's concerned and what dealings you had with Tuff Marine Australia. Do you understand that?

A Yes, I understand.

Q7 O.K. Now what this relates to is the manufacture of a number of harnesses, yachting harnesses, O.K?

A (NO AUDIBLE REPLY)

Q8 What can you tell me in relation to the business in relation to Tuff Australia and your involvement?

A Sorry, could you repeat the question?

Q9 O.K. I probably just, I've gone a bit, I've gone forward a bit here. For the record, just, please state your name, full name?

A My name's Leonard Edward Allen.

Q10 Your date of birth?

A 10th of the 2nd, '49.

Q11 Your current address?

A 49 Tulip Grove, Cheltenham.

Q12 Yeah. And your occupation?

A Company Director.

Q13 O.K. Can you please now tell me what your involvement was with Tuff Marine Australia?

A I was approached by Tuff Marine Australia in 1990, sorry, yeah, I was approached by Ruth Plummer of Tuff Marine Australia in 1990 with a view of her combining with me and others to take over the business, sorry,

take over the assets and the plant and raw materials of the business from Fort Holdings.

Q14 Yeah.

A My intention was to manufacture life jackets, professional fishing clothing and waterproof clothing at their plant at 100 Beach Road, Geelong.

Q15 O.K. And did you raise the necessary funds for the purchase of that company?

A Yes.

Q16 And that was some time around the 10th of the 3rd, 1990? Would that be correct?

A Yeah.

Q17 O.K. And what was the asking price for the company?

A (NO AUDIBLE REPLY)

Q18 Do you recall offhand?

A I do not, no.

Q19 O.K. But - - -

A I think it was around about 32,000.

Q20 That was the business including stock?

A No. That was the business. The stock was extra on a payment per month - - -

Q21 Yes.

A - - - over a, over a year.

Q22 O.K. So you raised the necessary funds to purchase the business?

A Yes.

Q23 And was that your own funds or was that loan funds?

A My own funds. My own funds out of superannuation.

Q24 O.K. So you parted with those funds and you purchased the business?

A Yes.

Q25 And the trade name of the business at that stage?

A Tuff Marine Products.

Q26 Tuff Marine Products?.

A. Yeah.

Q. O.K. Then there was an agreement, you said there was an agreement between yourself and Fort to purchase the raw materials and plant over the next 12 months?

A No, I purchased the plant at the time - - -

Q27 Yes.

A - - - part of the 40, sorry, part of the 32,000 - - -

Q28 Yeah.

A - - - approximately. I purchased the plant, the goodwill and the work in progress.

Q29 All right.

A The finished goods were to be bought over that 12 months.

Q30 O.K. And what was the repayments on that monthly? Do you recall offhand?

A About, I, about 15,000, would be my feeling, but I'm not sure.

Q31 O.K. And then did payments, did the 15,000 approximately get paid in the first few months of business?

A Yes.

Q32 And, well what happened then?

A Then when we looked at some of the plant, Ruth Plummer turned around and said she owned it, we didn't - - -

Q33 Right.

A Fort had no right to sell it because she owned it.

Q34 Right.

A And so then the, the, the disintegration of the whole connection started. I felt that me being the owner didn't count, they were doing things without my approval, or without my knowledge. And so I then started trying to deal back with Fort.

Q35 All right. So is it the case that when you purchased this company, Ruth was in fact, Ruth Plummer, was in fact a partner of yours?

A She was one of the directors, yes.

Q36 One of the directors?

A Yes.

Q37 So did she have equal monetary - - -

A She put no money in.

Q38 O.K. So that in fact made you the boss of the company?

A Yes. She put no money in. I made her a director, and some of the other staff, because I felt that that would give them some sort of, how would you describe it, some sort of participation, ownership, keenness, enthusiasm, initiative, whatever.

Q39 All right.

A I felt because I was so far away it was better to do that.

Q40 Right.

A Unfortunately it turned out, in hindsight, a big mistake.

Q41 And over what period did you notice these changes?

A Over a period of about 3 months.

Q42 O.K. And it was then that you started making inquiries with Fort as to what the position was?

A Yes.

Q43 And what assistance did they give you in relation to that?

A None. They, no, they gave me none.

Q44 O.K. So after about 3 months, what happened then?

A I stopped paying Fort the money that I owed them - - -

Q45 That's the monthly repayments?

A Yeah, monthly, monthly repayments.

Q46 Yeah.

A I stopped paying Fort and told them of the problems I was having and for them to sort it out.

Q47 Right.

A I also went to a management meeting at Tuff Marine.

Q48 Yeah.

A The date's on that list I gave you.

Q49 Yeah.

A And I, the meeting was them against us, them against me. It was - - -

Q50

A - - - it was a hopeless meeting and I finished up walking out of it.

Q51 All right.

A Right. And that meeting I think they had it, it was a directors' meeting, they had the meeting and voted, the three of them, voted for me to cease to be chairman of directors.

Q52 And when you say, they, who are they?

A Ruth Plummer, Brian Walters, Joyce, no, someone Joyce, and Pauline Plummer, Ruth's sister.

Q53 At that meeting they voted you out?

A They, yes. They voted ceasing me to be chairman of directors. I walked out of the meeting then, saying I, I will resign as a director and I've got nothing to do with the business. And I was prepared to lose the money I invested, because I felt that it was wrong.

Q54 O.K. Shortly thereafter did Fort institute proceedings against you - - -

A Yes.

Q54 - - - for the recovery of moneys?

A For the recovery of money.

Q55 And what was the end result with that?

A Two things happened, now I remember, two things happened. One was that some to try to cut my debt down, right, some of the machine was delivered, some of the machinery and stock, was delivered back to Fort.

Q56 Right.

A Right. And I arranged for the shipment of that. But it turned out only the stuff that Ruth Plummer didn't want, she sent back. Everything else she kept. I sent

that to Fort with the view of tryin' to reduce the total money I owed them. Then I made them an offer that all I had was a certain amount of money and would they accept it? And they finished up accepting that.

Q57 Right. So they accepted that small amount of money to satisfy the debt - - -

A Yeah.

Q57 - - - overall?

A Yeah.

Q58 O.K.

A And since then I've had no dealings with either Ruth Plummer, Webb, Michael Webb, or Mitchell.

Q59 So when was the last time you had conversations with them? In 1990?

A It would be, yeah.

Q60 O.K.

A In fact I, before I got that law suit, or that action, I stopped dealing with them - - -

Q61 O.K.

A - - - and have had no contact since.

Q62 What was the aim of purchasing Tuff Marine Australia for, from your point of view?

A To manufacture life jackets, buoyancy vests, buoyant garments, professional fishing clothing and, and waterproof clothing.

Q63 And prior to that were you involved in that industry?

A Yes.

Q64 And where was that being conducted?

A Well I was connected, I was chief executive of a company called Allsafe Industries that do industrial safety equipment and life jackets.

Q65 Right. Now, when you made inquiries about the purchase of Tuff Marine were you given a prospectus or a proposal in relation to the purchase of that?

A I, I, yeah, I was given a, yes.

Q66 And I'll show you that there?

A Yeah.

Q67 O.K.

A That's - - -

Q68 The document. O.K. And - - -

A Fort.

Q69 You agree that outlines a number of financial statements in relation to the business?

A Yes.

Q70 Items that the business sells?

A Yes.

Q71 And are you aware that the, Tuff Marine Australia, in particular, Ruth Plummer, was involved in the manufacture and distribution of yachting harnesses and lanyards?

A To be, I don't, yes, I am aware - - -

Q72 Right.

A - - - first. But I'm not, I still can't remember whether they had standard approval at the time, and nor did I see any testing facility, or did I see any manufacture of them.

Q73 O.K. Well I can, I can inform you that she did in fact have standards authority to produce yachting harnesses and lanyards, and she also had a licence to do that. O.K. That's just for your information. Is it the case that you were interested in that type of production?

A No. I was definitely not interested in it. It was something that I've never had any experience with in my life before, and we never planned to continue to produce that product

Q74 Did you have conversations in relation to the production and distribution of yachting harnesses and lanyards, with Ruth Plummer?

A No, not at all.

Q75 So are you aware if Ruth Plummer was still producing those under your, your ownership of the, of the company?

A When I went down there and looked at the factory, they were not producing them.

Q76 O.K.

A All right. There was none in stock, there was none around the place. You would think they'd be sitting on sewing machines and so forth, if they were there, and they weren't there - - -

Q77 O.K.

A - - -when I went down there.

Q78 So did you and Ruth Plummer at all discuss what products you would produce as a company together?

A Yes.

Q79 And what were the - - -

A The ones I mentioned, life jackets, buoyancy vests, buoyant garments waterproof clothing and professional fishing clothing.

Q80 O.K. Did she ever mention the continuance, or her background in the yachting community?

A No.

Q81 Did she ever mention that she was in fact, prior to your arrival, or to your ownership of the company, that she in fact had been producing harnesses?

A I knew she was producing harnesses, yes.

Q82 But it was never discussed between the two of you?

A It was never discussed, no. It was something that just did not interest me.

Q83 O.K.

A I also knew that Ruth Plummer has a, had a history of, you know, she was involved in the yacht club and a whole lot of other things. So her background in yachting was fairly strong.

Q84 All right. Did you pay any, any attention to the financial statements of the company prior to purchase?

A I looked at the prospectus, yes - - -

Q85 Did you - - -

A - - - that's all.

Q86 Right. Did you refer them to a, accountants - - -

A No.

Q86 - - - or professionals?

A No.

Q87 What was your, your views on the financial status of the company?

A My view of the, the financial statement was that it was a pretty sick, it was pretty bad, the financial statement.

Q88 Right.

A I felt that their overheads and so forth was far too high.

Q89 Right.

A And on that basis I felt that being, not owned by a big, big company such as Fort was, I felt that the overheads would be considerably reduced therefore we could turn it around.

Q90 Right.

A But I knew that the figures were, we had a lot of money on advertising, a lot of money on accounting fees and these sorts of things, that could have been, and there was consultants being paid and a whole lot of other things.

Q91 Right.

A But I did feel that we could turn it around if we kept it smaller and just had, you know, some of the workers being directors and so forth and not have any outside consultants and things, we could turn it around to make profit.

Q92 Right.

A Right. Plus it would help me with some of the products that, you know, I needed products to sell and they were manufacturing them.

Q93 Right. So is it the case that you were happy to allow Ruth to run the shop as she was running it previous - - -

A No.

Q93 - - - before your purchase?

A No. No, I wanted a lot stronger involvement - - -

Q94 Yes.

A - - - than that.

Q95 You said a minute ago that you gave direct, membership, or board, directors, to some of the members of the company and, as a sort of a, to indicate ownership for them in the business. Did you - - -

A The view was that they were ultimately to put some money in.

Q96 Right.

A Just before the, the, the break-up, if you like, Ruth Plummer and her sister did put a \$5,000.00 in each.

Q97 Right.

A But relative to what I put in, it's still only a very small - - -

Q98 Yes.

A - - - ownership.

Q99 And did you discuss, as a group, or with your directors, that, the direction in which the company should go?

A In the early, first 2 months, yes, first 2, perhaps 3 months, we did.

Q100 And what was the general consensus about that?

A That we'd make the product range that I indicated.

Q101 Right. O.K.

A Because that's where my marketing strengths were.

Q102 Right.

A We had 1.2 million sales, which was a lot higher than theirs, selling that sort of product range when I was involved with Allsafe and when I had my own business, I had a manufacturing concern here in Victoria, here in Melbourne.

Q103 Right.

A And so to continue selling that range, plus add the professional fishing clothing range from Tuff, would have been the way I would have wanted to go, and that's what I spoke to them about.

Q104 Right.

A But the, the thing, I got the impression all along that Ruth Plummer had really worked by herself and that she'd owned the business for a long time and then it got taken over by Fort, and owned the business for a long time and really wasn't used to having any one telling her what to do or interfering or anything else.

Q105 Right.

A Because I was paying for it, and because I was the one that was obliged to pay Fort and so forth, I naturally wanted involvement in it.

Q106 Mmm.

A I found that involvement to be increasingly harder to get and I found that, as I said, that they, they changed the keys and locked the doors and things, so I couldn't even go in there, except in their presence.

Q107 Mmm. O.K. Now we've been informed that Ruth Plummer resigned from Tuff Australia on or about the 10th of the 3rd, 1990 after the arrangements had been organised for, for you to, or for them to put the, for Tuff Australia, or along with Fort Holdings, to put the business on the market. Now, I've been informed that, by Ms Plummer herself, that when this occurred, every, all items in the shop, all stock and plant and raw materials, were removed entirely from the shop, from the premises, and were taken by you.

A

Q108 Just after the sale.

A Well that's not true. 'Cause we, well for starters, it proves it's not true, because we started to, we continued manufacturing clothing down at Fort for a period, 3 months perhaps, after the sale. The goods then, after the goods were made, they were sent back here for me to do the selling and distribution of them. So they had raw materials and they had machinery, otherwise they couldn't have made the materials. I used to go down to the factory every Friday and inspect, with Ruth over my shoulder, but I used to go down and look at the factory production. I used to

give them their orders, tell them what to, or talk about what they're going to produce next week and so forth, and run it like it would, like I would run a production plant.

Q109 Mmm.

A Now with Ruth and her sister mainly, it was, I think her sister was the production manager or something, they, we would go through what was to produce. But they were definitely producing stuff, because I got it back and sold it.

Q110 Mmm.

A So how could it all be sent back here? But I must confess, it was mainly waterproof, even though it was, not only mainly it was considerably waterproof. We had a contract with Allsafe down at Geelong to supply an agricultural clothing to Allsafe that they made over that period. I introduced one of my products, the life jacket, the coastal life jacket that you saw downstairs. I introduced that to them and showed them the patterns, and then got approval for it, for them to manufacture again on my behalf. And so now, even now, they're still making exactly the same jacket.

Q111 Mmm.

A So yeah, we definitely produced. Where, the, the only thing that I know of is that other warehouse I spoke about and, well the other warehouse I spoke about was moved.

Q112 O.K. She informed us that the goods, raw materials and plant were moved from, from Geelong and taken to Melbourne. Do you know anything about that?

A No, definitely not.

Q113 She also said that when payments weren't made to Fort, that she was instructed by members of Fort to attend Melbourne and take possession of a number of sewing machines, from you. Did that occur?

A All the stuff, the only stuff was, that was here, which I understand was redundant, old machinery, that type of thing, and some stock that we weren't interested in, all that was stored at Fort. Every drop of it was stored at Fort, nothing was stored at my premises, ever
- - -

Q114 Did you have any - - -

A - - - except for the stuff that I bought to resel, which is on the invoices and - - -

Q115 All right.

A - - - it was straightforward

Q116 Do you have any reason as to why Ruth Plummer would, would make these allegations so far as equipment and raw materials being completely stripped from the shop?

A Yeah, I, well I, I suppose, I suppose I'm surprised she could because it, I'm surprised she would say that, because it would be relatively easy to prove that the machines were there. If I had the machines here I would have started manufacturing the same product range here straight away - - -

Q117 O.K.

A - - - and then paid Fort accordingly, you know? I, I would have done that. But I remember actually ringing the police in Geelong and tryin' to find out whether I could get, you know, access to the machines, so I could bring them back here.

Q118 At Geelong?

A At Geelong. But the police said, No, we don't attend to commercial arrangements, or some similar wording.

Q119 O.K. So when you took over the business some time early 1990 - - -

A Mmm.

Q119 - - - manufacturing continued at the premises in Geelong?

A Yes.

Q120 With the introduction of some of your products?

A Yes.

Q121 And ongoing products from Tuff?

A That's right.

Q122 O.K.

A And as far as, to be honest, as far as I know, they're still doing it.

Q123 All right.

A Every now and then I go to Torquay, and as I go through I pass through the, their place, and I see the Tuff Marine sign and so forth, and so if you ask me, they were still manufacturing the same sort of things there with the same machinery.

Q124 O.K.

A They haven't gone out and bought a whole lot of new machinery to replace the machinery I supposedly bought back here.

SENIOR CONSTABLE UPSTON

Q125 When took over ownership of the company, did you check the standards and licences that were attached to that company?

A No.

Q126 Are you aware of what - - -

A I did know they had, I did know they had a current life jacket licence, because I'm on the committee and I spoke to the approval people there.

DETECTIVE SENIOR CONSTABLE GRAY

Q127 Were you aware that they had a, a 2-2-2-7 licence, standard for the production of yachting harnesses and yachting lanyards?

A No, I was not aware. I knew they had it on their product range, but I was not aware it was standards approval.

Q128 All right.

A Sorry, I didn't, it was not mentioned that it was standards approved.

Q129 So, sorry, you just said something about, it was on their product range, but you didn't know it was standard approved?

A Yes, it was on the product range. I'm not even sure now on that list whether it's listed as being standards approved or not.

Q130 Did you, if you say that, that you saw that on the product list, or, or products in the, in the premises, did you make inquiries as to whether, now being the manager, or the owner of the, the premises, did you make inquiries as to whether in fact those items were under licence of Australian Standards?

A No, because it was not my intention ever to manufacture them.

Q131 All right. O.K. And do you agree that when we were at your house this afternoon we discussed these matters?

A Yes.

Q132 And you informed us that you had a, a business premises situated here at 2 of 3 Henley Court - - -

A Yes.

Q132 - - - Moorabbin? And you offered us to come to the premises?

A Yes.

Q133 And we've done that and we've, we've been downstairs and had a look at what you manufacture?

A Yes.

Q134 Products that you use?

A Yes.

Q135 And we've come to an office here where you've pulled a number of files out of your, your, your cabinet in relation to Tuff?

A Yes.

Q136 And in fact you've supplied us a number of files?

A Yes.

Q137 And you've read a number of things to us?

A Yes, that's right.

Q138 O.K.

SENIOR CONSTABLE UPSTON

Q139 Len, I show you a document here which is a commercial list in the Supreme Court of Victoria at Melbourne, and it's numbered F-3-4-0-3, between Tuff Marine Australia Pty Limited and Leonard E Allen, and between Leonard E Len and Tuff Marine Australia Limited and Fort Investments Pty Limited and Michael Webb and Ruth Plummer. Annexure A on the, the back of the document, is headed, a list of plant equipment claimed by Ruth Plummer.

A Yes.

Q140 What can you tell me about that list?

A As far as I was concerned, that was on the list. Sorry, this is a list of what Ruth Plummer claims that she owns of the list that I got of their assets. When I bought the business I got a list of their assets. She then went through the list later on, a long time later on, and said that she owned a certain amount of these products, and that's what this list is.

Q141 O.K. It continues, annexure A, and then to, on three pages then there's annexure B. What can you tell me about that list?

A That's a list of, well it's the list that I objected to and didn't know about, of machines that were leased, that Fort really didn't own when they sold them to me, because they were, they were, they were leased.

Q142 But you're aware of those being, being present all those, those, that list?

A I remember a fax machine being there and I remember some welding machines being there. I can't guarantee that those actual machines were there.

Q143 O.K.

A 'Cause I don't know the numbers or anything.

Q144 Then we'll go, sorry, did you want to say something?

A I doubt whether, yeah, sorry, some of the costs like this, Pegasus industrial machine, if it's the machine that I'm thinking of it will, and these Juki sewing machines, they only sell for around about \$1,000.00. I honestly doubt whether, if it's the ones I'm thinking of, I doubt whether they'd be leased.

Q145 O.K. Then on annexure C, what can you tell me about that?

A (NO AUDIBLE REPLY)

Q146 And it, it's headed, List of items never at the premises. What does that mean?

A I don't know to be honest. To, I don't know. I don't know who wrote it.

Q147 Well isn't this - - -

A And it's - - -

Q148 Isn't this a, an annexure to, to, to some Supreme Court
- - -

A Yeah.

Q148 - - - proceedings?

A Yes, it is. But I don't know who's actually saying that this list of items are never on the premises. I don't know whether it's Ruth or who, Ruth Plummer or whom, I don't know.

Q149 Well you're aware of these, of annexure A and of annexure B, 'cause these are your objections - - -

A Yeah.

Q149 - - - you just told us?

A Yeah.

Q150 And then annexure A, you just told us is a, is a list of the plant equipment claimed by Ruth.

A Yeah.

Q151 But you're unsure of annexure C which is a list of items never - - -

A Well the only thing I can think, yeah, I'm unsure - -
-

Q152 Yeah.

A - - - that's truthful. But the only thing I can think of is perhaps they were the ones that were, you know, machinery at Fort, or in that other building I mentioned next door to 100 Beach Parade, Beach Parade, 100, the Tuff, Tuff building, next door to that. I'm not sure.

Q153 That's a considerable amount of, of plant though, is it not - - -

A Without knowing the list - - -

Q153 - - - when you - - -

A - - - like, needles, needles are about 2 cents each, or 10 cents each, welding, ex-lease, welding ex-lease. It's really an in, you know, these could be very old sewing machines, very old Singer sewing machines. Juki is a modern machine, so that wouldn't be old. The Singers could be very old, Brothers are old machines. 6m lights, I don't, 6 metre lights, I don't know what that is. Filing cabinets, desks, fridge. Computer software? That was, no, the computer software was at Fort. Well all I remember is havin' a lot are disks - - -

Q154 O.K.

A - - - right.

Q155 But the list goes on. There's - - -

A Yeah, the list is - - -

Q156 There's some - - -

A - - - quite considerable.

Q157 There's, there's, it appears to me there's some fairly heavy plant, when you go onto quite a considerable amount of sewing machines there?

A Yeah, you see, Walking Foot's about \$2,000.00, they're fairly expensive. Straight Tack is fairly expensive. Clicking Press are fairly expensive. That looks like

that harness thing, for testing harnesses, hydraulic load tester. That'd be for testing harnesses.

Q158 Mmm.

A They're fairly expensive.

Q159 What's that?

A Elasticator.

Q160 What is that? Oh, an elastic - - -

A It's a, yeah, it sews about eight stitches on a, for belting and for braces and things.

Q161 Yeah.

A But they used to use one of them, I remember one being at Tuff, unless they had two. They, they always have one there, elasticator.

Q162 All right. Is there anything else you want to tell me about this list that - - -

A No.

Q163 So you've - - -

A I don't, I don't understand - - -

Q164 You don't understand what it means by, List of items never at the premises. Would that be, what premises would that be?

A I don't know. I assume it's - - -

Q165 Would that be 100 Beach, 100 Western Beach Road?

A Yeah, I, I assume, but I don't know. But, yeah, there's a good chance it would be. What else would it be?

Q166 Do you have any of this equipment that may be mentioned here in annexure C, at this premises which - - -

A No, I don't.

Q166 - - - we are at now?

A I, I have no equipment here other than one sewing machine that's a Juki, sorry, that's a Italian machine that the brand name is not listed on that, a Neechi, sorry, it's a Neechi machine, and I bought that through the Trading Post for \$200.00.

Q167 And the other, of the other equipment here behind us in, in the room directly behind us here, what are those sewing machines?

A They all belong to, oh, they're all household.

Q168 O.K.

A Pretty fancy household machines, owned by Sue Coleman, my girlfriend.

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Q169 So what do you understand, this action here, can you explain this action to us? Supreme Court action that was here?

A Yeah. Well, sorry, can I take it out?

Q170 Yeah, just, can you just explain the, the mechanics of that? What that was all about.

A This is because I, I faulted on the payment to Tuff Marine Australia - - -

Q171 Yes.

A - - - on payment of the agreed amounts over the period.

Q172 Yes.

A I faulted on that because of the, the difficulty on knowing what machines was owned by Ruth Plummer and

what machines was owned by Tuff Marine Australia. I also faulted on it because of patterns and other products being taken - - -

Q173 Yeah.

A - - - and, and things like that. So basically I felt that what I bought I didn't get.

Q174 All right.

A I didn't get, you know, just different things I didn't get. I didn't get patterns, I didn't get lots of things. I didn't get raw materials, I didn't get sewing machines, because Ruth suddenly said she owned them, all this sort of thing.

Q175 Right. So that, the lists that exist in that document, particularly annexure C which we've just gone through - - -

A Mmm.

Q175 - - - do you understand that as being the property that was not at the premises when you purchased the premises, or was that property that was removed after purchasing the, purchasing the premises?

A I would say that it's machinery that was not, not on the premises when I bought it, or not owned There are two lists, one is stuff that is on the premises that Ruth Plummer says she owns personally, and therefore I had no entitlement to. The other one is a list of products that weren't there that were supposed to be.

Q176 O.K. Just moving away from that just for a second, is it possible after the purchase of the premises or, or the business some time in, in the early months of 1990, that yachting harness and lanyard production was still occurring?

A I, it's true to say it's possible, but I doubt it very much.

Q177 Why do you say that?

A Because I was there every Friday and I saw no sign of it.

Q178 O.K. Is it possible that production was being done without you, without, well deliberately, so you weren't aware of it?

A Very possible.

Q179 And what makes you say that?

A Because as I said, they locked the door on me. They wouldn't, they, when I'd walk in the place even when they were there, I noticed them hiding things underneath the cutting table and doing things like that. They wouldn't let me in their office unless they neatened it and sorted things out before I got there. They're reasons to suspect something was going on that they didn't want me to see. On the other hand, I would have felt that if they were making them there on the premises, I would have seen the testing machines, or I would have seen things around the place that would have indicated they were making them, but I saw no sign of them being made there.

Q180 O.K. The items mentioned in, in annexure C here, Miss Plummer alleges that when the business was, was purchased by you a great deal of stock, if not all of it, was removed from the premises. This is what she alleges.

A Oh, well as I said, that's not true.

Q181 O.K.

A They had enough, they, well they had well and truly, it could be proved fairly easily, they had enough machinery to continue manufacturing the whole waterproof clothing range, which is the welders and so forth. They had the, the elasticator to do the braces of the fishing clothing, they had enough machinery to do that, plus they had raw materials to do it as well, because I never bought raw materials. We were still using the Tuff Marine Australia's stock at that stage.

Q182 But as listed in here, one of the items is a hydraulic load tester with dial.

A Mmm.

Q183 O.K. And you, you just stated that you never saw that on the premises.

A No.

Q184 O.K. Well it's certainly in the list which exists about items that are missing?

A Yeah. I, that would have been straight transferred from the list that they gave me of what I was supposed to buy compared to what was there.

Q185 O.K. When, as I said, Miss Plummer alleged that the items were all removed by Fort, O.K? Sorry, by yourself. And you've told us that in fact some items were, were taken by Fort. Is that correct?

A No, some items were taken by me - - -

Q186 Yeah.

A - - - to Fort.

Q187 To Fort?

A Yeah.

Q188 And that's in Melbourne?

A That's in Melbourne, in Simpson Street, I think.

Q189 Right.

A Or Frasers Road, I'm not sure, Frasers Road.

Q190 Do you recall what those items were?

A No.

Q191 Do you have any recollection as to what some of those items were?

A There was a few sewing machines, there was some stock of boots and things like that, of gumboots, fishing, oh, sorry, yachting, yachting boots. There was, I remember it distinctly, a computer, computer disks, but that's about all.

Q192 Was there an inventory made at Fort when you took that property in to them?

A As far as I know, yes.

Q193 The, a receipt was issued to you for the

A No, no receipt was issued.

Q194 All right.

A But as far as I know, Fort, because, I think it was Michael, is it Michael?

Q195 Michael?

A From Fort?

Q196 Webb?

A No. Who's the other one?

Q197 Mr Ken - - -

SENIOR CONSTABLE UPSTON

Q198 Ken Mitchell?

A Ken Mitchell, sorry. Mitchell, you know, was there when the good were delivered.

DETECTIVE SENIOR CONSTABLE GRAY

Q199 Right.

A He saw them being delivered.

Q200 O.K. It's, it's, so how did you get them there?

A I got, organised a, a truck to go and pick them up from, from Tuff - - -

Q201 Yeah.

A - - - and Tuff said, No. And I said, Right, I will pick up everything that, you know, belongs to me. And so I sent a truck down there and they wouldn't let me be there. They wouldn't let me go there.

Q202 To Tuff?

A To Tuff. And so the truck arrived and picked up some stuff.

Q203 So what were they tasked to pick up? Was there an inventory given to them?

A Yes. I've got a feeling there was, I seem to remember a list that I gave them

Q204 And then when they picked up the items you followed them into Melbourne. Is that the case, or - - -

A No, I never went there. But I met them there, here in Moorabbin.

Q205 Yeah, but when the items were taken from Tuff to Melbourne, were you aware of what items were taken from there?

A No.

Q206 Right. So no list was ever forwarded to you about what - - -

A That's correct.

Q206 - - - was removed off the floor?

A No.

Q207 O.K. Did you yourself remove any items of equipment or raw material from Tuff Australia based at Geelong?

A No.

Q208 Are you able to tell me what your financial status was in 1990?

A Not good.

Q209 When you say, not good - - -

A Not good. I have spent my superannuation, I was being divorced and going through a settlement.

Q210 Yes.

A My, the settlement was very heavy. I paid my superannuation, what was all my superannuation, to buy Tuff - - -

Q211 Yeah.

A - - - and so my asset base was considerably reduced. I paid my wife her share of the house and therefore increased my debt. And so my financial situation was not good.

Q212 Was it the case that you were still, you had a, an income during 1990?

A Yeah, I had an income.

Q213 And are you able to tell me approximately what that income was?

A No, I'd say I'd be guessing. I know it was at survival level - - -

Q214

A - - - but I don't remember what.

Q215 So would you consider that at that period you were doing things hard?

A Yes. I know here, as well as distributing the Tuff product range, which was the agreement and the way we had it worked, I also sold things like desk pads, which go on desks for banks and these people. I also sold air splints which are used to blow up air splints, which are used by the ambulances. And I also, and I also sold resuscitation masks which are used for mouth to mouth resuscitation, and that kept me surviving.

Q216 O.K. Let me just tell you this, from 1984 until 1988, when Miss Plummer was, was the owner of Tuff Australia Accessories, she was producing, amongst other things,

yachting harnesses and yachting lanyards. And you understand what I mean by yachting harnesses?

A Yes.

Q217 And you understand what I mean by yachting lanyards?

A Yes.

Q218 O.K. In 1998, or thereabouts, the Fort company purchased Tuff Accessories, Tuff Australia Accessories, and the business became Tuff Marine Australia. You're aware of that?

A Yes.

Q219 O.K. Now - (Tape Beeping) - the time by my watch is 6.37pm. This interview is suspended for a tape change.

INTERVIEW SUSPENDED

INTERVIEW RESUMED

DETECTIVE SENIOR CONSTABLE GRAY

Q220 This interview between Detective Senior Constable Gray and Mr Allen is recommenced. The time by my watch is now 6.40pm. Yes, as I was saying prior to the break, the settlement for the company with you was around about the third month of November, oh, sorry, the third month of 1990. Do you recall that?

A Yes.

Q221 O.K. And then it was decided from the next 12 months that you'd be making restitution in relation to assets within the business?

A Yes.

Q222 O.K. Prior to your involvement with the company, oh, actually when you became involved with the company,

were you aware of the logo attached to the products in the business which had licenses, or Australian, Australia Standards licenses?

A Yes.

Q223 O.K. If I show you a label would you be able to tell me if in fact you recognise that label? There's a orange harness, O.K. with a label on it. Do you recognise that label?

A No, I have never seen that label.

Q224 O.K. I've never seen that label and nor have I seen that product.

Q225 O.K. If I was to tell you that that label had been in, in use within that business since, or prior to the takeover, sorry, after the takeover of Tuff Australia Accessories by Tuff Australia, Tuff Marine Australia Pty which would be in '88, '89, that was in use.

A I, I accept that that would, could be the case, but I also think this is not an approved label. This is not a standards label.

Q226 And why do you say that?

A It has not got a standards emblem on it.

Q227 Right.

A Right. You've got to have a, you've got to have a standards emblem, and in actual fact before this time you had to pay a licence to the standards association for every label you use.

Q228 All right.

A And that had to have the standards emblem on it, which had a circular emblem in those days. Now it's, now it's changed to ticks, but in those days it had a circular emblem with the Australian Standards Association on it. That logo had to be also on the label.

Q229 All right.

A That's not on any of this. All it does is say, it, it, it is manufactured and tested to meet the approval, the approved Australian Standard Association number 2-2-2-7.

Q230 O.K.

A It, as far as I remember in those days, you had to have the standards emblem on it.

Q231 O.K. If I was to inform you that prior to 1990, when Miss Plummer was Managing Director, and prior to that when she was the owner of Tuff Marine Accessories, as I said to you before, she had a licence to produce these items and she also had the necessary standards badges to go with them, O.K?

A Yes.

Q232 Because she purchased those badges after she was licensed.

A Yes.

Q233 O.K. What I'm saying to you is, up to 1990 the items that she produced in particular the, the lanyards and the, the harnesses, did in fact have that label and did in fact have the standards badge as well. O.K?

A Yes.

Q234 So what I'm asking you is that, after that date this harness has been produced minus the standards label and that also a number of items on this, on this harness, which are not the items that she used when she produced them under licence, including the buckles, including the ring. She has identified the stitching as not being the stitch patterns which she uses. Would you care to say anything about that?

A Well my first instinct is that she'd be pretty good to identify the test, the, you know, the machinery, I couldn't. I couldn't testify that that sewing, stitching is not my stitching, I wouldn't know. But other than that I, I've really got nothing to say about it. I don't know about it and it's not my expertise.

Q235 At any stage did you take possession of orange webbing from those premises at Geelong?

A No, definitely not.

SENIOR CONSTABLE UPSTON

Q236 If we were to say to you that we have in our possession a harness and lanyard that was manufactured by Ruth Plummer at the time that we have mentioned, between those, those dates, and in fact the stitching and the differences between that and the ones that she says that she manufactured, are totally different, what would you say to that?

A Well the logic would be, it could be made by someone else, or even a different machinist. You know, it,

changing pattern stitching, or changing the stitching, be it the pattern or whatever, is a relatively simple thing to do. Anyone can sew any way they like. It's not that difficult to do. So the logic would tell you that it's either been made by someone else or either a different machinist. You could never get it exactly the same. If there's a huge variation one would suspect that it's made by someone else.

Q237 You're aware of, of different types of sewing machines that, that, how they operate and how they work?

A Yes.

Q238 You mentioned earlier about a sewing machine that's used extensively for sewing and strengthening the stitch patterns or the stitching or the weave that strengthens the, the item that you're manufacturing.

A No, the machine I mentioned was for elastic, for sewing on elastic.

Q239 All right.

A It was not for strengthening webbing or strengthening anything. It was for sewing, it's a, it's a, it gives you even tension so that when you sew a fabric onto the top of the elastic you get an even tension between the elastic and the, and the fabric. That's what the machine I mentioned before, called an elasticator, all right, that was not the same sort of machine as what's talked in here.

Q240 That's the Remoldy elasticator?

A Yeah.

Q241 Is that what you're talking about?

A That's right. That's - - -

Q242 And it, it multi-stitches - - -

A Yeah, it - - -

Q243 Is that right?

A - - - multi-stitches, yeah. It's got about five needles, I think. But that's used for a totally different than the machine would you use on that type of product.

Q244 All right.

A Even the normal sewing machines, the normal industrial sewing machine, I'm not 100 per cent sure whether it would be strong enough to sew multiple layers, it would easily do one layer or two layers. But I'm not sure whether a normal industrial sewing machine would do multi-layers of that webbing. You would have to use, I believe, you would have to use a fairly solid machine. Like a heavy duty industrial sewing machine, as opposed to a normal industrial sewing machine that makes men's shirts.

Q245 Well you've got machines on this premises here, you, you fully understand that, would some of the machines that you have on the premises here, even being that they're quite old, would they be able to stitch that?

A I doubt whether they could stitch the multiple layers like this section here under the D ring, right? Under the D ring it looks to me there's, you know, quite a few layers there. I don't know whether our industrial

machine would do that. Sorry, it probably could do it, but it would be very very slow and quite inadequate. You might finish up breaking needles continually, that sort of thing. I would suspect that a heavy Walking Foot machine or a heavy, like they used a heavy Walking Foot machine for sewing canvas on horse, horse blankets and things, I would suspect that that sort of heavy duty machine would be needed for this, not just a normal industrial, sorry, yeah, normal industrial sewing machine. But I, I'm not 100 per cent sure. But that's what I suspect.

Q246 But you would agree that, that there's certainly single, a single thickness of - - -

A Oh, yeah, two thicknesses. Like that join there where you see it's gate stitched - - -

Q247 Yeah.

A - - - that would do, we, I could sew that on my machine downstairs.

Q248 All right.

Q249 The list on annexure B contains welders, large and small. And there's a number beside this on the list. Can you tell me what that number is? Is that a serial number?

A I would say it's a serial number? No, that's a, C.B.F.C, is a finance company.

Q250 O.K.

A So it's Commercial Bank, yeah, Commercial Bank Finance Company. Mercantile Mutual's the next one, which is a finance company. Mercantile Mutual again - - -

Q251 Yeah.

A - - - ESANDA Finance, they're the finance company numbers.

Q252 O.K.

A That list must have come from, I, I objected to us leasing machines that I wasn't told on the day of, the first day I bought the business. And that was those numbers.

Q253 All right. You've got a, a large welding machine downstairs?

A I've got a very small welding machine downstairs.

Q254 Oh well, yeah.

A Um - - -

Q255 It's, O.K. well there's a large and a small one on this, on this list.

A Yeah.

Q256 How long have you had that welding machine?

A I bought it from Protector Safety in Adelaide. I've actually got four of them now. Two of them are at the, well at the, the servicing or the agent's place, getting repaired, too, with the view of sending them to Sri Lanka. I've had them since, I bought them at the Protector Safety Pty Limited, closing, when they closed down their manufacturing plant in Adelaide, and that

was bought in in October, November, last year. I went, I journeyed to Adelaide and bought the machinery.

DETECTIVE SENIOR CONSTABLE GRAY

Q257 Do you have the necessary receipts for those, for the purchase - - -

A I could find a cheque book, yeah.

Q258 O.K. Detective Sergeant Taylor?

DETECTIVE SERGEANT TAYLOR

I've got no questions at this stage.

DETECTIVE SENIOR CONSTABLE GRAY

Q259 And what price did you pay for those items?

A (NO AUDIBLE REPLY)

Q260 Do you recall?

A \$4,300.00 for all of them.

Q261 The four of them?

A Yeah. Three of them were welding machines, which were not used at Tuff, were never used at Tuff, from what I understand. And one 'em's an old Piper machine, I don't know whether they used Piper machines or not. I've got a feeling they used a, machines, welding machines made in Sydney, called Radine, which are very old machines. The machines that I bought from Protector are quite modern machines.

Q262 Mr Allen, do you agree that, that you are capable of sewing materials of this, of - - -

A

Q262 - - - this nature?

A If I was to sew them personally - - -

Q263 Yes.

A - - - I would take longer than I should and I, and with the sewing machine downstairs, I doubt whether it would handle the, the, the very thick layers on it. But technically, if I took it slow enough and, I could do it, yeah.

Q264 So you've had some years of experience on industrial sewing machines?

A Yes.

Q265 O.K. And in fact, as you mentioned before, you are still doing the sewing for the life jackets?

A Yes.

Q266 O.K.

A But that's just a straight line. Three straight lines
- - -

Q267 Yeah.

A - - - which are a lot easier. And when I first started, I've been doing it now for about 6 months, when I first started to do it I was, it took a long time to do a jacket. Now I've improved on it.

Q268 You might like to make comment on this if, if you wish. Due to your financial situation in 1990, as you mentioned before, is it the case that, that you were involved in the production of a number of harnesses, yachting harnesses and lanyards?

A No. I've never made a harness in my life. And I, and two things come into mind. One is, I wouldn't make a harness because I know nothing of them, secondly, I sit

on the Australian Standards for life jackets and I've got a good name through the Marine Board, and through the Australian Standards, and it's always been my intention to continue making life jackets. Therefore I would not jeopardise my approval for life jackets and so forth by doing anything untoward anywhere else.

Q269 O.K. Do you have any explanation as to where these harnesses have come from?

A No. I've got no idea where they, the harnesses come from. However, I do say, and I, I wanted to say and I did mention it to you, that Tuff Marine Products, which was the company that I controlled and walked away from, I found out later on, well that's one of the things that prompted it, I found out that Ruth Plummer was operating a company called Tuff Marine Accessories that she owned outright and she was still selling products in that brand name and in, with, with the brand logo and so forth. And so I walked away from it. Well that upset me at the time too. I do remember that And when I tried to take action against them because of what they, they did, as me being a shareholder and so forth, I found out that they were transferring most of the sales and most of the operation to Tuff Marine Accessories to get it out of the hands of what I was doing with my company.

Q270 O.K. Is there anything further you'd like to say in relation to these matters that we've discussed today?

A No, I, no I can't

Q271 Do you agree that prior to the commencement of the interview you provided us with a number of documents?

A Yes.

Q272 And I will itemise those documents for you. There's the prospectus in relation to Tuff Marine Australia which has been entitled, Capilcourt Investments

A Yeah.

Q273 Do you agree with that?

A (NO AUDIBLE REPLY)

Q274 There also is a document here of six pages, five pages in your handwriting, which is a chronology of events which occurred in the purchase of Tuff Marine?

A Yes.

Q275 There is also a document, Tuff Marine Geelong, which is a 1988 price list?

A Yes.

Q276 Do you agree with that?

A Yes.

Q277 There is also a document which is titled, Tuff Marine Manufacturing Pty Limited, statements for the year ended 30th of June, 1991.

A Yes.

Q278 And do you also agree there's a document here in relation to a deed of release and indemnity in relation to Tuff Marine, through the Victorian Supreme Court?

A Yes.

Q279 Which is a three page document. There is also a document listed, Commercial List in the Supreme Court

of Victoria at Melbourne in relation to the plaintiff, Tuff Marine Australia Pty Limited and the defendant, yourself, Mr Allen.

A Yes, sorry.

Q280 And do you also agree that there is a receipt from Corrs Chambers Westgarth, which are solicitors, I believe - - -

A Yes.

Q280 - - - in relation to a payment of \$23,000.00?

A To do with the final settlement.

Q281 All right. Are there any other documents on these premises that you're aware of that may assist us with our inquiry or investigation?

A I thought there was, but I can't find them at the moment. If I do find them, I'll get them to you, or contact you.

Q282 O.K. Would you allow us to take possession of these documents, and we'll write you out a receipt of a sort to, for us to take these documents, to make necessary copies and give them back to you?

A Yeah.

Q283 O.K. There's also another document here, Notes on Tuff Marine Manufacturing Pty Limited. It's dated the 20th of January, '93, which is difficult to read.

A Yes.

Q284 Do you agree with that?

A (NO AUDIBLE REPLY)

Q285 O.K. No?

DETECTIVE SENIOR CONSTABLE UPSTON

No further.

DETECTIVE SENIOR CONSTABLE GRAY

Q286

DETECTIVE SERGEANT TAYLOR

No, I've got no questions at all.

DETECTIVE SENIOR CONSTABLE GRAY

Q287 Anything further you'd like to say in relation to what we discussed?

A No. I'm not aware of anything at this stage. If I think of anything I'll contact you.

Q288 The time by my watch now is 6.58pm. This interview is concluded.

INTERVIEW CONCLUDED