

HECTORPUB01547
14/04/2023

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pp 01547-01586

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE JOHN HATZISTERGOS AM
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION HECTOR

Reference: Operation E19/1595

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 14 APRIL, 2023

AT 2.00PM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

This transcript has been prepared in accordance with conventions used in the Supreme Court.

THE COMMISSIONER: Yes, Mr Abdi. You're subject to the same affirmation to say the truth. Do you understand?---Yeah.

Thank you. Yes.

10 MR ENGLISH: Thank you. If volume 16.1, page 325 could be brought on the screen, please? These are the minutes of the committee meeting that you attended with Mr Mouawad and Ms Wong in relation to the defect rectification works at Glenfield, Mr Abdi. You can see that, well, it's minuted at 2.2, no conflict of interest had arisen subsequent to this meeting. Do you see that?---Yeah.

And the purpose of the meeting was to discuss and agree on a consensus score for each non-price criteria and to discuss and review the price score and pricing for each tenderer?---Yeah.

20 See that?---Yeah.

If we go down to the next page, ASN was given an expertise and experience score of 7?---Yeah.

This was its first job, wasn't it?---Yeah.

And it used Daval Group, did it not, to carry out the works?---Yeah.

30 Given that it was ASN's first job, how were you as a committee able to say that it could score 7 out of 10 for expertise and experience?---I don't, I don't really remember, I, like, I can't really recall, to be honest.

You would have had some input into that ranking, wouldn't you?---Yeah.

It was in your interest to have them scored highly in all classes. Correct?---Yeah.

40 Why was ASN's methodology so great, ranked 9, do you recall?---Not really, like, not really.

What was your relationship like with Mr Mouawad?---Just, like, he was a work colleague.

Right. Did you tell him you were a silent partner in ASN?---No.

What about Ms Wong?---No.

What was your relationship like with her?---No, she was just a work colleague.

10

If we go down to the next page, see it says “referee checks and interviews are not required”? Do you see that?---Where is that?

15.1.---Yeah.

Do you know why that was the case?---I can’t remember, to be honest.

Did it have anything to do with price or - - -?---Yeah, might have been, like, and may be to do with, like, the risk, like, the risk of the job is very low.

20

Is that because it’s only rectifying defect work and not actually carrying out - - -?---Yeah.

- - - proper scope?---Yeah.

If we go to page 111 of this volume? This is the formal instrument of agreement between Transport for NSW and ASN Contractors and if we go to page 114, you can see it’s executed on behalf of ASN Contractors by Raj Sandy. Do you see that?---Yeah.

30

That was Mr Sanber’s alias. Correct?---Yeah.

Were you aware that that’s how this contract was being entered into, in a false name?---Yeah.

Did anyone have any concerns that someone might check if Raj Sandy was a real person?---We didn’t, no, I didn’t think about it at the time.

40

You said before that you couldn’t have a site meeting with Mr Sanber ‘cause people would recognise him. Do you remember that?---If I had a site

meeting with him, like a, like a formal site meeting, people would have recognised him, yes.

All right. So that never eventuated? He never came onsite at any time and exposed himself?---Well, he came to site, but I don't know if it was specifically for a meeting or just to look at the work or I, I can't remember.

And Susanne Po, is that meant to be Susan Toh, Mr Nguyen's wife?---Yeah.

10 So has her signature been forged there, to your knowledge?---I don't, I can't remember.

Okay. Do you know who might have signed that contract in person?---To be honest I don't remember.

Was it you?---I'm not sure to be honest.

Does it look like your handwriting?---I can't really tell.

20 You're not ruling it out, are you?---Well, I don't remember.

But what about looking at the handwriting. So Susanne Po is in small letters. Does that look like your handwriting?---Yeah, it could be. Like, even, yeah, it could be.

And what about the capital letters for Raj Sandy. Does that look familiar, like your handwriting?---I don't really know. Maybe.

30 So it might be that you signed this contract. Is that right?---Yeah, but I don't remember signing it. I remember, I don't remember signing it.

THE COMMISSIONER: Who else could have signed it?---Well, Tony, Raja. I would have asked for them. Like, they would have had to sign it and send it to me.

MR ENGLISH: Well, Mr Nguyen would have known his wife's name. It's Susan To, isn't it, T-O, not P-O?---Yeah, I don't know.

40 Did you have any role in receiving this contract and filing it or anything like that?---To be honest I don't remember. I don't know if it came to me or went to, to like the procurement team or, I don't know. I don't remember.

All right. If we can go please to page 334. So this is a variation that was issued prepared by you in relation to the project. Do you see that?---Yep.

It was additional works to be carried out within the car park to further prevent water ingress to the lift shaft. Do you see that?---Yep.

Was this a legitimate variation?---Yeah.

10 And you can see on the next page, if we go one more, scroll down please, yeah, you can see there that it's a variation for \$28,000, do you see that?
---Yeah.

Taking the adjusted contract commitment to 246,000.---Yeah.

Prepared by you and supported and approved by others.---Yeah.

20 Then if we go please to page 351, this is what Daval Group charged ASN to do the works, not the variation, the original contract sum, right?---Yeah.

And it's \$110,000, correct?---Yeah.

All right. So there's \$118,000 profit for ASN for doing nothing on this job, correct?---Yeah.

30 How was it that, to your understanding, Transport was not alive to the fact that more than half of this quote was just pure profit and it could be, and the fact that if they looked a bit harder it could have been carried out much cheaply?---Sorry, what was your question? I didn't get it.

So if there's \$118,000 profit in this, right - - -?---Yeah. Yeah.

- - - in the contract sum, and you're in charge of this, at least you're preparing the issue papers, right - - -?---Yes.

- - - and you're recommending to Transport that \$218,000 as a contract sum is the cheapest, you know, cheapest price that came in through the tender process, correct?---Yeah.

Doesn't anyone at Transport realise that it can be done a lot more cheaply if there's more than 100% pure profit in this, in that amount of \$218,000?---I don't know. Yeah. I don't know.

But is this something that you saw? Like, when you embarked on the idea of starting your company with Mr Sanber and Mr Nguyen, was it because you realised that you can do this a lot more cheaply and just make easy money through adding profit margins on top?---No. No.

10 But you were never going to do any work, right? You had a full-time job. ---Yeah.

So you were only ever going to make money through sort of pyramid subcontracting, right?---Yep.

20 So if you went to the effort of starting up this company and having false business cards made, you must have seen something in the way that Transport for NSW was procuring contracts that made you think that there's a lot of money in this that can be made for doing nothing?---Well, I just, I don't remember, like, what, like, I don't remember, like, anything that, I mean, maybe it was to do with the budget that I think, I can't remember if it was this or, or, or, I don't know. There wasn't a budget. I can't remember exactly but I think the main contractor was someone quoted extremely high price to, to do it. So I can't really remember, to be honest.

Well, if we go back to page 308, so the budget commitment set at 243,000, right?---Yeah.

30 This is the paper that Ms Wong wrote. And by that stage ASN has already been colluding with Dabcorp, right, or Daval Group?---Yep.

So you must have known that it could have been done a lot cheaper than this budget commitment, at least at 12 November 2014, correct?---Yeah, I don't understand where the budget, I can't remember where this budget even came from. Like - - -

Did you contribute to that budget commitment amount?---No, doesn't, no, that's not how it works.

40 All right, because remember I took you before to the earlier issue paper that you drafted that had you, and we'll just go back to it. I think it's, yeah, it's

page 71. You see this is in September 2014, on 15 September, it's an issue paper drafted by you. And it's looking at, if we go to the next page, please, the scope of works or at least the quotes that are provided are for a lesser amount, do you see that?---Yeah.

148 for ASN Contractors.---Yes.

And then on the next page you signed this but no-one else has.---Yeah.

10 I mean, how did it get from 148 to \$218,000?---I don't, I don't, I don't remember. I don't know. I don't remember.

Did you play a role in increasing the budget so that these three companies that were colluding could retender at higher prices?---No. It couldn't be like that because, yeah. I don't remember.

All right.

THE COMMISSIONER: Could we just go back to the invoice.

20

MR ENGLISH: Is that the Daval Group invoice, Chief Commissioner?

THE COMMISSIONER: Yes. Yes.

MR ENGLISH: That's at page 351.

THE COMMISSIONER: Why does it say Penrith Court House? Do we know?

30 MR ENGLISH: Can you answer that at all?---Sorry, what was that?

It says Penrith Court House, project name. Do you see that?---Where's that?

THE COMMISSIONER: In the heading.

MR ENGLISH: Project name.---Oh, yeah, okay.

It's got tax invoice Glen as well, 0001.---Yeah.

40

Did ASN Contractors ever get a job to do any works at Penrith Court House?---No.

So is your evidence that that might be an error then?---Yeah, I think that's just an error.

Okay. All right. And then, yeah, it might assist if we go to the next page, Chief Commissioner, and you can see what the works are for, if that's blown up. You can see drainage works. It says school works, lift shaft works.---"Car park".

It does say, it says "car park" at the top. What were the - should that be, it says "drainage works, school works". Do you know what they are, Mr Abdi, school works?---I don't know what the, I can't remember exactly but, because I think the defects was adjacent to a school and there had to be some rectification. I can't remember exactly too.

Oh, okay. But that's the right scope of works for the job?---Yeah, yeah, that, that's, yeah, that's the, that's the job.

Okay. If we go to page 354 you can see this is what Daval charged ASN for the variation, 15,000. Do you see that?---Yep.

And ASN essentially doubles it to 28. You recall that?---Yep.

Just again, was there no one within Transport that realised that maybe this job could have been done cheaper?---I don't know.

Well, had you formed a view that Transport was getting ripped off by contractors or something and you thought you could make money easily by doing something similar?---No, no. I mean, the, generally like the prices are high. When, for, when it comes to Transport in general, the prices are higher than, well, way higher than what you would expect in the, like, the private world.

You'd seen that, had you?---Yeah, I mean, yeah. You see that, like, it just, yeah, that's, it was just like, I mean - - -

Is that because tier 1 building companies were tendering on occasions for work?---I think it was just, yeah, no matter what, like, like, yeah, just even

after this, like not so much like after this, you could see, yeah, prices were just not, yeah, like they were heaps higher.

All right. And so you'd, you'd seen that there's obviously a healthy profit margin in contracting jobs to Transport, is that right?---Yes, like, I mean, yeah.

Well, so much so you could start a business and not do anything and almost double the price of what it would cost you to carry out the works by
10 qualified tradespeople, correct?---Yeah.

And was there ever a discussion when you were at Transport about this fact that we're being overcharged routinely?---For this specific job or for other jobs?

No, for other jobs.---Oh, like, well, yeah, I mean, yeah, people will raise it like, I mean, even myself, you know, like, some, like some commercial people will raise it, yeah. That's, yeah.

20 That's how it went, did it?---Mmm. Yeah, I mean, like, for Wynyard, so Wynyard Walk there was a \$700,000 variation and the Executive Director at that time approved like over \$3 million for it to CPB Contractors. So it's just, yeah.

So you saw - - -?---That was way after this.

So you witnessed - - -?---That's what, that was a regular thing. Like, that was, like that's what you see.

30 You were able to work out that the true cost of works were much lower than what companies were charging Transport for NSW, were you?---Yes, in some situations sometimes you can't because some of the, if it's in, some of the jobs are high risk, and if it's, yeah, if it's high-risk job, depends. But I don't know, like, I, I can't really say. I mean, that's, yeah, so just that's just the way - ever since I've joined, that's, that's been the price. The pricing to me, like, was, you know, very excessive.

All right. And if the pricing was so excessive, and you knew you could - I withdraw that, you knew there was some scope to lower prices, why did you
40 always need to get your hands on a budget? Why couldn't you just have costed the job fairly?---Yeah. I mean, for this situation or - - -

Well, let's start with this. I know you wouldn't have made any money but -
- -?---For this one, there was no budget. There's no, there was no specific
budget.

Well, we saw one, 234,000?---Yeah, but, the, that's, that, there was no
budget for this job.

Well, we saw it on the paper.---Yeah.

10

There was a budget for it. And the only company that came in under it was
your company.---Yeah. Yeah, I don't know, I don't think - - -

All right. You're mumbling there. What was that? You don't think - - -?
---No, I don't think there was a budget, but, yeah. I don't understand it.
Those cost codes in the issue papers will explain, like, can explain where
that money is from and, like, with that cost code, you'll probably be able to
tell, like, where it's coming from and stuff.

20

All right. If MFI 10 can be brought on the screen and the slide for the
Glenfield works, please? So this is a slide the Commission prepared. You
can see the contract sum including variations was 246,000?---Yeah.

And we've just looked at how much ASN was charged by Daval Group. It
left a profit of around 125,000?---Yeah.

Is that right? You agree?---Yeah, I think so. Yeah.

And was that split in thirds between you all?---Yeah, I think so.

30

Okay. And then if we can go, please, to volume 16.1, page 358? And while
that's coming up, how was your split of that profit paid?---I think we all
just, I think the, the accountant, like, the, the accountant for the business
organised, there was, for some reason, Tony wanted to shut down the
business. We didn't have any, we, the idea wasn't to remove any of the
profits but he, something happened or for some reason he wanted to shut
down the business. And then through the accountant, we organised, like,
we, we organised, he closed the business and then he withdrew the money,
paid us in cash.

40

All right. And whose accountant was it?---It was the, ASN's.

But someone must have introduced ASN to that accountant. Was it you or was it Tony or was it Raja Sanber?---No, I think it was, I think it was Raja, I think it was - - -

All right. And drawing cash out of the business, did that happen by going to the bank and just withdrawing it?---No, no. The accountant organised it all, yeah.

10 But what do you know about that?---To be honest, I was kept in the dark. I asked, I think I, I, I was really, I was, like, I didn't want to shut down the business, anyway, but, yeah. I just wasn't told much. And then the accountant said, no, no, he'll organise it.

Okay. Do you know what the accountant's name was?---I don't know. I, I, I can't remember, to be honest.

All right. Well, if we bring up page 358, you can see here, this is an email with an invoice template sent to Mr Sanber from Sydney Haulage. Do you
20 see that?---Yeah.

If we go to the next page? You can see there's a blank - it's not blank. I withdraw that. It's an invoice for pits and pipes, concrete jersey barriers for \$95,700. Do you see that?---Yeah.

And then if we go to the next page you can see Mr Sanber sends it back to admin, and this time if we go to the next page which is 361, it looks like he's amended the description there but it's the same amount, \$95,700. Do you see that?---Yeah.
30

There was no need, was there, for these items to be used on that job?---We, we, there was a, I can't remember because there was drainage works so I don't remember if we had a pit and we got pipes, but I, I've never seen this before.

Yeah, well, if anyone needed to obtain pipes and the like for this job it would have been Mr Dabit's company, wouldn't it, Daval that would have had to organise that?---Yeah, should have been.

40 Yeah, but you're not aware that Mr Sanber was arranging for, it looks like this company to invoice ASN Contractors for \$95,700?---No. I, yeah.

When you said the accountant had an arrangement to get cash out, did you know it involved a company such as this?---No. No.

All right. So what was your understanding about the cash you were paid? Were you of the belief that that was before or after tax you were given that tax?---I didn't really understand it because I just remember I asked him once or twice about, like, "How does this all work?" And he said, "No, it was none of your," like, "We can't tell you. Don't worry about it. The
10 accountant will sort it out."

All right. Well, if we go to page 362, here's another invoice template sent from George Said. Do you know what is?---No.

To Raja. It says, "TRN Contractors invoice," and if we go to the next page you can see, it seems to be other way around. It's a GSP Projects invoice template made out to TRN Contractors for traffic safety signage. Was there any need for that at the Glenfield job?---No, I don't think so, no.

20 All right. And you can see that's for \$13,200.---Yeah.

And then if you go down please to page 364. Mr Sanber's sending an email to Peter Abboud. Do you know who that is? At BANQ.---Yeah, Peter.

Is that the accountant?---Yeah.

And he says, "Peter, see attached. Modify company and numbers to suit."
Do you see that?---Yeah.

30 And then if we go to the next page it's this GSP Projects and it's for \$31,185. Do you see that?---Yeah.

So it seems that if the first invoice is 95,700 plus 31, we're close to that 125,000 figure.---Yeah.

So it seems like would you agree, that this is an arrangement that the accountant might be involved in in having some company invoice ASN for the entirety of its profits on this project so it doesn't have to pay any tax?
---Yeah. Yeah. I mean, I don't think it was for tax but, yeah.
40

Well - - ?---It was more to close the business down and take the, yeah.

Well, how much in, you said you received a third of that 125,000 in cash so
- - -?---But, but I remember we had to pay the accountant a big fee as well
so - - -

I'm not disputing that. Do you recall how much cash you received?---I
think it was around 30.

10 Right. So 30 times three is 90, and you reckon the rest might have been in
fees to the accountant, do you?---Well, there would have been some, there
was some fees for the accountant. I remember that.

Yeah. Well - - -?---I don't know how much.

Do you agree this looks like, if I said to you a cash round robin system to
avoid paying tax, would you agree with - do you know what I'm saying
that?---I don't understand that.

20 Okay.---But, yeah.

But you didn't declare any of the money, the 30,000 or so in cash that you
received, did you, in relation to - - -?---No.

And do you know whether anyone else did?---No, I don't know.

30 Okay. All right. So then, so the company was wound up. And what reason
did Tony give for that?---To be honest, I can't remember. I don't know
exactly why. I just remember we were a bit pissed off about it because we'd
just built that reputation and we could have, like we could have gone and
actually started to, tendering for jobs. But I just can't remember exactly
why he, he needed to shut it down.

All right, well, if we can go to volume 8.1, page 54, please. You got your
long-time school friend Abdal Aziz a job at Downer, correct? Or you
assisted in that happening.---Yeah, I helped him.

40 Yeah. And how did that come about?---I can't remember. He just, I think
he was just looking for work. At the time he was looking for work and I
think I just forward his resumé to a friend or, yeah, so, yeah.

All right. Well, here's your email to Eddie Kim. Who's that?---It was just like, like he was, he was, like he was a work colleague and then he, when he worked for, he left Transport and went and worked for Downer.

Was he in HR or was he a project manager or an engineer or something like that?---No, I think he's like a project engineer or a senior project engineer.

All right. And so you became friends with Mr Kim when you were working together at Transport, is that right?---Yes, that's right.

10

All right. And this is in 2017. You've sent him Mr Aziz's CV. You said, "Tell me what you think before you spread it out. He's really good and I'm not just saying that. He will make you look good because they will think you have good resource judgment." Do you see that?---Yep.

How were you able to say that about Mr Aziz?---Oh, look, he, he, well, I mean, he's a, he was a good worker. I knew he was a good worker 'cause I've known him for a while.

20 But you'd never worked with him, right?---Yeah, but like, yeah, but I knew like what he was doing and, like he was travelling a lot for work so he, like I knew he was a good worker, like - - -

THE COMMISSIONER: Do you still have that view?---Yeah, I mean, he's, like, I mean, he's, he's still - - -

I'm sorry?---Yep.

30 You still have that view, do you?---He still works like seven days a week.

You'd recommend him again, would you, to someone else?---Yeah, I would, yep.

MR ENGLISH: So you stand by, do you, that employing Abdal Aziz is demonstrative of good resource judgment?---Yeah, I mean, basically like he'll make you look good, like once they, you know, once he starts working and producing results, they'll know he's a good worker and he'll make you look good too.

40 He knew about ASN, didn't he, Mr Aziz, in 2017? You'd told him, hadn't you?---I'm not sure.

Well, well, he's your long-time school friend, right?---Yeah.

You wouldn't do something behind his back in relation to him or his company, would you?---Yeah, no, I wouldn't.

Yeah. All right. So I just want to show you volume 16.1, page 46. You see this, this is an ASN Contractors safe work method statement, and the client is Tresca. Do you see that? Pty Ltd.---Where's that?

10

Middle of the page. Client.---Oh, yeah. Yeah.

And that's Mr Aziz's company, right?---Yes.

So you wouldn't have - I mean, is this a real safe work method statement that ASN Contractors did in relation to work for, or prepared in relation to work for Tresca?---No.

20 Well, then, just going on your evidence a moment ago, if you were going to use Mr Aziz's company in this manner you would have told him beforehand, wouldn't you?---Yeah, but I think maybe, I don't know. I don't really remember this but maybe I just put in there. I've told the, I've told Tony or Raja just put it in, put that name in there.

But you just said as moment ago you would never have done that.---Yeah.

30 So you must have told him, that's Mr Aziz, that you'd started this company as a silent partner with some people and probably that you got that job down at Glenfield, right?---I don't remember, to be honest. I don't remember saying that to him.

Well, either that or you've used his company's name without his authorisation here. Which one is it?---I think, I don't remember. I think maybe I just used it.

Well, then your answer before was false to the Commission when I asked you, correct, that you'd never do that?---Yeah. Yeah.

40 Yeah, and you knew that when you gave that answer, didn't you, that it was false?---Look, I don't remember this. I don't remember this so, yeah.

Well, if we can go back to volume 8.1, page 54, please, if we go down to the next page, this is Mr Aziz's CV. Did you help him prepare this?---No.

Preparing CVs is a bit of a skill of yours, isn't it?---Not really.

Well, you've done it for other people on more than one occasion in the past, correct?---Well, what do you mean by that?

10 Well, you've helped Mr [REDACTED] with CVs, haven't you?---Well, we helped each other.

Well, answer the question. You've helped Mr [REDACTED] with CVs, haven't you?---Yeah, we helped each other.

And you've created false CVs to help RJS in the past, correct?---I don't remember but, yeah, maybe, yeah.

20 What about Mr Pilli, have you helped him with CVs?---Not that I can remember.

Okay. So have you seen this before or did you just forward it on to Mr Kim?---No, I just, I think I just forwarded it. I didn't, I don't, yeah.

Well, if we can go back up a page, you were asking Mr Kim for his opinion, "Tell me what you think before you spread it out." See that?---Yep.

You wouldn't say that, "Tell me what you think of this before you spread it out," if you hadn't read it, right?---Yeah, maybe I read it.

30 All right. And you went to uni with Mr Aziz, didn't you?---Yeah.

Go down the next page. You knew he didn't have a Masters in Engineering Management, didn't you?---Yeah, I'm not sure, to be honest.

Right. Did Mr Aziz tell you that this reference was specifically made for him to apply for the job at Downer so you could forward it on?---The, this resume?

40 Yeah, thanks, this resume?---I don't, I don't remember exactly what happened but I just, I, I think he was, I don't know if Eddie told me there's work, they're looking for someone in Downer or, and at the same time he

was looking for work and I just send, "Send my your resume and I'll send it to some people that I know."

All right. If we can go to page 60, you did a bit more than just forwarding on his resume, didn't you?---Well, yes.

You see on page 60 you said you were his referee and you said that you were his direct supervisor at Transport for NSW via ACOR Consultants, right?---Yeah, I don't know. Yeah, I don't remember that.

10

Well, someone would have rung you up, wouldn't they?---Yeah.

See name of referee, Nima Abdi. Do you see that?---Yes.

Do you see that phone number?---Yes.

Is that familiar to you, ending in 060?---Yes.

20 So someone would have rung you and you would have said, "Yeah, I was his referee at Transport for NSW via ACOR Consultants," correct?---I don't remember that part.

Well, how else would that information have got onto this form?---I don't, I don't know what ACOR Consultants are, so maybe he would have just told them and they pre-filled that and then they would have rang me up.

Well, if we go back up to page 55, ACOR, he worked, that's Mr Aziz, worked for ACOR - - -?---Yeah.

30 - - - do you see that?---Yeah.

All right. So if we then go back down to page 60, what this suggests is that Ms Dark, if you see the bottom, Amelia Dark rang you - - -?---Yeah.

- - - on 6/3/2017 and you supplied her that information, that you were his referee and those details we can see there. Correct?---Yes.

40 Why did you do that?---Well, I was giving them a, I was giving them a reference but there, I don't remember this detail but I gave them a reference, yeah.

Other than him being your long time school friend, why would you do that for him?---Well, just to help him to get a job.

So you're willing to be a false referee, what, for friends, just to help them get jobs, are you?---Well, not always, but - - -

If we go to the next page, we can see what it appears you told Ms Dark. You said he was looking after two alliances, two tier 1 contractors, looking after their site works, finances, any commercial issues in terms of variations,
10 monitoring performance. Do you remember giving that information to Ms Dark?---I don't, I don't remember but - - -

You said, "We were all happy with his performance." Do you see that?
---Yeah.

"He had to draw up a lot of graphs, resource analysis, final forecasting." Do you see that?---Yeah.

"Can you describe his/her attitude to safety?" You say, "Great." Would
20 you have said that?---Yeah, I don't know.

And then, communication and team skills, "He's really good, large team. Had to be part of the team in the alliance. He was good at the client side, as well." It goes down, overall ability, "Would you hesitate putting him/her in any particular situation?" "No." And then over the next page, "Would you re-hire? If not, why not?" "Yeah, for sure. We were trying to get onboard here." And then, "How would you rate the candidate's overall performance on a scale of 1 to 6?" "5, no doubt working way to 6." You see that?
---Yeah.

30 It couldn't really be more glowing that reference, could it, by you?---Yeah.

Why did you do that?---Just trying to help him get a job - - -

THE COMMISSIONER: Why did you want to help him get a job?---I think he was, he was working, like, interstate or something, like, he was working, like, he was travelling and stuff for work and he was very desperate to get a job, like, to just get something in Sydney, yeah, just, and then I remember, like, I, I think Eddie mentioned something that there's work coming up,
40 like, there's a position, there's some position's coming up and then, um,

Eddie, I send the resumé to him, I said, you, like, you know, and then I think then he met, then he had an interview and stuff like that, so, yeah.

MR ENGLISH: But you've already handed on his CV to Eddie Kim, right? You're already doing him a favour, aren't you?---Yeah. Yeah.

And you've said that he's a fantastic worker. Correct?---Yeah.

10 Well, if he's such a fantastic worker, why couldn't Mr Kim just call one of his previous employers?---But Eddie wasn't hiring.

Well, why couldn't anyone else at Downer ring one of his previous employers?---Yeah, I don't know, I don't know. I don't remember why, yeah, I don't remember why he put me there. I don't, I don't remember that.

But there's a logical reason, isn't there, that you wanted him there, so that you could then get back in to Transport work, leveraging off his position? ---No, that's not true.

20 Really?---Nuh.

None of that's possibly true?---Nuh.

When did you find out about the Victoria Street - - -?---Because at, at, at that stage, we didn't even, I didn't even know where he was going to work for Downer or what he was going to do.

Well, lo and behold, his first job was at Victoria Street, right?---Yeah.

30 When did you find that out?---Oh, I don't remember. I, I, I don't know. Like, I don't know what date or whatever it was.

Did he tell you, Mr Aziz, that - because you've just said he was working interstate. This would require him to work away from home again, wouldn't it?---Yeah.

40 Did he tell you "they're only offering me a job but I have to go up to Maitland, unfortunately"?---I don't really recall that but I think he was a bit pissed off about it and then I, I think I just said to him this is the only way you're going to get in, into these big companies. You just have to, like you just, you just do it and then this is the only way you're going to get in.

You've just got to suck it up, do you, for a bit?---Yeah, yeah. I think that's what I said to him.

Right. And, and when was it that, after you having that conversation that you've just got to put up with it if you want to get into these big companies, that a discussion was had between you and Mr Aziz about a company you were associated with or going to be associated with tendering for the building package at his first job at Victoria Street?---Oh, it was a, it was, I think it was a while, like he was, I can't remember exactly when but he was in there like, he was in there and he was working for a bit, but I can't remember exactly when, yeah, I can't remember.

Were you pestering, going, "Let me know, I want to, we can tender for something, I want to tender for something, keep me in the loop"?---No. No. Because at that time I don't even think, I don't even remember - I know because of what happened with ASN, Raja, we, Raja and I said, okay, let's, we started up the company again, yeah, I, at that stage - I don't know the timing, it's just - - -

All right, look, I'll try and just find you a company search for Sanber Group to assist with this. Just bear with me. Yeah, so if we go to volume 3.2, page 1. Here you can see Sanber Group was established back in October of 2015.---Yep.

So had you spoken to Raja Sanber about being a silent partner in this company at the time it was incorporated?---Yeah, yeah, I mean, yeah, that was our, our - - -

This was the next vehicle for you, was it?---Well, we were just a bit pissed about getting rid of ASN and then, yeah.

All right.---This was like, we thought, oh - - -

All right, so you - this company's ready to go if it can just get a project, right?---Yeah.

A Transport project. And then you in February send Mr Aziz's CV off to Mr Kim and then, that's on 24 February, and then you - - -?---What year was it?

2017.---Yeah.

And then on 6 March you give the glowing reference to Ms Dark about Mr Aziz.---Yep.

And then if we go, please, to volume 3.8, page 1, here you can see Mr Patel from Downer sends to John Dabit the invitation to tender for the building works at Victoria Street. Do you see that?---Yep.

10 Now, and then that gets forwarded to Raja. Do you see that?---Yeah.

That's pretty similar to what happened at Glenfield, do you recall, where the package went out to Mr Dabit and then all of a sudden Raja Sanber said, "I'd like to quote and have a site visit"?---I'm not sure. I can't remember but I think, I thought Dabcorp were going to price it.

Yeah, they were going to price it, but Dabcorp, Mr Dabit was a friend of Raja Sanber's, right?---Yeah.

20 So they were going to collude in pricing, correct?---I'm not really sure, to be honest, like I don't remember that.

Well, you must have become aware, I suggest, before 26 April that this building package was becoming available?---Yes.

Yeah. Mr Aziz would have told you that, right?---Yes.

And did you tell him anything about making sure Dabit's on the list, it's sent to Dabit, John Dabit?---Yeah, I would have probably, yeah.

30

All right. So it seems in time either as soon as you find out that Mr Aziz is going to be involved in the building works at Victoria Street, or shortly thereafter, you're taking steps to try to have the package awarded to Sanber Group, correct?---I don't, yeah, I don't remember. Yeah. Yeah.

Well, just stick with the timeline. 26 April 2017, you've already agreed that you must have been taking steps before this date to have Dabit involved in the tender and then that would hopefully lead to Sanber Group being involved, correct?---Yeah.

40

All right. Did you have a discussion with Abdal at around that time about what he might get out of this if, if Sanber Group can get this job?---I don't really, I don't remember. I just, all I remember, he was saying that they, they were running late or something with the building package and do I know anyone and, no, I don't remember, like, I don't remember that conversation that early.

Did he, do you know anyone, did he ask you if you could tender for it, that's Aziz?---No. No. He didn't ask me.

10

Well, if we go to page 4, you can see that the extension of time was granted as per Abdal's request.---Yes.

New submission date is Friday, 19 May. Do you see that?---Yeah.

And then the next page, page 5, shows that on the 12th Sanber Group is added to the Victoria Street pack.---Yeah.

Do you see that?---Yeah.

20

And then if we go to page 19, you can see here what's really, I don't need to read it all, but what you can see is that Mr Sanber, and this is in June, Mr Sanber and Mr Dabit are colluding about prices and their bids, correct? ---Yeah.

And then on page 28 you can see Sanber provides a revision. Do you see that? The Sanber building price revision. And that's on 27 June.---Yep.

30

And then if we go to page 34, and if we scroll down actually please to page 41, and then we'll work out way back up the chain. You can see here on 29 June Mr Sanber sends an email to Amit Patel of Downer, CC'ing a number of people and including Abdal Aziz, saying, "Amit, see attached some of the documentation requested below, as well as a company profile. Note, we are working through the certification process for the management systems and so no certificate is currently available." And then there's a list of similar projects. Do you see that?---Yeah.

And they're false, weren't they? Sanber Group didn't do those projects. ---Yep.

40

And you're listed as the contact, Nathan Sandrussi. That was the name you were going by. It was Nick Sandrussi, wasn't it?---Yeah.

And was that a number you were using at the time, 638?---I don't remember.

All right. And Tony Nguyen's listed as the Inner West rep for apparent construction and commissioning of council buildings. Do you see that? ---Yep.

10

And in relation to JLL, Tarek Markaboui. Do you know who that is?---No.

All right. And then if we go back up, please, to page 36, you can see that's the request that came on the 29th, if we scroll up one more page in the chain, then you can see the email we just looked at, which I'll have to come back to in a moment. And then the response from Amit Patel, Greg, Nathan, "Abdal has spoken with them and recommended them for Victoria Street building works."---Yep.

20 That's just nonsense from Mr Aziz, isn't it? He's just trying to help you out there, correct?---No, like, I mean, like, he, he did like, like, he did, they, I remember Raja had a lot of meetings, like site meetings and went to site and, like, like he did get some sort of confidence that they can do, we can do the job.

Well, did he ring you, Nick Sandrussi or Nathan Sandrussi, to find out how they went at the Glenfield Station fit-out of station master officer and the Leppington Station refurbishment?---No.

30 Yeah, and did he ring Tony Nguyen and ask, oh, how did Sanber Group go on the construction and commissioning of council buildings?---No.

So any information he provided like that would just be purely false, correct?---Oh, yeah.

So if we go up to page 34 - - -

THE COMMISSIONER: Sorry, can we just go back to the previous one again.

40

MR ENGLISH: Yeah, I'm sorry, back to page 36. Or 34, was it 34?

THE COMMISSIONER: Yeah, okay. Yes, all right.

MR ENGLISH: Thank you, Chief Commissioner. Can we go to page 34, please. Here you can see what Abdal says to his work colleagues on 29 June, "I got a hold of two out of the three below references and left a message for the third." Well, we've already discussed you and Mr Nguyen, so that's not true, right?---Yep.

10 "They successfully completed a few building works, couple of train station building refurbishments south-west of Syd and Blue Mountains Line and various council building jobs. Didn't write down names as I was walking around the site." That's just false, isn't it?---Yeah, I guess so.

"Apparently they are easy to work with. There was a few variation claims across a couple of jobs but were justified and/or requested by Transport/council." Another lie, correct?---Yep.

20 "Mainly building works but also some civil works as well." Well, there might have been some experience in that area, correct?---Yeah.

He's really going into bat, isn't he, Mr Aziz here, for Sanber Group on 29 June 2017, would you agree?---Mmm, yep.

And that's because you'd cut him into a deal by this stage, hadn't you, if Sanber Group was going to get the work.---Yeah, I would have, I would have, I don't remember, yeah, I would have probably said something to him.

30 He ended up getting 50% of this, of the profit of this project, didn't he?
---Yes. Like this, yeah, I, I, it's a bit complicated this, like, because towards the end Raja started like, so towards the end, he, he, Raja convinced me that he wasn't making any money, like, he, pretty much there's no money being made and I said, "That's all right. As long as you're not losing anything." He pretty much convinced me, and then there was just back and forth and I think when I told Tony the same thing, Tony came back and said, "Nah. There's, nah, he's lying." And then there was a lot of back and forth, back and forth and - - -

40 All right. We'll come to that, but I just want you to focus here. Before the project has even been awarded, Mr Aziz has been promised by you to get a

cut of whatever's made, correct?---Yeah. I think I would have just said like there would be, yeah, "If you help out there will be something in it for you."

Yep.

THE COMMISSIONER: And the assistance that he provided that you've just been taken to, was that something that you were aware of at the time?
---Not, no, not, like, obviously I can't see these emails but, nah, not, not like, I was, I was very distanced from this. I was just making sure that, like,
10 RJS really could do the actual job, but, yeah.

But there's a range of projects which you were identified as being as the, well, Mr Sandrussi was identified as being the contact person for and to the extent that there was a reference to Mr Sandrussi, that was referable to your phone number. Is that correct?---Yeah.

So you would have needed to be aware of what he said in order so that you can respond to any phone calls that might have been made by Downer about those particular projects?---Yeah.
20

Would that be correct?---Yes, that's right. I don't really remember, but - - -

So, well, it's logical, isn't it, that you would have had some knowledge of this - - -?---Yeah.

- - - at the time that it was communicated to Downer?---Yeah, I would. Yeah, should, yeah.

Thank you. Yes.
30

MR ENGLISH: You just said you were just making sure RJS could do the job. What were you doing there to make sure RJS could do the job? What task were you fulfilling?---No, I just, I would be speaking to Raja going through the, like, the drawings, the design drawings and just, you know, like, just the methodology and what's required and stuff like that, and just like, yeah, just that.

But didn't that fall to the responsibility of the subcontractor engaged?
---Yeah, but, like, you still have like, like, RJS still has the, the main
40 responsibility, like, yeah, like - - -

All right. And you wanted to, is your evidence you wanted to make sure that the people that were subcontracting to RJS could properly perform the works because it would come back onto RJS if they couldn't.---Yeah, well, yeah, yeah.

All right. If we could go to page 41, please. This is the email we were just looking at a moment ago, and it attaches some CVs for Michael Culver, Nathan Smith and George Vella.---Yeah.

10 Do you remember drafting those CVs?---To be honest, I don't.

Are they real people to your knowledge?---I don't know. Not, I don't know. Like, I don't know 'em.

Well, if we go down please to page 48, this is the CV for George Vella, the site engineer whose previous work experience was RJS Civil from August 2016 to present. Well, that's not possible, is it?---yeah.

You're agreeing?---Yeah.

20

And then apparently worked for ASN Contractors as a site engineer from January 2013 to August '16, again not true. Correct?---Yeah.

And then the next page shows a CV from Michael Culver, again who worked for RJS Civil from July 2016 to present. Again not true, correct?---Yeah.

And, apparently, this person worked for Buildcorp and Hasal Development Group. Do you see that?---Yeah.

30

None of these people were real, were they, George Vella or Michael Culver?---No.

You're agreeing with me?---Yeah, I don't, I didn't know 'em, yeah.

And Nathan Smith, on the next page, again apparently worked for RJS Civil from 2016 to present and then apparently worked for BH Civil, that would be Ballyhooly, wouldn't it - - -?---Yeah.

40 - - - it seems from 2012? Now, that's not a real person, Nathan Smith, is it?---No.

And if we go down to the next page, and see this is the metadata report for this CV for Nathan Smith shows you're the author of that CV?---Okay.

That's not news to you, is it?---I didn't, I didn't remember that, but yeah.

Okay. And if we go to the next page, George Vella. You're the author of the CV for the false person George Vella. You see that?---Yeah. Okay.

10 Right. And then the next page, this time the name's not there, but it's the construction site supervisor who was I think Mr Smith, sorry, it's Mr Culver, Michael Culver, and again, you're the author?---Yeah.

You see that?---Yeah.

So you're preparing fake CVs, so that RJS can get this job and they're being passed on to Downer. Correct?---Yeah. I don't remember that, but, yeah.

20 How is that consistent with your evidence where all you were doing was just making sure RJS could do the job?---Not at that time, but I don't remember doing this, but, yeah. It's, if it's on my computer - - -

Is it because you've done it on a number of occasions that it doesn't stand out in your memory, that is, making fake CVs?---No, not really.

What, you haven't done it on a number of occasions or you have or what's your evidence?---I just don't remember, I just don't, I honestly don't remember doing that, but, doing these CVs, but, yeah.

30 All right. If we can go to volume 3.8, page 67, please? You see here, Mr Aziz sends an email to Mr Sanber, copying in some of his colleagues on 1 July 2017, saying that Sanber Group's been selected as a successful tenderer for the building works. Do you see that?---Yeah.

That must have pleased you to learn that?---Yeah.

40 And what discussions did you have with Abdal at around this time about what profit or what split of the profit he might receive for all his assistance thus far?---I, I don't really recall. I think the conversation was, like, still the same, like, I don't really recall saying anything specific until we actually

started work onsite for the specifics, but I, I don't remember. I just remember this, that, that was it, like, what I said before.

Were you ever told that there was some concern within Downer that Sanber Group may not have been a suitable company for the Victoria Street job?
--- I, I don't remember, like, I don't really remember, like, if, I don't really remember if I was told or, or somebody told Raja or, and Raja told me, I don't, I don't remember.

- 10 There was a push to get another one of the subcontractors who had tendered to take over the job and to remove Sanber Group. Do you remember that?
---No.

And Mr Aziz had to do some work behind the scenes to ensure Sanber Group maintained the tender?---Okay. Yeah.

You do remember that now?---Yeah, there was something, yeah.

- 20 Yeah. If we just go to page 68, please, you can see there's an email there from a Daniel Bains to Abdal saying, "Gents, appreciate that Greg and Abdal have discussed and agreed to proceed in some fashion with Sanber, but given that the report we have sighted which says that this company is more than five times more likely than" - or it says "that", should read "than" - "industry average to fail in the next 12 months, and this becomes a very risky decision. My thoughts are that we put all efforts into plan B." Do you see that?---Yeah.

- 30 And did Abdal ever raise concerns like that within Downer to you?---No, I don't really remember like specifically. I, yeah.

And you don't remember hearing something like this from Raja Sanber?
---All I remember is just saying, oh, they were worried about RJS. Like, they're worried about RJS doing the work.

All right.---That was it.

Well, you played a role, didn't you, in ensuring RJS was at least accepted on behalf of Transport to get this job, correct?---On behalf of Transport?

- 40 Yeah.---No, I don't remember.

Well, if we go to page 80 you can see an email from Abdal to his colleagues. "Amit, please find attached Sanber's revised pricing based on revised scope of works. I tried to get a hold of Nathan today but he's busy. I've spoken with Greg. It's best to finalise Sanber's contract ASAP and proceed as per attached. We don't believe Rapid have the resources locked in to commence work onsite immediately after award. They contacted us two days ago and requested details of plumbers, electricians and mechanical trades to assist them. This confirms our concern that they do not have adequate resources to meet our time line." And then here's the important part, "The price difference between the three bidders was discussed with Michael, Fernando and Nima from Transport, and they were all in agreement with proceeding with Sanber." Do you remember doing that?
10 ---No, I think - no, I don't remember.

Well, do you remember Rapid being much cheaper than Sanber Group for this project?---I don't really remember. Like, I didn't really, I didn't see it. I don't think I saw their prices or maybe Raja or Abdal told me verbally but
- - -

20 Well, no. The price difference between the three bidders was discussed with - it's Michelle, not Michael, isn't it? Fernando and Nima from Transport. So you must have had a meeting about it, right?---Yeah.

The three bidders. And you're all in agreement with proceeding with Sanber. See that?---Yeah.

So you must have played a role in having Sanber Group approved by Transport for NSW, would you agree?---I don't remember, but - - -

30 But? You agree you must have?---Yeah, I don't remember, but yeah.

Okay. If we can go to page 106, please. Were you ever made aware of this, that choosing Sanber Group for the building package resulted in a loss to Downer and Transport for NSW on this particular project?---No.

Well, you were aware that losses and gains would be shared between Downer and Transport, correct?---I wasn't, like, yeah, I didn't, at that time I didn't really have an understanding of what the set-up was.

It's not that hard, is it? The loss or the gain on, would be split 75/25, 75 to Transport and 25% to Downer. You were aware of that, weren't you?
---Not, to be honest, not at that stage.

10 What were you actually doing in your job at work each day?---Just it's reporting, like so administration and reporting on progress, write, like managing permits so if there's a permit that needs to be written up, the contractor or whoever writes the permit and then like the project manager or the project engineer will give that to the operator or maintainer and get it approved, just reporting on progress and, and if there's any, like, quality or safety issues, like, you raise it with your quality manager or your safety manager.

All right. So you were doing that all day, performing your duties diligently for Transport for NSW. Is that right?---Well, that's what I was doing.

Okay. You're aware SDL was used as the subcontractor on this job?---Yes.

20 Okay. And were you kept abreast of what their quote was, SDL's quote was?---No. I, I didn't really have any oversight on that. I think right at the end, like, that's when I saw the, the costings and stuff, but I don't even know if they were true or not.

All right. Well, you must have been aware that the subcontract price submitting by Sanber group was that 838,804 figure?---Yeah.

30 All right. Okay. And if we can go please to page 217 of volume 3.8, you must have been made aware that SDL had quoted that figure to RJS Civil, which is Sanber Group, to carry out the works.---I don't really recall but, yeah, I would have been.

So you're aware there's around \$300,000 of pure profit on those figures.
---Yeah.

Okay. And you were also involved in the decision to award the subcontract to Sanber Group, notwithstanding you knew there was a cheaper tenderer out there in Rapid, correct?---Yeah, like, I don't, like, yeah, I don't know.

40 All right. If we can go to page 113, please. Did you ever see this around the time that it was entered into between Downer and Sanber Group? This is the subcontract?---No, I, to be honest I don't remember. I don't think I

saw it because I think Raja just, just kept, like he was managing that, like the contracts and stuff.

All right. If we go to page 146. You can see there, "Subcontractor must at all times comply with Transport for NSW's statement of business ethics." Do you see that?---Where is it?

24A.---Yeah.

- 10 Did you know back then what Transport for NSW's statement of business ethics was?---To be honest I don't, I'm not sure.

You'd never heard of that document back in 2017?---I don't know. I don't, I'm not sure.

When did you start with Transport again?---Two-thousand and, I started with, with TCA, Transport Construction Authority in two-thousand and, was it eleven?

- 20 So you'd be there within Transport for six years and you say you'd never heard of Transport for NSW's statement of business ethics?---Yeah, maybe, maybe I have, like, I don't know. I can't recall now.

Did you have a delegation, a financial delegation at Transport?---I think when I became a project manager, yes.

Okay, and that was in 2017 you were project manager, were you?---I don't remember, but, yeah.

- 30 All right. You've heard of the New South Wales Code of Practice for Procurement?---Yes.

Had you heard of that in 2017?---Probably, yes.

Did you ever pay attention to any part of that code?---I don't remember. Like, I don't know.

Did you view these as unimportant policy documents as far as you were concerned?---No, like, I mean, I just don't remember, that's all.

40

So you just paid no attention to them in your role at Transport, is that right?
---I guess so.

All right. If we can go to page 76 of volume 3.9, please. Here's an email from Mr Sanber to Mr Aziz containing the subcontractor variations register. Do you see that?---Yeah.

10 Was this a document that you were kept abreast of from time to time over the course of the building project at Victoria Street?---No, like, Raja just kept it to himself, like, he would just verbally like tell me what's going on and stuff.

Well, what about Mr Aziz? Didn't he keep you abreast of what was included in, by way of approved variations for Sanber Group?---Yeah, he, yeah, same, he would just verbally tell me what's going on and stuff.

All right. So you knew the contract sum and you were able to find out the approved variation values through Mr Aziz. Is that right?---Yeah.

20 All right. Well, if we scroll down, you can see a lot of these, it says description, involve input from Mr Aziz, and if you go down please to page 81, you can see that Sanber Group applied for 1.5 million in variations and was awarded 897, it seems, according to this document, thousand worth of variations. Do you see that?---Yeah.

THE COMMISSIONER: 1.4 million, wasn't it?

MR ENGLISH: Sorry, Chief Commissioner?

30 THE COMMISSIONER: 1.4.

MR ENGLISH: Sorry, I'm looking at, I think I'm with GST, yeah.

THE COMMISSIONER: Sorry. Yes.

MR ENGLISH: 1.4 and 897. You see that there?---Yeah.

40 And were you aware whether these variations were inflated in this project?
---I don't know, like, I mean, yeah, like, yeah.

Yeah. Abdal was working with Raja Sanber to inflate the variations as best he could, wasn't he?---Yeah.

And what about this issue that came along the way, did Mr Aziz start getting upset that Raja Sanber was never on site?---Yeah, he was just getting concerned about like, yeah, like, the, the, the, like the resources and stuff like that and, and the work and stuff like that and - - -

10 All right. And so did he start saying, "Well, I've got to effectively be the project manager out here 'cause Sanber's never turning up"? Was that something that happened?---Oh, look, yeah, he was, like, yeah, he, he was involved. He had to be involved, like, it was just, the location was really bad. I volunteered, like, to Raja to quit my job to go on, on this job full time but he said no. Yeah. It just, yeah.

So Raja was still working full time at Transport then, was he?---Yeah.

And you were to?---Yeah.

20 And there were difficulties in getting people to site.---Yeah.

And so, what, and so did Mr Aziz step up then?---Yeah. I mean, yeah.

And did that lead in to a conversation you had with him where he said, "I want more money out of this. You've got to increase my split"?---Yeah, I think, yeah. That's where, like, the conversation got really, like, more, more, yeah, like more, like, firmer.

30 What, he was being firmer with you about how much he wanted, was he? ---Yeah, I mean, he was just saying, like, like, yeah, "I'm doing a lot of the work," just yeah.

All right. And, of course, he was working as hard as he could to make sure the variations were maximised to the highest amount for RJS's benefit, as well, wasn't he?---Yeah, I assume so.

40 All right. Now, you mentioned before there was this issue with the money. So what happened there? Just tell the Chief Commissioner, at the end of the project, there was some discontent, was there, amongst you - - -

THE COMMISSIONER: Sorry. Just before we go there, I just wanted to ask a question if I could. You said earlier in your evidence that you assisted Mr Aziz to get a job because he needed a job that didn't take him interstate as much as his previous job?---(NO AUDIBLE REPLY)

You're nodding. You agree with that?---Yeah.

10 And Counsel, I think, asked you a question as to the reason why you provided assistance to Mr Aziz in terms of his resumé and acting as a referee for him in circumstances where you've had limited knowledge of his actual work. Remember that?---Yeah.

Now you're being taken to some evidence which I think you acknowledge shows that almost from the outset of Mr Aziz getting the job with Downer, he was working with yourself and the other partners of RJS for the purpose of advancing its interests?---Not, not straight, not when, as soon as he got the job - - -

20 I'm sorry?---Not as soon as he got the job. It's, it's further down the - - -

Well, that's what I'm asking you. At what stage after he got the employment was it that you managed to persuade Mr Aziz to provide assistance of the kind that you're now giving evidence of?---So when they're, so he, I think, like, there was a conversation where he - - -

Well, how long after he started at Downer?---Well, I, I, I don't know but, that's what I mean, it's, it's relative to the building package.

30 Yeah. But it wasn't long after he started, was it?---Well, whenever the building package came up, that's when, yeah.

But you say that was not your intention, you maintain that it was still your aim when you provided the assistance to him to work at Downer only to help him get a job so that he didn't work interstate - - -?---Yeah.

- - - didn't travel interstate?---Yeah.

Right. Thank you. Yes.

40 MR ENGLISH: Did you ever discuss the possibility that if he got that job, you might not have had a plan straightaway but if he got that job, you had a

company ready that might be able to tender on some of the works?---No, not, not at that stage because it was just two separate things that were happening, so - - -

But you'd tried to go into business with Mr Aziz before. You looked at getting a property together, right?---That's not really business. It was just more buying a, a, a, a land, like, I mean, a property.

10 But you knew that him getting a job at Downer would be useful or could be useful to you. Correct?---No. It's, it, there, did, did, it did not, there, that wasn't a plan. That's wasn't, yeah.

All right. So just out of the fact you wanted to help him, you gave that false reference for him to get that job and lined him up with your friend Mr Kim?---Yeah.

Okay. So just coming back, you fell out with Mr Sanber at the end of this job. Correct?---Yeah.

20 What did you perceive Mr Sanber was doing that led you to lose - can I say lose trust with him in a particular way?---I mean, leading up to the end, it was leading up towards the end of the project, because I was working in the city and he was in the city, we will meet up there every now and then. And then he pretty much convinced me, like he was convincing me that he's losing money, like he's losing, like the project's losing money or not making any money, sorry. And then I was like, okay, that's fine as long as we don't have to lose, we don't lose anything. And then when I raised that with Tony, Tony was a bit uncomfortable with it and I think Tony, I mean
30 Tony did his own research or something like that and he came back and something and it just - I can't remember exactly what happened and thing, but it's just coming back and he was saying this and Tony was saying that and just, yeah. And then I asked Raja, I said, oh, what, can you just give me the login details to the bank account so I can just go through it myself. That was the, that was towards the end, pretty much. And then he was just, you know, making up excuses and, yeah, and then, yeah, he was just making up excuses and then it was just, yeah, just, yeah.

40 All right. I just want to show you if I can volume 18.7, page 285. If you see there this says "messages from Abdal/Nima". It's actually Mr Aziz that number ending in 341. You see that?---Yep.

You see at the bottom, this is on 12 April 2018, he's having a conversation here with Mr Sanber. Sorry, I withdraw that, with Mr Nguyen. "I think we scared him straight. It doesn't look like he played with the numbers." Do you see that?---Yeah.

Was that your understanding that - I withdraw that. Did you go and speak to Mr Sanber at some time with Mr Aziz and have a firm word with him about whether he was diddling you on the figures?---No. I can't remember exactly how but I was having separate conversations with Raja because I
10 was closer with, closer to Raja. And then, then I would come back and tell Tony what's going on and then, and then it got to a point where Tony said, nuh, no, he, like, so there's something going on, there's something going on. And then there was a lot of phone calls to and from, from the, it was, at one stage it was Tony and I that called him. We would say let's meet up face-to-face, he just would, he would just say, no, I'm busy, I can't meet up face-to-face. And then, yeah, and then just, just - - -

What - sorry, are you finished?---Yeah.

20 All right. Well, if we go to page 291, you can see they start sending - I withdraw that. Mr Nguyen and Mr Aziz start sending each other spreadsheets to try and work out what's going on. Did you see some of these spreadsheets that were being made at the time?---To be honest, I was just, I just, I was over it because I was just like, like, it was just, yeah.

All right.---Yes.

Yeah, sorry?---Yeah, it was just everyone was throwing figures here and there and just, yeah.
30

Well, at this stage Mr Sanber was, was he part of your farming venture with Mr Nguyen?---Yes. Yes. Yeah. Yeah. Yeah.

All right. So if we go to page 303. You see he says, this is Mr Aziz saying, "Yeah he wants to discuss the farm split with u and hairy tomorrow."
Who's Hairy? Is that Mr Sanber?---No. That must be me.

You're Hairy, are you?---Yeah. That's the first time I heard it.

40 Yeah, that's probably right. Mr Nguyen is "you" and you're Hairy, "I wanna go to dinner, piss off to bed, I don't have time to argue SDL with

him now but if you speak to him before I do then insist on showing him the laptop login,” et cetera. And then if you go down please to page 312, did you ever see this?---Not really.

Spreadsheet that Mr Nguyen might have prepared, it seems?---He showed me a lot of stuff, like, I don’t know. I don’t remember this.

All right. Do you know who Sadco was?---Nah.

10 Okay. You got your money out of this project in cash again, didn’t you?
---Yes.

And do you see the share there down the bottom, “Raj share, T share, N share,” a third each, do you see that?---Yeah. Yeah.

128,000.---Yeah.

Did you get about that in cash?---Nah. No way.

20 How much do you say you got in cash?---I don’t remember because Raj has just kept saying that, “If I pay you guys I’ve got to pay you out of my own personal savings.” And I was just like, oh, I don’t remember. I think maybe four, it was like 40, ended up being 40,000 like each, me and Tony, 'cause like, yeah, that’s what I remember.

Was that because - - -?---Because there was no specific, these, there was no agreement. It was just, there was no, it all fell apart because he was hiding information. He wasn’t showing me the bank account details. It was just like just, yeah.

30

All right. Well, this is a document prepared by Mr Nguyen which suggests that you were paid by 128,000. You say that’s wrong, do you?---Yeah. There’s no way.

Okay. If we can go please to volume 8.1, page 206. Okay. Remember I showed you that email?---Yeah.

Where Mr Aziz said he wants to talk about the farm with you and Hairy.
---Yeah.

40

And then there's this email around the same time, this is from Mr Aziz, you can accept that from me, using Guerrilla Mail, to Mr Sanber, saying, "To clarify, spreadsheet 2 shows farm cost split to all three, spreadsheet 3 shows farm cost split between two. You need to resolve this tomorrow and let me know which number will be coming through." Do you see that?---Yeah.

If we go to the next page, please, you can see Mr Aziz has got a spreadsheet here that he's created - - -?---Yeah.

10 - - - which shows, if we look down the bottom right, you can see profit break down, total profit \$872,000. You see that?---Where is it? Yeah.

Is that about right on that project?---I don't know.

That's a lot of money, you'd agree?---Yeah. That's a lot, so the way he sold it to me, he was saying that he didn't make anything like - - -

20 But this isn't Raja. This is Mr Aziz who has gone and put a spreadsheet together.---Yeah. Yeah, I know but this is what they're, Tony and Abdal are, this is what they're, calculating that, what they're entitled to.

Well, if you have a look he's saying, so total profit 872. AZ, that must be Aziz, right?---Yeah.

Half of that, 436, which is, you'd agree, what he said he wanted after he had to do all the project management work down there.---Yeah.

30 And then the rest is split between TN, Tony/Nima, and Raja Sanber. You see that? And Tony and Nima have double what Raja Sanber is getting. Do you see that?---Yep.

So that suggests that you were paid 123,000 for this job.---No.

40 Well, might it be that you were but you'd already sent off some items in farming stuff that had already been purchased or you agreed to hold some money in the company to do that in the future?---I don't remember. I, I, I just know there was a lot of arguments, there was a lot of back and, back and, no, like, you know, there was a lot of arguments and numbers being thrown around and - yeah, I just don't know.

All right. If we go to volume 3.1, page 91, please. Here is an invoice from Wide Span Sheds to Sanber Group. Do you see that?---Yeah.

For 8,940. Now, that was a shed that was constructed on your property, wasn't it?---Yep.

And that might have been the cost of the shed but you also had to put a slab down at considerable price, correct?---Yep.

10 Hooked it up with independent power?---Yep.

Phase 3.---Yep.

Why did it need phase 3 power, that shed?---We were, we, this is going back like, for, back like a while. We were, we were, we were going in together to start a farm, you know, start a farm together and it, like, you know, you need a shed, coolroom, you know, like a, like a packing area and then, yeah.

20 All right, so if we then go to page 152, please. Sorry. That should be volume 3.2, page 152. So here you can see there's some nursery supplies being billed to RJS Civil. Do you see that?---Yeah.

This is in 2016. And then if we go to page 156, you can see this is made to you in 2017 an invoice. Is this for the phase 3 power, is it?---Yes.

For \$7,000. So isn't it right to say that, looking at those spreadsheets, your entitlement in terms of payment from the Victoria Street works was probably around the 123 to \$128,000 mark, some of that had already been taken by way of payment of invoices, like we've just seen and the balance you received in cash?---Yeah, but I don't, I, no, it, it wasn't that clear-cut. It wasn't like that. It's, man, it wasn't, I don't remember it being like, yeah.

All right. Well, did you know anything about the arrangement this time to get the cash out of Sanber Group?---No, I didn't know at the time, but I found out later that, I think, I don't know if it was Tony or Abdal told me, they paid a invoice, he, he paid an invoice and now we've, and we can get the money and - - -

40 THE COMMISSIONER: Sorry? He what?---Raja paid an invoice then we can get the money and that was it. I didn't really - - -

MR ENGLISH: Did you understand that to be a similar situation to what happened with ASN?---No, because at the time ASN happened, I didn't know that was happening. I, I thought it was through, I thought, again, I thought this was through his accountant. I thought it was an accounting thing.

All right. Did you understand it again to be some sort of mechanism to avoid paying tax?---Well, now, yes.

10

Well, what about back then?---No, back then, 'cause I thought, again, he was, like, he was using the accountant to do this - - -

So did you pay tax on any of the money you obtained from the Victoria Street building works?---No.

Okay. I'm going to change topics, Chief Commissioner. Is that a convenient time?

20 THE COMMISSIONER: Yes. All right.

THE WITNESS: Can I go to the toilet?

THE COMMISSIONER: Yeah, just one moment. We're going to leave it there today, Mr Abdi, and we'll continue with your evidence on Monday. All right. We'll adjourn.

30 **THE WITNESS STOOD DOWN** **[3.56pm]**

AT 3.56PM THE MATTER WAS ADJOURNED ACCORDINGLY
[3.56pm]