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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE JOHN HATZISTERGOS AM
CHIEF COMMISSIONER

PUBLIC HEARING

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 29 MARCH, 2023

AT 10.00AM

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

THE COMMISSIONER: Yes.

MR ENGLISH: Chief Commissioner, I understand Nima Abdi's in the well of the Commission. If he might come up to the witness box.

THE COMMISSIONER: Yes, very well. Mr Abdi. I understand there's been a change of legal representative.

10 MR ENGLISH: I think Ms Ceic's here from the same firm, I understand. I'll let her address you, Chief Commissioner.

MS CEIC: Good morning, Chief Commissioner. My name is Ms Ceic, C-e-i-c. I appear for Mr Abdi today.

THE COMMISSIONER: Yes, thank you, Ms Ceic. You have authorisation to appear.

MS CEIC: Thank you. I do have, I received authorisation via email.

20 THE COMMISSIONER: Yes.

MS CEIC: And I seek leave to appear.

THE COMMISSIONER: That's been granted.

MS CEIC: I'm supported by Ms - - -

MS NEKOODAST: Nekoodast, N-e-k-o-o - - -

30 THE COMMISSIONER: Sorry?

MS NEKOODAST: Nekoodast, N-e-k-o-o-d-a-s-t, Chief Commissioner.

THE COMMISSIONER: I didn't get the details of that one. How do you spell it?

MS NEKOODAST: N-e-k-o-o-d-a-s-t.

40 THE COMMISSIONER: Nekoodast. Yes, thank you.

MS NEKOODAST: Thank you, Chief Commissioner.

THE COMMISSIONER: You both have authorisation and that includes authorisation to be in the hearing room. Now, Mr Abdi's here. Will you be taking an oath or an affirmation?

MR ABDI: An affirmation.

THE COMMISSIONER: Been affirmed. Now, Ms Ceic, can you inform the witness about section 38 and does he wish to wish to avail himself of a declaration under section 38?

MS CEIC: Yes, Chief Commissioner.

10 THE COMMISSIONER: Thank you.

MS CEIC: He does seek that.

THE COMMISSIONER: Now, Mr Abdi, as a witness you must answer all questions truthfully. You must produce any item described in your summons or required by me to be produced. You may object to answering a question or producing an item. The effect of the objection is that although you must still answer the question or produce the item, your answer or the item produced cannot be used against you in any civil proceedings or
20 subject to two exceptions in any criminal or disciplinary proceedings. The first exception is the protection does not prevent your evidence from being used against in a prosecution for an offence under the ICAC Act, including an offence of giving false or misleading evidence, for which the penalty can be imprisonment of up to five years. The second exception only applies to New South Wales public officials. Evidence given by a New South Wales public official may be used in disciplinary proceedings against the public official if the Commission makes a finding that the public official engaged in or attempted to engage in corrupt conduct. I can make a declaration that all the answers given by you and all the items produced by you will be
30 regarded as having been given or produced on an objection and this means you don't have to make an objection in respect of each answer or the production of each item. Ms Ceic has informed me that she has explained the provisions of section 38 to you and you wish to avail yourself of such a declaration. That's the case?---Yes.

I will now make a declaration pursuant to section 38 of the Independent Commission Against Corruption Act. I declare that all answers given by this witness and all documents and things produced by this witness during the course of this witness's evidence at this public inquiry are to be regarded
40 as having been given or produced on objection and there is no need for the

witness to make objection in respect of any particular answer given or document or thing produced.

DIRECTION AS TO OBJECTIONS BY WITNESS: I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY THIS WITNESS DURING THE COURSE OF THIS WITNESS'S EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN
10 **GIVEN OR PRODUCED ON OBJECTION AND THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR**
THING PRODUCED.

THE COMMISSIONER: Yes, Mr English.

MR ENGLISH: Thank you, Chief Commissioner. Could you just state your full name and age for the record, please?---Nima Abdi, 37.

20

Okay. What are you doing for a job now, Mr Abdi?---I'm unemployed.

How long have you been unemployed for?---Well, I was terminated sometime last year and then I looked for work for a while but because of this situation I have been struggling to find work because obviously they, everyone knows about it, even before the public inquiry and then I got a job, I, I just got a job with council that was in February I think and I was there for two weeks and then the public inquiry was announced and then I was pretty much forced to resign.

30

And which council was that?---The Hills Shire.

And what was your role there?---It was, the title was senior project officer.

THE COMMISSIONER: Sorry, senior?---Project officer.

MR ENGLISH: What did that role involve?---It was just basically - well, I just started. So the first week and a half I was just doing, like, inductions and getting training in the, like, learning how to use their systems and
40 processes but the role was basically, like, station, like, refurbishing or, or repairing council buildings.

All right. Were you going to be responsible for procurement in that role?---
Yes. I believe so, yep.

Did you understand you were going to be given a financial delegation?
---Not really. I didn't really, like, just I, I left after two weeks so I don't
really, I don't even remember if there was any or not.

And what qualifications do you hold?---Civil engineering.

10

Where did you obtain that?---University of Technology.

When did you obtain that qualification?---I think it was 2009.

20

Where did you work after you obtained that qualification?---I work, I can't
remember if I was still working because I was employed by the university.
So I was working as a concrete technician with, from, with the university in
their civil engineering labs and then I think I was - like, I was, I was doing
that while I was graduating and after I graduated and then after that I got a
job with NSW Public Works in regional New South Wales, so in, it was
based out at Coffs Harbour and then after that I went to, I worked for UGL
and then after that I went to TCA, Transport Construction Authority and I
was there since, like, I was there until, like, they terminated me last year.

And you said you were doing some work for UTS, University of
Technology Sydney as a concrete technician, is that right?---Yep.

30

Have you got a bit of a building background as well, do you?---No. I, I'm
just, like, I'm practical, like, I'm hands-on.

Where did you obtain the skills to be able to carry out works as a concrete
technician for UTS before you graduated?---So, no, so while studying I was
working in the labs as a technician.

Yeah.---And then after I graduated I just stayed there until I found a proper
job.

40

Okay. And when you, did you say you got a job with the Transport
Construction Authority - - -?---Yeah.

- - - before you were terminated? What jobs did you work on for the Transport Construction Authority?---I started, they hired me first for South West Rail Link and then from South West Rail Link I moved to, they moved me to the Wynyard Walk program and then from Wynyard Walk I went to TAP.

Transport Access Program.---Yep.

10 Okay. If volume 2.1, page 42 of the brief can be brought on the screen, please. This is a declaration you signed on 24 October 2011. That's right, isn't it?---Yeah.

At or around the time you started with the Transport Construction Authority.---Yeah, it would have just been part of an employment package, you know, the, how they send you the big package?

Yes.---So you sign and stuff like that.

20 Yeah. See point 3, "If I become aware of any actual or potential conflict of interest I will disclose it to the Chief Executive and/or the Probity Auditor at the first reasonably opportunity." Do you see that?---Yeah.

Did you read that before you signed it?---No. Well, I, I don't even remember.

When you came onboard, were you told or did you have any training about actual or potential conflicts of interest?---Oh, I don't remember at that time but, like, I don't remember exactly at that time.

30 So you signed this document here, did you, without reading it? Is that your evidence?---Yeah, I mean, this would have been, was this part of the employment package?

Yeah, I believe that was just your evidence then. You signed it upon coming onboard.---Yeah, well, that's what the date says, doesn't it?

40 Yep. So I just want to ask you, before you signed this, 'cause you wrote your name there, "I, Nima Abdi, acknowledge and agree that," and then there's points 1, 2 or 3, did you read those?---No. There's no way I can remember that.

All right. So you say you don't recall or you didn't read it?---Well, I don't recall 'cause, yeah.

All right. If we can go to page 88, please, which is the first page of your offer of employment. Do you recognise that?---Yeah.

10 Did you read this when it was given to you?---No, not, like, I mean, I don't remember. The only thing you check in this stuff is just the, the pay, how much the salary is and if they got it right and, and pretty much your position and the start date.

So that's all you, that's all you were focused on when you joined the Transport Construction Authority.---Well, any job, any job, any job, I get that, like, that's, like, like that's just any job I get. I just - - -

20 So just let's get it clear. So any job that, that you receive, the only things you pay attention to is how much you're getting paid. Is that right?---Yeah. I mean, check to see the salary is correct, what was agreed on, like all the salary package, and pretty much position. Like, I mean, I don't remember. Like, I don't remember, so - - -

But when you say what was agreed on, when you sign an offer of employment you're agreeing to the terms that are written down on the document, right?---Yeah, but, like, I mean, I'm not a lawyer so I don't really read, like, a contract. I just, I just look at the, like, to me like, like, I just look at the salary package and the, you know, the start date, the position title. Like - - -

30 So I just want to ask you again, do you accept that when you sign an offer of employment, to use your words, what was agreed on is what's set out in this document, correct?---Yeah. At this particular time, like, if you're referring exactly to this one, I, I do not remember reading this.

But your evidence is you're only interested in what your title is, the start date and your salary, is that right?---Yeah. Like, I mean, it, doesn't anyone just do that?

Well, what you - - -?---I'm pretty sure everyone pretty much does that.

40 You think everyone doesn't care about the terms of their employment other than those three heads, is that right?---Well, you talk about it, you, like,

when you're in your interviews and you're negotiating you're pretty much talking about it and you just want to make sure they write down what you've spoken about.

All right.---Like, so when, when I, when I go for any job, like, just recently, like, they just, you know, I was just like, oh, we agreed on a salary and we agreed on, you know, like, in terms of working from home or not working from home or, like, yeah. Like, I mean - - -

10 So just bear with me one moment. Go to page 100 and you can see that's the last page of the document signed by Scott Lyle, Acting Chief Executive. Do you see that?---Yep.

And it says, "Your employment is conditional on you producing the following documents before entry on duty" and you see those matters there? ---Yep.

And you would have provided those documents, correct?---That's right.

20 And it says, "If you wish to accept this position, please return the enclosed copy of this letter with the employment acceptance signed and dated to Mark Edwards, Director Human Resources." Do you see that?---Yep.

And you would have done that so you could start the job, correct?---Yep.

If we can go up to page 98, please. Here is this clause about conflicts of interest. Do you see that?---Yes.

30 Was this one of those clauses that you didn't think mattered?---At the time just, yeah, like, it didn't even cross my mind to, like - like, because when you're given a job, like, in reality when you're getting the job you're excited about the job. You're not, you know, like, and, especially if you're not going for a law position, like, a contract position where you're obsessive reading contracts, if you're getting a job you're excited about having a new job so you just, you know, quickly fill out the forms and whatever they need. They send you an email saying, "Send us all the documents" and you just quickly fill it all out send it through.

40 And you understood that when you do that Transport Construction Authority becomes your employer?---Yes.

You understood that.---Yes.

Yeah.---Yeah.

And do you see here it says, “As an employee of TCA you’ll have the benefit of having access to information about our business. This means that you’re in a position of trust and this requires you to act in good faith towards us.” Did you pay any attention to that obligation?---I don’t recall.

- 10 It says, for instance point 2, “You must not engage in any business or activity for any competitor whether as an employee or otherwise without TCA’s prior written approval.” Do you see that?---Yep.

Did you pay any attention to that?---No. I don’t recall, to be honest.

And then it talks about in point B, “In performing your duties you must not without TCA’s prior written consent act in conflict with our interests.” Do you see that?---Yep.

- 20 If we can go to page 48, please. This is a confidentiality deed poll. That’s your handwriting, is it?---Yep.

And your name?---Yep.

And if we go down to the next page you can see that you’ve signed it. Do you see that?---What is this in relation to?

- 30 This is the same document - this is one of the documents you signed when you came onboard with TCA.---Okay. So this is part of the employment package that comes out?

Yep.---Okay.

Is this something you read?---To be honest, I don’t recall. Like, I mean, it’s very hard. Like, how am I supposed to remember that?

- 40 Can we go up a page, please? Where it says, “Confidential information”, did you have any understanding that there were requirements of you as to how you were to maintain confidential information belonging to TCA?---At the time?

Yeah.---No.

Even though you signed this document where it sets it out?---Yep. Like I don't remember.

It says point 2 "The recipient warrants" - - -?---See I don't have a, I don't have a contract background or commercial background or law background so this stuff, my eyes won't pick any of this stuff up.

10 You can read.---At the time, yeah, pick up, like I'm saying I won't pick it up. Like, like if you're, if you're trying to say why didn't I read it, because, because I'm not in that field I don't, it just doesn't trigger your brain.

So is your evidence that you can only look at plans or do things relating to engineering and construction?---No, I'm saying like it's just, like I don't even remember. I don't remember this document.

20 Just read point 2 to yourself and tell me what if any part of it you don't understand.---I don't even understand what a confidentiality deed poll means.

No, I said point 2. Can you read that, please.---"The, the, the recipient warrants and convenience that it will treat and keep the confidential information in the strictest of secrecy and confidentiality and expressly acknowledges and agrees that the confidential information is of a secret and confidential nature."

30 What, if anything, don't you understand about that obligation?---Well, I, I understand it now like reading it but although it sounds very confusing.

Yeah. And you would have read it - I withdraw that. You would have understood it if you read it at the time, correct?---Yeah, I would have.

Yeah. And so - - -

40 THE COMMISSIONER: Sorry, what's confusing about it?---Well, it's very long. Like it's just, it's not straightforward. It should just say you're an employee. You're bound by confidentiality. You can't disclose any of your employer's information, full stop. The way it's written, like I understand it from now. I'm just, I'm just saying this, this is my opinion of right now reading it.

MR ENGLISH: Maybe you should have been a lawyer because if you can break it down that sensibly it seems like you do understand it. Do you agree?---Yeah, now I'm saying. That now I've read it I'm like okay, yeah.

But if you read it back then you would have understood too, correct?

---Yeah, but back then I was like, this is in 2011 so I was like a junior so

10 THE COMMISSIONER: Sorry?---It's 2011. I was a junior so I didn't really - - -

You had a university degree, didn't you?---Yeah, but it's in civil engineering.

MR ENGLISH: The degree was conducted in English, wasn't it?---Yeah, but I'm not, I'm not saying I can't speak English or read English but I'm saying like there's, anyway I'm just saying it's not that simple.

20 Well, is it just the fact that you didn't want to pay any attention to this because you knew it might conflict with your ambitions to engage in activities that were contrary to your employer's interests?---No, that's incorrect.

When did you decide - I withdraw that. Can we go to page 88, please. That's just the offer of employment letter so you know again. And now if we can go to page 96, please. You can see again in this offer of employment that you say you signed and returned to start work there was another confidentiality and confidential information clause at point 9. Do

30 you see that?---Yep.

"While working for TCA all material used or developed in the project offices or on project site offices must remain confidential. Immediate termination of employment may occur should confidential material be released." Do you see that?---Yep.

You understand that clearly, don't you, what's said there at point 9(a)?
---Yep.

40 And did you read that at the time?---To be honest I can't recall.

But if you had have read that at the time you would have clearly understood it, wouldn't you?---Yep.

Point (c), 9(c) "You must notify TCA immediately of any actual or suspected unauthorised use, disclosure or copying of confidential information." You understand that clearly, don't you?---Yep.

And you would have at the time had you read it.---Yep.

10 Okay. Can we go to page 114, please. All right. So here this is a email from Ms Longhurst at Transport to a number of people and you're the first recipient. Do you see that?---Yep.

And you can see if we just blow that up a little bit, please. You're the first entry in the table and it says "code of conduct online" and it says "26/09/2017." Do you see that?---Yes.

20 That suggests that you participated in code of conduct online training on that date. Do you agree?---Is that, is that, is it saying that, is that the date where the course is on or is that where you've completed the course?

Well, the date of the email is 20 June 2018.---Yeah.

So that's when you've been, you've participated in that course last time. Do you accept that?---Yeah.

And did you pay any attention to that course?---I don't recall. Like, I can't, I don't, I don't remember.

30 Do you remember anything about it?---To be honest, no.

What about, you see it says on 26/4/2018 - - -?---Are these, are these, sorry. Sorry to interrupt, are these all online courses?

Well, that one is 'cause it says code of conduct online. Do you see that?---Yeah.

40 And you see below it say that, what you've got to do is, here, that you've got to complete training, whatever is orange next to your name. So these ones you've done where there's a date and the ones where it's orange you haven't done. Do you see that?---Yeah. Yeah.

So some two months prior to this email you'd completed fraud and corruption training on 26 April 2018. Do you see that?---Yes.

Did you pay any attention to that training?---Like, I don't remember, to be honest.

Well, can you remember anything about it?---Was this online? Was this an online - - -

10

This one doesn't say it was online. This one just says fraud and corruption. ---Yeah, look, like, because the, the, back then the system was set up where they just bombarded you with online courses and then they will just go, "Oh, you've got to get it done," like, like, and then you just click, click, click and - - -

So is your evidence if you had to do an online course you just click through it without retaining any of the information?---That's pretty much what, that was just what, how, yeah. Like, I mean - - -

20

Is that a yes?---Yes. Like, yeah, well - - -

Well - - -?---I don't remember, to be honest, but, yeah.

And what about the, what about face-to-face training? Would you bother to pay any attention to what was delivered in those sessions?---I will try to.

All right. So fraud and corruption training, it doesn't say that's online. Do you recall anything about that training in 2018?---To be honest, to be honest, I don't.

30

Okay. If we can go to page 154, please. So this is a senior service declaration and it's been completed by you. Do you see that?---Yes, that's right.

In 2020.---Yes.

Do you see that?---Yeah.

And down the bottom it says, or you've said you have no private interests, and that's interests that conflict with your work at, at Transport. Do you see that?---Yeah.

That was just a lie, wasn't it?---Yeah. Yeah, I mean, these declarations are very confusing as well. Like, they're confusing and at the same time the thinking behind declarations, like, amongst my colleagues and myself in that, when we were working throughout the years was just always, like, "Oh, if you declare anything, like, the police will be at your house the next day or you'll be terminated." Like, that, that was like the mentality. Even though it wasn't true, but that was the mentality behind it.

Hang on a sec. Doesn't that say to you you're doing something wrong if that's what people think?---Yeah, I don't know. Well, that, that was the thinking about it with - - -

So you were worried that if you said yes, you would be terminated or have the police round to your house?---Yeah.

20 THE COMMISSIONER: Who told you that?---It was just the thinking amongst - - -

Whose thinking?---Like just myself, some colleagues, just - - -

What are their names? Do they have names?---Oh, I don't recall.

Yeah.---There was a few of us.

A few of them.

30

MR ENGLISH: You do recall, Mr Abdi. Tell the Chief Commissioner what are their names?---No, I don't recall. I don't recall. This is like a while ago. Like, we just, that's, that's just how, like, that's just how it was. Like, it was, it wasn't a spoken, like, dictated thinking. It was just when you spoke - - -

THE COMMISSIONER: So do you know someone who, who declared a private interest and had the police come around to their home and/or were terminated?---Not really.

40

No. Okay. Thank you.

MR ENGLISH: So I asked you, it was a lie you saying you didn't have any private interest in this form. You said, I think you said, "Yeah," and then you sort of qualified it. What, if any, part of it wasn't a lie about your declaration there?---What, what do you mean?

Well, you saying you had no private interests in 2020 that might conflict with your position at Transport for NSW, what, if any, part of that wasn't just a lie?---What? I don't understand what you're saying. I, I said, yes, I
10 lied.

Yep, okay.---Is that what you're saying?

So you're agreeing now it was a straight lie because you qualified it in your earlier answer.---Yeah, yes.

Were you comfortable lying on this form when you submitted at the time in 2020?---I can't remember to be honest. I was, yeah, I was, to be honest, I can't remember.
20

Are you comfortable telling lies to government agencies?---No. I was actually, I was actually, yeah, I wasn't even, like, yeah, I don't know.

Is lying something you do regularly?---No.

What about to business partners, do you lie to them from time to time? ---No. Oh well, not really. I don't know, like, it depends.

What about when this Commission's officers turned up at your house to execute a search warrant, did you lie to them that day?---No, I don't remember.
30

Do you lie to your wife?---I don't remember.

Did you tell lies to Downer ever?---Downer, like, you mean the company?

Yep, or someone who worked there.---Yeah.

Who did you lie to at Downer?---I don't remember. I would just, like, if, if it's to do with, say - I don't know. I don't remember. Like, it's just to get the work done or, you know like, to, to, I don't know. Like - - -
40

Well, you must have a memory of lying to someone at Downer because you answered yes. So who was it that you remember lying from Downer?
---Maybe Vlad.

And what was that about?---I don't know. I can't, maybe to do with the commissioning of, doing some commissioning work or something like that and I will help him out or something like that.

10 Commissioning. So this is Vlad Stanculescu, is that right?---Yeah, yeah.

And what do you mean by commissioning work?---It was just, I, I don't really remember exact, exactly but just say, you know like, we had to do a commissioning event on the - - -

What's a commissioning event?---It's like when you, like, I think it's pretty much when you turn the power on to a project and then, like, like, you just turn the power on and you, like, activate that infrastructure.

20 So what was the infrastructure that you were activating with Vlad?---Oh, it was, this was, I think it was, like, the Kingswood, just, I think it was, like, like, a transformer or a pad mount or something like that. Just, you know like - - -

And what did you lie to him about in relation to that?---I don't remember exactly but it would have been along, just something, just "I, I will help you out" and stuff or something like that or - like, I don't remember. Like, it's just - - -

30 Well, how could that possibly be a lie, "I will help you out"?---No, because I, I wasn't intending to help him out. It was, it was to do, it was, the lie was to do to motivate him to, to get the, get the job done.

So is that the only person from Downer you've lied to on that occasion, Vlad?---I don't remember, I don't.

Are you sure you don't remember?---Oh, maybe Sairam.

Sairam Pilli?---Yep.

40

What did you lie to him about?---It would have been about probably the - I don't exactly recall but I think maybe to do with how much profit the, the business is making and stuff like that.

And which business is that?---This is the RJS.

Do you consider yourself a partner in that business?---Yes.

10 And that was an interest you didn't disclose to Transport for NSW, correct?
---Yes.

And you didn't disclose an interest in Sanber Group. Did you consider - let me start again sorry. Did you consider yourself a partner in Sanber Group?
---Yes.

And you didn't disclose that interest.---Yes.

20 And did you consider yourself a partner in TRN or ASN Contractors?
---Yep.

And you didn't disclose that interest.---No, I don't think so.

What about JTG Services? You had an interest in that company.---Yes.

You didn't disclose that to Transport for NSW.---No.

You knew you were doing something wrong when you didn't disclose those interests to Transport for NSW, didn't you?---Yeah, yep, like yep.

30 How did you meet Mr Nguyen, Tony Nguyen?---At South West Rail Link.

And what was your position there?---When I started there I was a project engineer.

Yep. And did you work your way up to a project manager?---I, I'm not sure exactly when I became a project manager. Like you've got to look at the - I eventually became a project manager but I'm not sure exactly when.

40 Sure. Who was Mr Nguyen working for?---He was part of the Glenfield Junction Alliance. I think he was working for John Holland at the time.

So were you sharing an office with him?---Yeah. It's a big, it's a, like a site compound in Glenfield.

A number of different employees working on different projects all sharing one sort of demountable office, was it?---Not different projects. We were all working on the same, like Glenfield Junction Alliance project, on, on South West Rail Link or whatever you want to call it.

10 Sure. And how was it that you became friendly with Mr Nguyen?---I don't remember to be honest.

Well, did you sit close to him for example?---No. We had our own section. Like Transport Construction Authority had their own section but there's interactions in terms of like, like documentation, like collecting documentation and stuff like that and there would have been some interactions. I just can't remember to be honest.

20 But you're sort of working on different projects, aren't you, 'cause you're on South West Rail Link and he's on Glenfield Junction?---No, no, no. No, no. So South West Rail Link is the, like it's the name of the entire project.

Mmm.---And then the Glenfield Junction Alliance or that section there was the main part that was done under Alliance. And then there's another section that was like, like the Leppington section. That was done, that was done by John Holland as well but different office, different arrangement.

30 All right. So I'll just come back to it. How did you become friendly with Mr Nguyen, were you walking around the track together, were you working close by out in the field? How was it? Can you assist, please.---I think it's everything. Yeah, it's all of that.

All right.---Just walking, when walking onsite, doing site visits, working in the office, like collating documentations and stuff, yeah.

And what about Raja Sanber, did you meet him at that workplace?---Yes.

And how did you meet him?---The same. Like he was working for, I think he was working for RailCorp.

40 Okay. And again was it because you sat next to him or was it because you had jobs together in the field?---Yeah, no, it was like, no, I don't think we

sat next to each other but I think there was, like again the same thing, working onsite, like walking around doing site inspections and, and, and document collation, like collecting documents and stuff like that.

All right. And at some stage you must have had a discussion about the three of you making some money together or trying to.---I don't really recall that but, yeah, I don't really recall like the way you've put it but - - -

10 Well, correct me then, please.---Look, I don't really remember but I just remember that like Transport was, like the last ten years Transport has been like going through reforms and restructures and redundancies every year, nearly every year so I think we just, yeah, I think it was towards the end of the project, like the project was finishing up and then we just said oh, we should start a company like. And, and, because we, we kind of got the idea from RPS. There was a company there that was working with us, like, working as part of South West Rail Link and, and they did something similar. They, they were all like ex, like they were all RailCorp workers and they did something, so like that, I think they did more consultancy. So the idea was just like, oh, let's do something similar like RPS, and then, you
20 know, like get some reputation, build some reputation up, and then, then we can leave our jobs and take, run the company, like, full time.

And why did you want to leave your job?---Because I said, like, there was, every, like, then it was really chaotic because there were, like, doing a lot of redundancies and there was very, like, there was a lot of uncertainty. No-one knew what's going to happen next. They were getting rid, they, they abolished RailCorp. They abolished TCA. They, and then they kept, like, restructuring, re-form, like, and no-one knew, like, no-one knew what was, what was happening, like, just in terms of work and where you're going to
30 end up and stuff like that.

All right. And so this idea from RPS, just, what did you, you said that that was a consulting business, was it?---Yeah, I believe so. Yeah.

And the staff had come from RailCorp, had they?---Yeah. Well, the owners were all, the owners were all RailCorp people, or maybe not.

Did you know some of them?---Well, they sat in the same office. Not, not, I didn't know all of them, but there was a few, but they all sat in the same
40 office.

So on this project of South West Glenfield Junction they were in the office and eventually they peeled off to start their own thing, did they?---No. No. No. No. No, they were already established, so they were engaged - - -

I see.---They were engaged as a consultant for South West Rail Link.

Okay.---But they were engaged Transport, or Transport Construction Authority.

10 And those people had told you that they previously worked for RailCorp?
---Yeah. Yeah, and then the, and then, like, obviously everyone knew the story around the office, like, how they start up and stuff like that.

And what was that story?---Oh, like, I can't remember. It was just - - -

Well, you just said everyone knew it so what was it?---No. Like, I mean, I'm saying like, just, I can't remember the exact details but it was just like, you know, these are RailCorp guys and they've gotten together and they're, like, using their experience or something like that and, or they got together
20 and they started this company and they go around and consult for rail jobs.

All right.---You've got to be careful because there's, there's two RPS. This is called Rail Planning Services.

Yeah.---Then there's another RPS that's, that's different. I think, I don't know what they're called but something consultancy.

Right. And RPS didn't do anything other than win work fairly and squarely according to your understanding, did it?---No, I don't know.

30

THE COMMISSIONER: Sorry, you don't know?---Yeah, I don't know. I can't, I, I wasn't, I was too low in the hierarchy to know. They were already there when I got there so I don't know.

MR ENGLISH: Well, you'd heard things.---Yeah, well, I have no evidence or I can't, I'm not going to say if it's not the truth. Like, I don't, I, I have no evidence.

Well, the first job that was for TRN or ASN Contractors was the Glenfield
40 Junction car park defect rectification works, right?---That's right.

And you were the project manager for that, weren't you?---The project engineer.

Project engineer. And you were involved in approving the company that actually was awarded the work yourself, right?---No, not really.

I take you to the documents.---Yeah.

Your signature is on the approval for these things but you assisted - - -?
10 ---Sorry, sorry to interrupt, but by the time that project was done or that, that, everyone's already been made redundant and left and they've all moved on to other bigger and better things.

But just hear me out. So, so you were involved in assisting ASN Contractors, the company that you said you had a partnership in, in getting the work for the defect rectification work at Glenfield, right?---Yes.

Okay. And where did you get that idea to be the person inside at Transport giving that assistance to a company that you were involved in? Where did
20 you come up with that idea?---Just, like, I mean, what do you mean, like, what, what's your, are you saying did somebody tell me to do that?

Well, was it your idea? Did you say to Tony Nguyen and Raja Sanber, hey, guys, start up this company and then I'll rig the tender process and you guys can win it and we'll split the money? Was that your idea?---No, no, no. It was, it was a collective, like, we, we all just spoke about it and we reference, we would just, we would just talk about, like, like, you know, work and then we'd just reference, like, like, we'll go off, like, RPS and we were, look, look how well they're doing, and, you know, we can, what we
30 can - - -

THE COMMISSIONER: Well, whose idea was it? Who came up with the concept?---I don't remember, to be honest, but it was just, it would have been a collective one 'cause at that stage, it was right at the end of the project and we were all together, like, we were, we were very close, we, we were pretty much the only people left on the job to deal with the documenting. So we, we were, we were very close at that stage.

MR ENGLISH: You keep referencing back, you know, that you were
40 having a discussion with Mr Nguyen and Mr Sanber saying, look at RPS. Had you seen that RPS was doing this, had someone on the inside that was

assisting that company?---No, but, I mean, no, but if, what, they were very close and, like, I mean, they were over-the-top close with the executive people but, like - - -

So you sensed there was something untoward between that company and the executives at Transport, did you?---Yeah. I mean, like, they would take them out on, on Christmas parties on boats and crap like that, but, I don't know, like - - -

10 Right. So - - -?---I don't, look, I don't really remember, to be honest. I, I - - -

Was that the only company that you noticed might have some irregular relationship with officers from Transport?---Like, at that time or, or throughout the time I've been at Transport?

Well, we'll focus on Glenfield.---I don't, I don't remember.

20 What about prior to that at Transport? Was that something you thought you saw at the time?---What do you, what do you mean, like - - -

So contractors being overly or irregularly friendly with executives or staff members for Transport?---No, not, not at that level, not, not what I saw there, nuh. No.

30 All right. So I just want to come back to the Chief Commissioner's question. This idea for you to give assistance to ASN in getting the contract at Glenfield, is that something you came up with or was it something you'd seen somewhere else and you copied?---Not really. It was just more like, just we all spoke and when, we, we just went, okay, yeah and, like, I don't remember exactly how, how it came about but that's, we all just spoke about it and pretty much, like, had an input, like, like, you know, yeah, we should do this, we should do that and - - -

All right. And this company, TRN, had changed its name to ASN Contractors, didn't it?---Yeah.

And Mr Nguyen's wife was the director?---Yeah.

40 Was that a joint decision?---What do you mean?

To put his wife as the director?---I'm not sure, to be honest. I don't remember - - -

Well, she didn't have anything to do with managing the company, did she?
---No, no.

So was that something he volunteered, that I'll get my wife to do it?---To be honest, I don't, I don't recall exactly how, how the conversation was, but the only thing I can remember is just, like, I don't even remember exactly how
10 the conversation was, like - - -

All right. Well, just, 'cause Sanber Group, the next company, Mr Sanber was actually the director of that company, wasn't he?---Yes, that's right.

And you've got a company, JTG Services, right?---Yes, that's right.

But your wife's the director. Correct?---Well, we changed it now, so it's me now.

20 But she was originally, yeah?---Yes, that's right.

So just coming back to ASN Contractors, what if anything was your input in the decision to put Mr Nguyen's wife as the director?---What?

What input did you have into that decision, if any?---Oh, I wouldn't have had, I don't think I would have because I think - like, I don't remember. I don't even remember how it happened. I, I, all I know is just I, I couldn't do it because I was working with Transport and then Tony wasn't working for any, like, Tony was just in limbo. Like, he was, like, he was just, you
30 know, with John Holland but he was finishing up. Like, he was finishing up the project and then just - - -

THE COMMISSIONER: Sorry, I don't understand why you couldn't do it. Why couldn't you be a director?---Well, because I was working at Transport.

And what did that mean?---Well, it goes back to the whole thing about, like, the, the, the conflict or secondary employment.

So you were aware at the time that a decision was made that you not be a director of ARN [sic] that you had a conflict of interest and couldn't be a director. Is that what you're saying to me?---Yeah, I guess so.

I see, all right.

MR ENGLISH: Who set that company up?---ASN?

Yeah.---Well, it was in Tony's wife's name.

10

Yeah, I know. But to your knowledge was there an accountant involved or - - -?---Yes, there was.

And was there a shareholder's agreement between the three of you? Because you weren't registered as a shareholder with ASIC, you know that?---Yes.

So was there a separate agreement that you entered into?---I don't remember.

20

You didn't go to Tony's accountant at some stage?---No. Well, yeah, we went, we went to set - I can't remember if we went to set it up or close it down. I can't remember which one it was.

And subsequently in 2018 JTG Services was set up around then?---Yep.

And your wife was appointed as the director?---Yes, that's right.

30 Did she know about that at the time?---Well, yeah, like, I had to take her to the accountant to, to, so she can sign, to sign.

And so you had a discussion with her. Why did you tell her that she had to be a director of that company?---I, I don't remember what I said but I think I just said, oh, because I'm working, like, I'm working at the moment and she's unemployed and didn't really tell her much.

40 So, again, does it come back to this issue the Commissioner asked you a question about? Did you tell her that "I can't be a director of this because I've got a job and it would be a conflict with my job so I need you to do this for me"?---Yeah. I mean, that's what I was thinking in my head.

No, but I asked you did you tell her that?---No, I don't think I did. I think, I think the accountant was actually - no, I don't think I did.

So I'm just trying to understand, how was that you and your wife ended up trotting down to the accountants to have her set up as the director of the company? Did she ask any questions? Just assist us with that if you can, please.---No, it was just more like, "Oh, I'm going to start" - because everyone was contracting at the time, like, doing contracting work and it was just more like, "Oh, I'm going to start, I'm going to try to start looking
10 for contracting work." And then, then, like, I just gave her, like a, like a, yeah, like a, just (not transcribable) like that.

So you said, "I'm going to start looking for contracting work and I want you to be the director of the company that I'm going to look for that work through." Is that right?---Yeah. At that time.

And did she say, "Well, why do I have to be the director?" or anything like that?---Not really. She didn't really ask any questions because it's just like -
--

20 You're mumbling. Can you speak into the microphone, please?---Oh, she didn't really ask any questions. She just thought, oh okay, like, and then once, when I quit my job I'll take over.

She also became the signatory for bank account, correct, for JTG Services?
---Yes, that's right.

Why was that necessary?---Well, I think it's part of the whole business thing. You, you have to have, like, I just, I don't know, I just, that's how
30 you've got to set up the bank.

But why didn't you - - -?---That's what they told us.

But couldn't have you applied to also be a signatory on that account?---I, I didn't even know that. I, I thought you have to be a director.

And so JTG was, you told your wife, because you wanted to get some contracting work and maybe step out of your role at Transport at some stage?---Yes, that's right.

40

All right. And do you recall what the accountant said, if anything, when the documents were signed at his or her office?---To be honest, I don't remember. Like - - -

Okay. You love your wife, don't you?---Yes.

And you did back then?---Yes.

10 Right. Why did you put her as director of a company that you used in relation to Downer, we'll start with Downer, to provide invoices in relation to work that you, you hadn't performed?---Yeah. Look, like, we've had a lot of arguments and, like, that was a big mistake on my behalf. Like, I mean, we've had a lot of arguments ever since she's actually found out about everything, and she's, yeah, she was pretty pissed off.

THE COMMISSIONER: That's not an answer to the question you were asked. The question you were asked was why did you put her as the director?---Yeah, getting back to that whole conflict of interest issue.

20 To disguise your involvement. Is that what you're saying?---Yes, that's right.

MR ENGLISH: So you put her as director of a company that you knew you honestly couldn't be the director of if you maintained your job at Transport, correct?---Yeah, but the intention was to look, to get a contracting role and then that's it. Like - - -

30 All right. And then, firstly, you got some contracting work through the council through Tony Nguyen through JTG, didn't you?---No, when I say contracting, different, this is Transport for NSW contracting.

But first things first, you got some work, didn't you, JTG for Inner West Council, correct?---Yeah. Yep, I think so. Yeah.

And there were three jobs, and I will come to them shortly. Was actual work performed in relation to all of those three jobs?---I have no idea.

40 But hang on, you arranged, these invoices that were sent to the council on the JTG letterhead that were paid, your wife wouldn't have drafted those, would she?---No. No.

So you would have drafted those, correct?---No.

Who would have drafted them?---I think Tony had access, like, I mean, Tony set up the, like, what do you call it, the internet and all that and the email and, like, like, he had access to do it.

So you gave Tony Nguyen access to, what, the email accounts for this company?---No, I didn't give him access. He set, he set up the email.

10 Yeah.---He had the access.

Why wasn't he made director of the company then?---Because he, he I mean, well, that was, that company had nothing to do with him. Like, it was set up for contracting purposes, like, employment, and then also to, like, I mean, you have to go through the sequence, like, of the events, because you're jumping - - -

Yeah.--- - - - to the end and then you're going, like, so you're not really - - -

20 Okay. We'll do that but - - -?---And that's why it's hard to answer the question because if you go through the, from the beginning to the end, then you'll get a clearer picture of exactly - - -

Trust me, we'll do that, but I'm just trying to understand, when a company's set up by you on your evidence to get contracting work with Transport and at the same time the actual company is set up by Mr Nguyen and he gets access to the bank records, I'm just trying to understand why you'd put your wife as the director of that company.---Yes. I, yeah, that was a big mistake. Like, that was just, yeah, just a big mistake but - - -

30

THE COMMISSIONER: What was a big mistake?---Putting her as the director.

MR ENGLISH: Well - - -?---I didn't think, I, I don't know exactly what happened but, yeah, that, it wasn't any, like a - - -

You knew when you set this company up with Mr Nguyen it was going to be used for unlawful purposes, correct?---Oh, not really.

40 You knew there was a potential for that, would you agree?---Yeah, yep, potential, yeah.

THE COMMISSIONER: Which company is this?

MR ENGLISH: This is JTG Services. Why put your wife in jeopardy being a director of that company, Mr Abdi? Your wife who on your evidence you loved.---Yeah, like I said I made a big mistake and she's, you know, she's really angry and she's, we've had issues now.

Well, you did it because you wanted protection, didn't you?---Yes.

10

So at the time you set up the company you had ideas that you might need protection from things you were going to do with Mr Nguyen, correct?

---Oh, I don't remember that but, yes. Like I needed protection in terms of like any conflict of interest issues that might come up.

All right. Can volume 2.1, page 162 be brought on the screen, please.

Right. This is a investigation report into allegations of misconduct against you in relation to TAP 3. Do you see that?---Yes.

20 Transport for NSW. Have you seen this document before?---Yes.

Okay. Go to page 164, please. You can see allegation 1 there, "Mr Abdi whilst working as a project engineer on the Glenfield Transport Interchange recommended the engagement of a company called ASN Contractors Pty Ltd. At the time of and during the course of the engagement Mr Abdi failed to declare and/or report that Transport for NSW employee Raj Sanber was working for and/or with ASN Contractors Pty Ltd using the name of Raj Sandy and/or Roger Smith." Do you see that?---Yes.

30 Is that allegation true?---Let me read it again because you read it too fast.

You can read it, sure. Take your time.---Yes.

It's true, isn't it?---Yes.

Because you submitted a response to this allegation. If we go to volume 2.2, page 68, please. There's that allegation again and that's your response in blue. Do you recognise that?---Yeah, I had an employment lawyer help me draft this up.

40

All right. So that's a yes, isn't it, that's your response?---Yes.

“During this time I was a junior engineer without any delegation or authority.” Was that true?---I believe so.

Well, you had some authority, didn't you? You were involved in the procurement arrangements for this issue awarding the defect rectification works to ASN Contractors, weren't you?---Yes.

All right. And so that first statement is not true.---Parts of it.

10

Yeah. And then it says, “The Procurement and Commercial Team manage the procurement and engagement of all contractors.” Do you see that? ---Yes.

You played a role in that, didn't you, as well?---Yes.

And then you've said - so that's a lie, correct, the second sentence?---No, that's not a lie but it's, it's incomplete.

20 It's misleading, is it?---Well, yes.

All right. And then you said, “I always acted on my management's instructions and directions.”---Yes.

Is that true?---Well, yes, because if they told me to do something I'd do it.

Yeah, but you didn't tell them that you were a silent partner in ASN Contractors at the time, did you?---Oh, no, I didn't.

30 Yep. All right. You can see the second allegation there. This is in your response on the same page. “From December 2018 whilst you were engaged by Transport for NSW as a project manager with the Transport Access Program you were responsible for managing a number of railway station upgrade projects including the Kingswood Railway Station upgrade. The main contractor for this upgrade was Downer. The project manager assigned by Downer to oversee and/or manage this project on their behalf was Mr Abd Alaziz A-Aziz, Abdal Aziz. Do you see that?---Yes.

40 It says, “You failed to declare that you had a close personal relationship with Mr Aziz, the Downer project manager for the Kingswood Railway Station upgrade.” Do you see that?---Yes.

And your response essentially was that he was not, Mr Aziz, he was not the project manager for Kingswood Railway Station for the upgrade.---Yes.

And that was true, wasn't it?---No, it's not.

Pardon?---So this, this allegation is misleading. So somebody within Transport is trying to, was trying to - this is what I was telling my lawyer, that somebody in Transport is trying to either, like, mislead the investigation or push the focus away from them because this is very, like, very straightforward information that anyone, especially the, the investigator could have simply found out like that.

What part of the allegation is misleading.---That Mr Abdal Aziz was the project manager for Kingswood Railway Station.

Yeah. That's right and I think we're actually agreeing. When you respond by saying that he was not the project manager that what you said there is true. That's what I said to you.---Oh, okay. Sorry. I didn't understand you.

Yeah. So, that's true.---Because it's so long, I don't understand what you - - -

Yeah, that's all right. That part's true but you did have a close personal relationship with Mr Aziz, didn't you, at the time?---Yes, that's right. Yes.

It's just that he wasn't the project manager for Kingswood. They got that bit wrong, didn't they?---Well, this allegation refers specifically to Kingswood.

And you didn't think that you were required to tell them, "Look, sorry, he wasn't the project manager for Kingswood but I do have a close personal relationship with him"?---Oh, look, my lawyer helped me put this together. Like, I mean - - -

Allegation 4 at the bottom of the page, "From 24 July 2018 you did not seek approval to engage in secondary employment with JTG Services, a company owned by your partner/wife." Do you see that?---Yes.

And then if we go to the next page, your answer, "I did not believe I was participating in secondary employment".---Yes.

Was that true?---It's very hard. I don't remember exactly what was discussed with my lawyer but, yeah, now looking at it, I mean, yeah, no.

And just so you're aware, if we can go to page 167 of volume 2.1, you can see down at point 26, so it was on 22 November 2021 that the investigator received, via the PSA, your written response to the allegations that we were just looking at. Do you see that?---Yes.

10 Can we go to volume 2.2, page 196, please? So this is JTG Services Pty Ltd, the company extract for that. What does JTG stand for?---I think it was Jessica Tosh Group. I'm pretty sure the accountant came up with that.

And is that the accountant - I withdraw that. Is that Shuriken Consulting Dural, is that the accountant?---No. It was, we went to another accountant and the, to set it up, and then it was, and then Shuriken took over after that.

And who was the accountant that you attended on to start the company?
---Oh, I don't remember to be honest. It was just, like, some guy that was
20 on the street. It wasn't really like a - - -

How did you come by that person?---I think I googled it, or I think I googled it or there was a sign at the front of his house.

Did Mr Nguyen assist with the creation of this company?---I don't know. Like, I don't know, I don't, I don't think so. No, I don't think so.

Did he assist in providing an accountant that you could go to or anyone else that - - -?---No.
30

So you stumbled across someone on the street and just walked in, did you?
---Like he's, he was an accountant on the street, on the main road. He helped set up, like, all the computer stuff and, like, you know, all the internet and emails and all the other stuff.

I thought you said Mr Nguyen did that. Is that right?---Yeah, he, that's what I'm saying. He helped do that.

40 All right. And if you scroll down, you can see that your wife was made the sole shareholder. Do you see that?---Yes.

Might have to go one more page just to show the name? Just at the top of the page there. So if we can go to volume 2.5, page 21, please? So this is the opening of the bank account for JTG Services Pty Ltd. Do you see that?
---Yes.

It's got your wife's name and signature - - -?---Yes.

- - - on 28 August 2018.---Yeah.

10 Do you see that?---Yeah.

Did you accompany her to the bank when this account was opened?---Yeah, I believe so, yeah.

And so what did you say to her, to have her do that with you?---Nothing, I just, it was just, like if you're a, you, you can only be, like, my understanding was you, you have to be the director to do this. I didn't know, if I knew that, there's no way I would have let her do that, like, I, that's what I thought, just, I thought, I thought that's, yeah.

20

So you would have got some internet banking codes for the account?---Yes.

Who would access the account using those codes?---Myself, my, most of the time, myself, like, all, most, pretty much all the time.

And your wife would, too?---If I, if I wasn't there and I needed her to transfer some money or pay someone, I would just give her instructions and I'd say, can you go and, you know, I'll give her instructions and she'll just do it.

30

Okay. Does she do anything you ask her to?---Not all the time, no, like, you know, I mean, she's, yeah.

You were previously using her email address, weren't you?---Yes.

Was it a Yahoo email address? Was it a Hotmail email address?---I don't remember, but, yeah.

40 Did she know you were using her email address?---I don't know, to be honest - - -

Did you tell her?---Nuh, because her phone, like, like, her phone is kind of like the family, like, we, like, I just use her phone.

Okay. So you mean a mobile phone - - -?---Yeah.

- - - registered in her name?---Yeah.

And so you'd use that?---Yeah, I'd just use that.

10 And, what, there was her email address is set up on the phone, so then you'd use that phone to - - -?---Yeah.

And would she ever use that phone?---Yeah, yeah.

Okay. What if you wanted to take it away and go out somewhere with it? Would you do that from time to time?---No, I don't remember, I don't remember doing that. I don't remember.

20 So you say you never took it away from the home?---I don't think so.

Did your wife only have one phone that she used?---Well, just, that's all I can remember, yeah.

Why wouldn't you use your own phone when you're at home?---Well, when, when are you talking about, like, what time are you talking about?

30 Well, let's talk around 2018. Why would you use Ms Tosh's phone rather than yours?---Because I didn't want to use my work phone, like, I had a work phone at the time and I didn't want to use my work phone.

Is this to communicate with Mr Nguyen and maybe Mr Sanber or someone like that?---Yes, that's right.

And did you have a personal phone in your own name?---I don't remember at that time. I don't know if I had a phone then.

Did Mr Nguyen help you get a phone?---Yeah, so later, like, I mean, I don't know when but, yeah, like, yeah.

Well, how did that come about?---Well, he didn't help me get a phone. He just, I think he just gave me like, the, like the details of someone that I can use and then I will just, you know, just use that.

What, wasn't it a licence he gave you or something like that - - -?---Yeah. Yeah. Yeah.

- - - in someone else's name, Peter Penny or something like that?---I don't remember the names.

10

And did you take that identity document and go to a SIM retailer and obtain a phone?---No. No. Just, I had a, like a prepaid SIM card.

Yeah, but how did you get the SIM card in that name? How did you obtain it?---No, the SIM card you buy from Woolworths.

Yeah.---And then you just register when you, you're registering the, the SIM card.

20

So you registered that other person's details when you registered the SIM card?---Yes.

Was it more than one time? Was it two people he gave you the details for? ---Yeah, I think so. Yeah.

Okay. Why did you need those, those additional two phones registered in other people's names?---Just so, to, not to use my work phone and keep it separate.

30

Okay. So you're consciously aware that in your dealings with Mr Nguyen and Mr Sanber that you were doing something wrong insofar as concerned your job at Transport?---Yes.

Okay. If volume 2.3, page 56 can be brought on the screen, please. This is a document that was found on a computer belonging to Mr Nguyen. Do you see it seems to be a GoDaddy account?---Yes.

40

And there's these details. It says Hotmail, jtgservices@hotmail, name Jessica Tosh. There's a date of birth provided, a password. Do you see that?---Yes.

Did you supply that information to Mr Nguyen?---I, I can't remember. I would have, yeah.

Okay. And the address, that's your address?---Yes.

And that number ending in 500, whose phone's that?---I, I don't know. I can't remember. Like - - -

10 You used that from time to time, did you?---I don't know. To be honest I can't remember. Like, I don't, I can't remember the numbers.

Okay. If we go down to the next page, please. Here's some more details, nima@jtgservices.com.au. Do you see that?---Yeah.

accounts@jtgservices.com.au, see that?---Yeah.

Yeah, and steve.johnson@jtgservices.com, it says dot-a-i. Do you see that? ---Yeah.

20 Did you supply those details to Mr Nguyen?---No.

Who's Steve Johnson?---I don't know.

Is it a fake person?---Yeah.

Were you aware that an email for Steve Johnson was being set up at JTG Services?---I think I became aware later. Not straightaway, later. I wasn't even aware there was an email @jtg and I, I found out later, I think. I can't remember, to be honest.

30

And when you found out did you tell your wife, "Tony Nguyen set up a fake email address for the company you're a director of"?---No, I didn't.

What did you say to Mr Nguyen when you found out that he'd set up the Steve Johnson email address?---I don't, I don't remember, to be honest. I don't even know. It's just, so many things were just moving, like, happening. I don't even remember, like - - -

40 What was happening and moving so fast?---Like, because, you know, like there was, I was working and there's projects and then, then, like, I was, there was, I was, just, you know, just work and other projects. So work - - -

Sorry to cut you off. If we go down one more page you can see the date of this document, just so you're aware. This is in October 2017. Do you see that?---Yeah.

Okay, so just by reference to that time what was going on so much and moving so fast?---Just, just work and then also the, the jobs, like, I think there were projects we had with, for RJS and stuff like that, like - - -

10 All right. Is that a convenient time, Chief Commissioner?

THE COMMISSIONER: We'll take a break for morning tea and then resume at about 20 minutes or so.

SHORT ADJOURNMENT

[11.30am]

20 THE COMMISSIONER: Mr Abdi, you're subject to the same affirmation -
- -?---Yes.

- - - that you took at the commencement of your evidence.

MR ENGLISH: Thank you, Chief Commissioner. If volume 2.3, page 56 can be brought back on the screen, please. That number there at the bottom of the page ending in 500, just to be, so I can clarify that with you, that's actually a number belonging to Mr Nguyen. Are you aware of that?---Look, to be honest I can't remember, like, like, I, I can't remember, like, yes or no. I don't know.

30

All right. Your wife's had a number of services registered in her name since 2014. One ended in 340. Were you aware of that?---I'm not aware of the actual number but maybe I've used her licence to, to register phones, like, to, to register a SIM card - - -

Right.--- - - - for myself.

40 Why not just do it in your own name?---To be honest, I don't remember, I don't remember for 2014. I don't, I guess it would have been the same situation because of, to try to hide my identity.

All right. And she had another number registered in her name ending in 935. Do you recall that at all?---Sorry, I can't recall the numbers but - - -

And then one in 2020 was registered in 529. Do you recall that at all?---Oh, yes. Yes, the 529 I recall, yes.

Okay. And how do you remember that one?---Because that's the one that I've got.

10 Okay. So you're still using the 529 service?---No, I'm not. No.

You just said, "That's the one I've got."---No, that, sorry, that's the one that I, that I took off her. I think, is that the number that, that sounds like the number that we had after the warrant was executed where we just went into Woolworths and got a phone. She needed a phone.

Yeah.---And then when she got her phone back I took that phone.

20 Okay. So do you not use a phone registered in your own name as of today?
---No, I don't believe so.

Why not?---No, I have a phone but it's not in my phone.

Okay. Well, why not just register one in your name now?---I don't know. The, I'm not sure if this one's actually registered in my name or not, to be honest.

What are the last three digits of that phone you're referring to?---277.

30 A 277 number. Did you use a phone subscribed in the name of Nilufer Clarke ending in 459?---No, I - - -

In 2018?---I, to be honest I'm not sure.

Is that your sister?---Yes, it is.

You don't recall that?---Like, the number sounds familiar but I don't believe I used her phone, like, her number.

40 Right. In 2019/2020 what was your wife doing for a job?---I don't know if she was, I don't think so was, she was, I'm not sure if she was unemployed

still or she went back to teaching. I'm not sure when exactly she went back to teaching.

All right. Did she ever work in the recruitment industry?---No, she didn't.

All right. Can volume 2.3, page 61 be brought on the screen, please. This is an email from your wife's name at an email address. Do you see that?

---Yep.

10 To someone at Shuriken, that accounting firm.---Yeah.

14 July 2020, some correspondence. Is that you writing these emails using your wife's name?---Yes, that's right.

Okay. So here you're actually, you're not just using her email to conduct your own business, you're also pretending to be here when you're writing the message. Is that right?---Yes, that's right.

20 Why is Ms Wang asking you at the same time, "Can you please let me know what was your occupation in Recruitment Solutions. I forgot to ask when we were in the meeting last week"? Why is she asking you that, or why does she think she's asking your wife that?---It might have something to do with the tax return.

Well - - ?---I don't know.

Did your wife tell Ms Wang that she worked in recruitment?---Not - - -

30 Do you recall that?---Why, what was the name of the recruitment, Recruitment Solution?

Yeah.---I don't know what Recruitment Solutions is. It should have been Chandler Macleod. Was that referring to Chandler Macleod?

Is this for Chandler Macleod, is it?---I'm not sure but that's when I used her, like, identity and set her up with Chandler Macleod.

40 Yeah. Right. Okay. All right. I'll come back to that. If we can please go to volume 2.2, page 288. This is a form for JTG Services Pty Ltd to become a supplier at Inner West Council. If we can just scroll down, please. And

do you see there the JTG Services bank account details are paid. Do you see that?---Yep.

Sorry, not paid, are provided.---Yep.

And your name is provided as the remittance email address. Do you see that?---Yep.

10 And purchase order sales is your name and then the email address again.
---Yep.

Did you provide this form or did you fill out this form?---No. I, I, to be honest I don't even remember but I don't - - -

Well, if we go to the next page, company representative details is your name, project manager. Do you see that?---Yep.

20 Does that jog your memory as to whether you filled in this form?---To be honest, I can't remember. Like - - -

Well, did your wife fill it in to your knowledge?---No.

Do you say Mr Nguyen might have filled this in?---Like, it just, it doesn't look familiar to me. It doesn't look - like, I'm not sure to be honest. Like, I - - -

30 If we go up a page, Mr Nguyen wouldn't have had those bank details, would he, on, it says, January 10? On the next page is says January 10, 10.47. It doesn't say the year but most likely 2019. Do you know if Mr Nguyen would have had the bank details for JTG Services at that time?---Yeah. I'm pretty sure he would have.

So, is it your evidence that you didn't fill this form in?---I don't remember. I don't know. Yes. Like - - -

Well, you can see Mr Nguyen's done something there because it says, "Verified account name. Staff member contacted." Do you see that?
---Yeah, yeah.

40 And the phone number used is that 500 number used by Nguyen.---(NO AUDIBLE REPLY)

All right. If we can go, please, to volume 2.3, page 102. You can see at the bottom there there's an email from nima@jtgservices.com.au, "Hi Tony. Please find attached invoice for May," it's spelt incorrectly, "Murray Children Centre works during the break." Do you see that?---Yep.

Did you sent that email to Mr Nguyen?---No.

You didn't?---No.

10

If we go down two pages you can see there's an invoice to Inner West Council from JTG Services for the May Murray Children's Centre, do you see that, for \$144 exclusive of GST. Do you see that?---Yep.

It's got the JTG Services Bank account details.---Yep.

Have you seen that invoice before?---No.

20 If we scroll down another page you can see that that was invoice the author details for which are Mr Nguyen.---Yep.

Mr Nguyen didn't have access to the JTG account, did he?---Not - - -

The bank account?--- - - - to the bank account. I don't think he had access to the bank account. I think he had, like, I mean, he had the bank details but I'm not sure if I gave him access to the bank account or not.

And is your evidence that he had access to the email nima@jtgservices.com.au?---Yes, yeah.

30

So he could pretend he was you in sending out correspondence from the email address @jtgservices, correct?---Yeah.

And you must have agreed to that?---Yeah, probably.

Well, the money would have gone into the JTG account, correct?---Yes.

Which only you or your wife had access to?---Yes.

40 Did you tell your wife that Mr Nguyen was using the account and rendering invoices to Inner West Council?---No.

So what was in it for Tony Nguyen in drawing out this invoice and sending it to himself at Inner West Council and then - I can take you, it was paid - but what's in that for Tony Nguyen to your understanding?---I don't remember but I think it was, if, if this was a first payment or something like that, I think it had something to do with, just the, the ongoing costs, like, to have money in the account to cover the costs for the, like, like BAS and the accountant and stuff like that, and then the internet.

10 All right. So to cover costs, make sure there's some money in the bank account to cover trading costs for JTG Services. Is that right?---Yeah. Yes.

Well, why would Mr Nguyen care if there was money in the bank account to cover those costs for JTG Services, to your understanding?---Well, well, we, I don't remember exactly what, what it was, but it was just, set up, I, we, I, so to set up JTG, as well as to, to, to get, when, when we finished all the projects with RJS, to, so I can get the, the company profits - - -

20 Yeah. So how does JTG assist you in getting company profits?---So, so RJS would transfer it to JTG.

Okay. So why would - that benefits you, doesn't it?---Yes.

Why does Mr Nguyen have an interest in ensuring that there's enough money for JTG to pay its ongoing costs if - he's not receiving a slice of that money from you, is he, that's transferred to JTG from RJS?---No.

So you must have asked him to do this?---Yes, I must have, yeah.

30 All right. So was any work done here that you're aware of?---No, I don't think so.

So this is just a sham, is it, this invoice?---Yes, I think so.

Okay. And then if we can go to page 101? And you can see that's Mr Nguyen emailing himself a copy of your signature block or what purports to be your signature block at JTG Services - - -?---Yeah.

- - - on 5 January 2019?---Yes.

40 Did you know he'd done that?---No.

Did he tell you afterwards he'd done that?---No, I don't even know what it's for.

Okay. Can we go to page 107, please? Here it's 15 January 2019, "Hi, Tony. Please find attached invoice for Enmore Childrens Centre works during the break. Regards, Nima Abdi." Do you see that?---Yes.

Do you recall sending that email to Mr Nguyen?---No.

10

Okay. If we go down a page, you can see the invoice there?---Yeah.

Have you seen that invoice before, dated 11 January 2019, for the Enmore Childrens Centre \$930 exclusive of GST?---No.

So do you know why Mr Nguyen was emailing himself this invoice?

---Well, I'm not sure why but, but, yeah.

Well, again, the money would have gone into the JTG Services account?

20 ---Yes.

It's around the same time as the other invoice I just took you to. Why would Mr Nguyen have done that if you hadn't asked him to?---I think again this was, like, like, just to put money in there for the running of, the, the, the running, the costs, like, you know, running, like, to cover the costs of the running of, like, the company.

And that's something you asked Mr Nguyen to do again, is it, send another invoice so more money could be - - -?---Yeah, I don't recall that, but, yeah.

30 That would have been the case.

Did you have to pester him very hard to send these two invoices to himself and then ensure that the moneys were paid to JTG?---To be honest, I don't recall.

Okay. Then, sorry, page 110, please? Again, down the bottom, "Hi, Tony. Please find attached invoice." Do you see that? This time 15 October 2019?---Yes.

40 And if we go down two pages, there's another invoice. This time for \$20,011.45 not including GST. Do you see that?---Yes.

And the project is identified as the “Leichhardt Oval grandstand miscellaneous painting works”. Do you see that?---Yes.

Did you draft this invoice?---No.

Did you send the email to Mr Nguyen that we just saw?---No.

10 What did you know about this invoice and the works purportedly performed as identified on the invoice?---I’m not sure if it’s this one or something else but one of them is to do with he was, he, he, like he just told me that Monty is going to do some work for him and he’s not set up on the, on the council side and, “I’m just going to get, I’m just going to do it through JTG and then we’ll just pay Monty and keep the, keep like a fee,” like, you know, keep whatever is remainder.

So when you - - -?---I’m not sure if it’s this one thought. I’m not, I don’t know which one it was.

20 All right. So - - -?---But it looks like it might - - -

When you say “we keep a fee” was that fee, did you split some of that fee with Mr Nguyen?---No.

Well, how much was Monty paid? Do you recall?---No, I’ve got no idea.

Well, Monty would have been paid from the JTG account after this money hit the account, correct?---Yes, that’s right.

30 And did your wife make that payment, do you recall, or did you?---No. I think I just did it.

Well, how much was it?---To be honest, I can’t recall. I don’t know if it was, like, maybe 15,000 or, I don’t know, to be honest.

All right. So - - -?---I can’t remember.

Whatever was leftover was left in the JTG Services account, was it?---Yes.

40 And what was that used on, that money?---Nothing, it just stayed in there for, just the running costs.

Just, sorry, what was that?---It just stayed in there for the same, for just runnings costs. Like, didn't really - - -

General running cost.---Yeah.

10 Did you say it was so Monty could do some work?---Look, I don't remember but it was something like that, some conversation where he just told me, "Look, he's got to do some work," and, and I said, "Oh, okay," and that was it.

And you said because he wasn't set up on - - -?---But I don't think, I don't remember it being painting. I thought it was something else. I thought it was like, I don't remember it being painting. I thought it was, like, landscaping or something like that. The conversation I, I don't know. Maybe I'm recalling something else but I thought the conversation was they had to do some paving, paving and stuff and - - -

20 And did you say because Monty's business wasn't set up for council or something. Is that right?---Yeah. Yeah.

Are you sure about that?---Well, that's, that's what I, that's what I'm just recalling. To be honest, I - - -

Is Monty's business called Constructicon?---Yes.

30 Can volume 6.3, page 240 be brought up, please. This is a memorandum. You can see that miscellaneous painting works at Leichhardt Oval grandstand. Do you see that?---Yeah.

11 October 2019. And the quotes received are from JTG Services, Precision Painting and Constructicon. Do you see that?---Yeah.

So Constructicon must have been set up 'cause it provided a quote, right? ---Okay.

40 Are you sure it wasn't just you asking Mr Nguyen if he could give you work, as you said, just so you could cover company costs for JTG Services?---No, not on this occasion.

All right. So the idea for this, do you say, came from Mr Nguyen, did it?
---Well, yeah, because the, I thought he was actually doing some work, like, real, real work. Like, that's what he said, he's doing some real work, so I'm like, okay.

All right. Did you at any time feel uncomfortable knowing that Mr Nguyen was submitting invoices at least one two of these occasions for work that wasn't undertaken at council and you received the money?---Yeah, I was a bit uncomfortable at the time but, yeah. At the time I was, like, a bit, like - -
10 -

What part of it troubled you?---Because it was just, like, like, for small amounts and it's just, it was unnecessary. Like, I didn't find it, yeah, like, it's just, yeah.

So you said you were troubled 'cause it was a small amount. That doesn't make much sense.---No, I'm just saying like it was just unnecessary and, like, there was small amounts and it was just unnecessary, like - - -

20 But you asked him to do it, didn't you, so you had money in the account to run the company?---Yeah. I think, like, I don't recall how many times I asked - I, I thought it was only the once that I asked him but, but - - -

All right. So around this time 2019-2020, did you have any disinclination towards issuing invoices to companies in respect of works that were never completed?---What do you mean? Sorry, I didn't understand.

I asked you whether you were uncomfortable on this occasion. You went on, and we'll come to it, to submit on behalf of JTG a number of invoices to
30 Downer for work that was never completed, correct?---Yes.

And that was for more money, wasn't it, than these amounts?---Yes, yes.

And you didn't have to pay any subcontractor who had actually carried out the works on those occasions, did you?---Yes.

You're agreeing with me?---Yes.

40 Did you feel troubled at all by doing that?---Oh, to be honest, I can't recall. Maybe not.

How do you know Mr Aziz?---We've been friends for a while.

How did you meet?---I think we met at school.

At high school?---Yeah, I think so.

Well, you think so or you know so?---Yeah, yeah. We met at school, yep.

Were you in the same year?---Yes, that's right.

10

And what year did you leave school?---I don't remember. It was year 12. I don't remember the date.

The year I asked, what year?---Yeah. I said, I said I don't remember the date.

Well, you said you're 37.---So I got my degree in 2009. So go back - - -

So it would have been about 2005 or something?---Yeah, right.

20

So, you've known Mr Aziz for 20 years or something, have you?---Yeah, probably. Yep.

And did you go to university together?---Yes.

You studied the same course, did you, or was it a different course?---No, different course.

Are your wives friendly?---Yes.

30

Did your wives go to the same school as well?---No.

Have you ever gone into business with Mr Aziz?---Like a, like, partnership?

Yeah.---In, in another company?

Yeah.---No. No, I don't think so, no.

40 Have you ever tried to go into a business venture with him?---Not that I can recall.

Have you ever looked at purchasing property with him?---Oh, like that?
Yeah, yeah. That's, yeah, yeah, I have, yeah. So we, we were going to buy,
we were going to buy the, we were talking about buying a block, big block
of land together to live on.

So you're that close you were going to buy a big block of land and live on it
together?---Yeah.

10 What, in the same house or - - -?---No. Like, we were looking at big
acreages and then to have separate houses on there and stuff like that.

Oh, okay. So if volume 2.1, page 255 can be brought up, please. This is a
letter from Mr - an email rather from Mr Aziz copying you in to Century 21
in Dural. Do you see that?---Yep.

I'm not going to say what the address of the property is but do you see at the
bottom an offer is made to purchase that property?---Yep.

20 What came of that?---Nothing. He, he wasn't interested in this one and then
I just went ahead with the purchase.

So you ended up purchasing that property yourself?---No. With, with, with
my parents.

With your parents. Okay. And the property next door as well, with your
parents, or just this property or across the road?---No, no. No, no. Just the
one property, that, just this address.

30 But at least in April 2015 you were that close to Mr Aziz that you were
contemplating buying a property together and building your own - perhaps
subdividing it and building your own dwellings on it, is that right?---Yes.

And you can see there's a number provided for you ending in 060. Do you
see that?---Yes.

Was that a number registered in your name?---I think, no, I, I think that's
just, that was a work number.

40 That's a work number, was it?---Yeah.

Okay. So can we go to volume 2.3, page 84, please. So this is an email chain between you and Ray Porter at RPS Group. Do you see that?---Yes.

Is that the same RPS Group you gave evidence about earlier?---No.

This is a different one, is it?---Yeah, this is like RPS, I don't, like it is another one.

Sorry?---Yeah, it is another one.

10

So here you can see you've been asked on 5 December, "Can you fill out the table below and send it back to me." And then it seems you do that and send it back to Mr Porter. Do you see that?---Yes.

And you identify the subcontractor as JTG Services Pty Ltd.---Yes.

What was this for?---This is for, like I believe this was for applying for like jobs like for contracting jobs.

20

What does RPS Group do?---They're like a consultant, like, like they contract, they're a consultant. Like they do contracting work for Transport and other government agencies for - - -

How is this - sorry, go on.---So sub, so, yeah, that's, yeah, it's a - - -

How is this different to the RPS that you spoke about earlier that you said was a contractor or consulting contractor to Transport?---No, that, that one is called Rail Planning Services.

30

Yeah.---This one, I don't know what this RPS stands for but I thought this was actually RPS Consultants or maybe it's RPS Group. This RPS Group is actually bigger, like it's a, it's a big proper company.

Okay. Well, this time you've sent the email from your Transport address. ---Yeah.

Do you see that?---Yep.

40

And so you're trying to get work in the name of JTG Services from RPS, that's right, isn't it?---Yes, that's right.

And RPS contracted to Transport did it?---Well, I, I'm not sure if this is the one but they were, I think they were tendering for Parramatta Light Rail.

Okay. And so why did you - who was going to perform the work on behalf of JTG Services if it got a contract with RPS?---Me.

So were you going to leave Transport, were you?---Yeah, yeah.

10 Okay. And did that happen? Was any work provided by RPS to JTG Services?---No, they didn't, they didn't win the job but there's a big story behind that as well but, yeah.

Well, what's the story?---Well, so they were applying to, Parramatta Light Rail was mainly contractors to, to do the employment jobs and then - - -

When you say employment what do you mean by that?---So I don't know how to explain to you. Like Transport for NSW in the last ten years they, they engaged contractors to do the job not, not, they, they - - -

20 They don't do it in-house.---Yeah. They do 50/50 or like with Parramatta Light Rail at the beginning it was 80% contractors.

Yep.---So then there was a package. I don't remember what the name of the package was. They were putting a tender in and then they didn't, it was like a 40, oh, from memory I don't remember the exact, maybe it was a \$40 million package, like resource package. They didn't win it and I remember Rail, I can't remember if it was Rail the other, the, his boss they were angry. Well, I said, "Well, how come you didn't win it? What happened?" And then he said, "We, we, like we, well, we put the tender in and the, the
30 tenders miraculously closed very, very, like it was only a short amount of time for the size of the job." And then he put a complaint in, he, they, they actually, this, he told me they wrote a letter, a formal complaint to Transport regarding the tender process. Nothing came out of that.

All right. So that's the big story behind it, is it?---Look, there's more but I don't have any evidence. This is just me hearing from these people what they're saying. It's the, the commercial director at the time who was the commercial director of the Parramatta Light Rail, he, he had a relationship with the other, another company that was tendering for the same package
40 and he, he, he apparently was on the TAC and on the TRP as well, which

you're not meant to, like, you, you're doing one or not and then, yeah. So, and then, and then he's, that company ended up getting the job.

All right. But, ultimately, nothing came of this between JTG Services and this RPS Group. Is that right?---Yeah.

Okay. If volume 2.3, page 60 can be brought on the screen, please? This is an email - I withdraw that. This is an invoice from JTG Services to Downer EDI Works Pty Ltd on 15/1/2020. "Attention, Laura Inglis. Project NIF
10 stations and signalling enabling works project"?---Yeah.

And you can see it's for \$37,611 excluding GST. See that?---Yeah.

Did you draft this invoice?---No.

Who did?---I, I'm pretty sure it was Abdal.

Mr Aziz did, did he?---Yeah.

20 How did he get the template for that?---I, I don't know.

Well, you can do a bit better than that, I think. How did he get the template?---To, to be honest, I have no idea, like, honestly, I, I, I can't remember, like - - -

Well, it's either from you or Mr Nguyen, isn't it? They're the only people. ---Well, he would have got it off Tony. He wouldn't have got it off me, 'cause I don't have this template.

30 Isn't there a shared file or something that you can access to get these sorts of documents?---Mmm.

Is there?---No.

So you say only Mr Nguyen had the invoice template for JTG Services?
---Yeah. Well, he created it.

So this money was paid and it went into the JTG Services' bank account?
---Yes.

40

Where did the money go?---Well, it just, I don't know, like, I mean, we paid taxes. I think it went into the mortgage, like, after we paid taxes, we paid, we, yeah, I paid it into the mortgage.

But no work was done in connection with this invoice. Correct?---No.

This is just a sham invoice?---Yes.

10 And, on your evidence, you didn't draft it or submit it to Downer. Is that right?---Yes.

So how do you know Mr Aziz drafted the invoice?---I, I think, I think he told me, like, I, I, I don't, I'm not sure if he told me or, yeah, I, I, I think he told me.

All right. And what was in it for Mr Aziz as far as you understood, for him to draft a false invoice, submit it to himself at Downer and ensure that it was paid?---So he was going to get, like, a portion of it.

20 Well, going to or he did?---I think he did.

What was the agreement?---I think - - -

How much?--- - - - it, it, I'm not sure.

50%?---Yeah, maybe, yeah.

30 So what happened? So he would draft the invoice, send it to himself, there'd be payment made, you'd pay tax on it or JTG would pay tax on it. Is that right?---Yes.

Half of what was left over went to Mr Aziz?---Yes.

How? EFT or cash or cheque or - - -?---No, no, like, transfer.

Transfer. What? Would he supply an invoice to JTG for that?---Yes.

What, a Tresca invoice?---Yeah.

40 Okay. And the rest you'd apply to your mortgage or just spend in, what, in everyday affairs, would you?---Yeah.

Anything go to Tony Nguyen out of this money?---No.

Well, on your evidence he supplied the invoice template to Mr Aziz, correct?---Yeah. Well, look, I don't, I don't, I don't, I don't remember, like, I'm, I'm just, yeah. He would, he would, because, unless he made it up himself, he just made it up himself, like - - -

10 Well, it's too familiar to the other ones we've seen, isn't it?---Yeah, so I'm guessing he got that same template.

Well, was there some cash provided to Tony Nguyen or something for doing this?---No.

Not to your understanding, is that right?---Yeah.

Definitely no split of the money went to Tony Nguyen?---No. I, no. No.

20 Definitely not, or you can't be certain?---No. No. No, I don't think it did.

All right. If we can go, please, the date of that invoice was 15 January 2020. If we can go to page 63, please. This is an email from the steve.johnson@jtgservices.com.---Yeah.

Do you see that? To supplierinvoiceonly@downergroup.---Yeah.

And as well copying in Mr Aziz and someone else at Downer Group. ---Yeah.

30 Do you see that?---Yeah.

Did you send this email?---No.

Do you know who did?---I believe it was, it would have been Abdal.

40 How did Abdal have access to the steve.johnson@jtgservices email address?---I'm not sure if he got it off me or he just got it off, he got all the details off Tony. I'm not sure if I had the details that day. I'm not sure. He either got it off me or he got it off Tony.

If he got it off Tony there must have been something in it for Tony. Would you agree?---Nah. Nah, because, nah. Well, we didn't, no, we didn't pay Tony.

That number, look at the number. It's the 500 number, Steve Johnson.
---Yes.

That's the number Mr Nguyen was using.---Nah, I don't know.

10 Come on. Are you sure Mr Nguyen wasn't in on this?---No. No. Like, yeah, nah.

It looks like he's - - -?---Well, now I don't know 'cause I'm getting confused. Just, yeah, I, and I don't think it was.

Are you aware whether Mr Nguyen might have been getting some of the money that you paid off to Mr Aziz?---I wouldn't know about that. I don't think, I don't think he would have.

20 But you guys were doing these sorts of things to make money, right?
---Yeah.

If we go down a page, please. This time there's an invoice from 25 May 2020 for again NIF stations and signalling enabling works project. Do you see that?---Yeah.

This time for \$81,414 exclusive of GST. Do you see that?---Yes.

30 And no work was performed pursuant to this invoice, was it?---Yeah.
Are you agreeing with me?---Yeah.

Are you agreeing with me?---Yeah.

And the money was paid to JTG.---Yes.

What happened to the money?---Again, it would have just been the same thing, I think.

Just a split went to Abdal.---Yes.

40 And what about Tony?---No.

Do you know, how was it that JTG was able to be paid \$81,000 for nothing, do you know?---I don't know the details of it but I just, I don't know the details. Like - - -

But Mr Aziz or Mr Nguyen must have said something to you. I mean, it's not very common to receive \$81,000 in your bank account for nothing, is it?---No. No. Well, no, I knew he was going to invoice and pay this much money.

10 Yeah, but did he tell you, did he explain to you, where did the money come from? Was it in a budget? Did he say how he had access to this money, that's Abdal?---I don't recall. I think maybe because he was in charge of the project and he just had access to the funds.

And, what, did he say no-one's going to check this or something, it'll be fine?---No, I don't think we, we didn't speak like that but I don't know. To be honest I don't remember. Like - - -

20 You see is says - - -?---He, he just had access to the, to the, he, he had the delegation.

He had a delegation at Downer. So he could spend Downer's money?
---Yes.

That's what you understood?---Yes.

And then it says, "CM as-built surveys for NIFSSEW project portion 2, including update of GIS data and coordinates." Do you see that?---Yes.

30 That's actually, that's a product, that's a survey, isn't it? You've got to hand something over, isn't that right, if you do that work?---Yes. Like - - -

Did he say how it was that he could invoice or he could invoice on the JTG Services letterhead for survey work without ever providing the survey work and ensure that it would be paid?---I don't remember. I honestly don't remember. Like, he just, all I knew is, because he was in charge of that project then he, yeah.

40 When was the last time - let me ask that question differently. Have you ever paid cash to Tony Nguyen?---Yeah. I think so, yes.

For what?---The, the rent for the shed. Like, we, we were splitting the rent for the shed.

Oh, this was the shed that was built with profits from one of the RJS companies or ASN?---Yes.

On your property, was it?---Yes.

And it was rented out to someone?---Yes.

10

And that person paid rent?---Yes.

And so you were paying him cash, were you?---Yeah. The 50%.

And how much was the shed being rented out for?---\$250 a week.

250 for a week. And how long was it rented for?---Oh, I don't remember. Like, I mean, maybe three years. I don't know. Maybe four years. I, I've got the lease agreement.

20

And who rented the shed off you?---Oh, just his, his name was Lee but I forgot his last name. It was just some, some stranger.

So how did this person - he paid in cash, did he, 250 a week?---Yes, yes. No, he paid, he paid it in, like, six months.

Six-month intervals, did he?---Yeah, yes.

And so if he's paying in six-month intervals, I'll just do the maths on it. So he's paying \$6,500 to you every six months, is he?---Yes.

30

And then how would you pay that Mr Nguyen share to him? Firstly, was it a 50% share to Mr Nguyen?---Yes.

And how would you pay that to Mr Nguyen?---Oh, I just collected and collected until then whenever I, if I saw him it's, I would just give it to him.

What, you would see him around the rail site or something and you would give it to him, would you?---No, no. Because, no, I would just see him, like, if we catch up, like, at a café or something like that. Like, if he had

40

time, because he was always really busy - to be honest I don't even remember how I gave it to him but - - -

So you would give him his equivalent 50% share of that \$6,500 after it had been paid to you, is that right?---Yeah. Like, yeah. So half - - -

Was any of that money declared to the Tax Office?---No.

10 And Mr Nguyen got a cut because you two had gone into partnership in purchasing this shed, had you?---No, like, yeah, so the shed we, we went into partnership, like, at the beginning I think Raja was involved as well.

Yeah.---And then when the relationship broke down, then it was just me and Tony.

20 All right. Was the shed originally to, was it to store fig products or something like that?---Yeah. So we, we, we, like, we were going to, like, the idea was to start a farm and then, like, to start a farm and everything and when we started building the shed we had a severe draught and then everything dried out and the dams all dried out as well, so then we, we, we couldn't do everything so we just put a stop to it. I just said, I said to them, "Look, we can't do anything more. We have to wait," you know. And then we just, I just rented it out.

All right. And is it still currently rented?---Nah.

All right. Did Mr Sanber get any of that money at any time when it was rented out?---No. No.

30 All right. Did you ask Mr Nguyen to give some work to Sanber Group, Mr Sanber's company, some IWC work?---Not that a recall, no.

Were you aware that Sanber Group performed some work for IWC, Inner West Council?---Yes. Yeah.

That wasn't on your recommendation?---No.

40 He didn't ask you, Mr Sanber, to assist in that way to get Tony to allow his company to come onboard for some works at the council?---No, because we, we, we were all friends at the time so, like, we, you know, we're friends. We just, we talked. Like, we all spoke to each other and I don't, I

don't remember how that came about but we're all friends and we're talking to each other, you know.

Okay. In relation to that money from Downer, if volume 2.5, page 1 can be brought on the screen. You can see there this is a summary of some banking transactions in the JTG Services account. You see in the green section, credits from Downer. You see that?---Where is it, sorry?

10 In the green section, credits. Do you see that at the top?---Yeah.

And then Downer, the column Downer.---Yeah.

And you can see those amounts. They're GST inclusive, 41,000, 89,000 and 97,000. I haven't taken you to that invoice but I will in a little bit. Do you see that? And the total is \$228,088.30.---Yep.

And that's all the money that was paid from Downer into the JTG account - - -?---Yeah.

20 - - - for doing no work.---Yeah.

Have you ever offered to pay that back to Downer?---Not really.

Not really or not?---No.

All right. The last of those invoices is on volume 2.3, page 65. Again, you can see this is a Steve Johnson email to supplierinvoice@downer and it's copying in Mr Aziz. Do you see that?---Yeah.

30 23 January 2020.---Yeah.

Steve Johnson, with a phone number ending in 500. Do you see that? Excuse me, Commissioner. So do you say that's Mr Nguyen who sent that invoice?---No.

Who sent that invoice, do you say?---It would have been Abdal.

40 Abdal, but it's got the 500 number using Steve Johnson. Remember we said that's a number used by Tony Nguyen?---Yeah, I don't know what's going on there.

Okay. If we go, scroll down, you can see it's for that amount for \$97,160, and again it's for as-built survey coordinates including GIS data and some other data. Do you see that?---Yeah.

And no work was performed, was it?---No.

Okay. Commissioner, I just seek a variation in respect of the non-publication order for a portion of the transcript from Mr Abdi's private examination. If I can hand up a document to you that identifies the pages as
10 being PT1477, line 36 over the page to PT1478 to line 16. Do you see that?

THE COMMISSIONER: Yes. The application is granted.

VARIATION OF SUPPRESSION ORDER: SECTION 112 ORDER IS VARIED IN RESPECT OF THE TRANSCRIPT OF MR ABDI'S PRIVATE EXAMINATION, PAGES PT1477, LINE 36 TO PT1478, LINE 16.

20

MR ENGLISH: If that could be brought on the screen, please. Do you see there you're asked by Ms Cathcart, you were shown this invoice for \$97,160. Do you see that?---Yep.

And then you were reminded of the three invoices that we've gone through for 86, 97 and 41,000. Do you see that?---Yep.

And then over the page there's a question put to you, "And did you actually undertake the work?" And you said, "Yes. I, like the quote for, for 700 and
30 it was, it was more, it had to be done actually secretly and under wraps because if it was identified it would have implicated Downer into millions of dollars of commercial dispute with the, with the client." And the Commissioner asked, "How did you know that?" And you said, "'Cause Abdal told me." And then you were asked again by Ms Cathcart, "So these aren't just false payments that Abdal has been able to approve to JTG Services?" And you said, "No, no." And then you were asked, "The work was actually undertaken by JTG?" And you said, "Yeah."---Yes.

That was all knowingly false, wasn't it, by you?---I also said I didn't do any
40 work.

Yeah, yeah. Well, one step at a time. Here you've said that you actually, this work was performed, correct?---At the beginning of that conversation but I recall saying - - -

Yeah.--- - - - also saying afterwards saying, "Yeah, I didn't do any work."

Just focus on these questions here. Here you falsely stated that work was undertaken in relation to these three invoices, correct?---Yes.

10 Okay. And you knew that was a lie at the time, correct?---Yes.

Okay. Now, in fairness to you, Mr Abdi, if I make a further variation - I withdraw that - a further application for a variation of the 112 order made in respect of transcript pages 1491, line 24 to transcript page 1492, line 1, Chief Commissioner.

THE COMMISSIONER: Granted.

20 **VARIATION OF SUPPRESSION ORDER: SECTION 112 ORDER IS VARIED IN RESPECT OF THE TRANSCRIPT OF MR ABDI'S PRIVATE EXAMINATION, PAGES PT1491, LINE 24 TO PT1492, LINE 1.**

MR ENGLISH: You were pressed a bit harder by Ms Cathcart. Here you can see, Mr Abdi, it's on the screen. Do you see that?---Yep.

30 You're asked, "And was it the same in retrospect for JTG being paid for the work that you indicated you undertook at Katoomba on weekends, was that in fact just Mr Aziz using his position to approve payments to JTG for work that didn't occur?" And you've said, "Yeah." Do you see that?---Yes.

And over the page, "Did you do anything?" And you said, "No." So you came clean on that one, didn't you?---Yes.

Why did you lie in the first questions that Ms Cathcart asked you?---I was just, I was just panicking and I was worried.

40 Because you knew it was wrong to receive this money from Downer without doing any work.---Yeah.

All right. Is that a convenient time, Commissioner.

THE COMMISSIONER: Do you want these marked for identification?

MR ENGLISH: If they can be tendered please either as one exhibit or as two. I'm in your hands, Chief Commissioner.

10 THE COMMISSIONER: I'll mark the transcript pages 1477, 148 in respect of which dispensation from 112 has been granted as Exhibit 85.

#EXH-085 – EXTRACT OF NIMA ABDI'S COMPULSORY EXAMINATION TRANSCRIPT DATED 21 OCTOBER 2022 PAGE 1477 LINE 36 TO PAGE 1478 LINE 16.

20 THE COMMISSIONER: And transcript 1491, 1492 in respect of which dispensation from section 112 granted as Exhibit 86.

#EXH-086 – EXTRACT OF NIMA ABDI'S COMPULSORY EXAMINATION TRANSCRIPT DATED 21 OCTOBER 2022 PAGE 1491 LINE 24 TO PAGE 1492 LINE 1

30 MR ENGLISH: Thank you, Chief Commissioner. And Mr Sanber is resuming at 2 o'clock so Mr Abdi will be - I'm sorry. Unless it's inconvenient to Mr Sanber or his legal representatives I'm told Ms Davidson might still be held up. It might be that we can use the time if it's convenient to all for Mr Abdi to continue.

THE COMMISSIONER: How much longer is Mr Abdi required?

MR ENGLISH: I don't think he'll finish today, in half a day.

THE COMMISSIONER: All right. We'll continue at 2 o'clock.

40 **LUNCHEON ADJOURNMENT**

[1.05pm]