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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE JOHN HATZISTERGOS AM
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION HECTOR

Reference: Operation E19/1595

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 29 MARCH, 2023

AT 2.00PM

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

THE COMMISSIONER: Yes. Yes. Are you ready to resume?

MR ENGLISH: Just before we continue with the witness, I might just tender, if it's convenient, the various parts of the JTG Services brief. So there's volume 2.1 of the JTG Services brief, and I tender that.

THE COMMISSIONER: Exhibit 87.

10 **#EXH-087 - PUBLIC INQUIRY BRIEF VOLUME 2.1 - JTG SERVICES BRIEF**

MR ENGLISH: Thank you. Volume 2.2 of the JTG Services brief.

THE COMMISSIONER: 88.

20 **#EXH-088 - PUBLIC INQUIRY BRIEF VOLUME 2.2 - JTG SERVICES BRIEF**

MR ENGLISH: Volume 2.3 of the JTG Services brief.

THE COMMISSIONER: 89.

30 **#EXH-089 - PUBLIC INQUIRY BRIEF VOLUME 2.3 - JTG SERVICES BRIEF**

MR ENGLISH: Volume 2.4 of the financial brief for Jessica Tosh.

THE COMMISSIONER: Exhibit 90.

40 **#EXH-090 - PUBLIC INQUIRY BRIEF VOLUME 2.4 - JESSICA TOSH BRIEF**

MR ENGLISH: And volume 2.5, the financial brief for JTG Services.

THE COMMISSIONER: Exhibit 91.

**#EXH-091 - PUBLIC INQUIRY BRIEF VOLUME 2.5 - FINANCIAL
BRIEF FOR JTG SERVICES**

10 MR ENGLISH: Thank you. Is it convenient to continue with Mr Abdi
now?

THE COMMISSIONER: Yes.

MR ENGLISH: And he remains bound by - - -

THE COMMISSIONER: Mr Abdi, you're subject to the same affirmation you took at the commencement of your evidence to say the truth. You understand?---Yeah.

Thank you. Yes.

- 10 MR ENGLISH: If volume 7.3, page 113 can be brought on the screen, please. This is a quote, do you see, on the JTG Services letterhead from 17 January 2019 addressed to Tony Nguyen at Inner West Council for, "Leichhardt Oval change room new suspending ceiling installation, supply and install new suspended ceiling." Do you see that?---Yes.

Subtotal of \$12,329 exclusive of GST. Do you see that?---Yes.

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

- 20 Did you ever draft that yourself?---No.

Were you aware Mr Nguyen may have been providing quotes on the JTG Services letterhead and addressing them to himself at Inner West Council?--
-No.

Were you ever aware that JTG Services tendered for or quoted for those works at Leichhardt Oval?---No.

- 30 Okay. If we can go to volume 6.1, please, page 241. This is another quotation on the JTG Services letterhead and it's for the Mervyn Fletcher Centre in Haberfield, the scope is roofing and external upgrade works. Do you see that?---Yeah.

It's apparently from you to Tony Nguyen at Inner West Council.---Yeah.

Did you draft this quote?---No.

- 40 Can you zoom in on it, please. See some handwritten entries there. "Tip docket" - I think it says something - "will be provided clearance cert." Do you see that?---Yes.

Is that your handwriting?---No. Well, yeah, I don't think it is.

Point 3, "Confirm include painting," do you see that?---Yep.

Is that your handwriting?---I don't think it is.

Point 8.2, I think it says "same system allowed", do you see that?---Yeah.

Is that your handwriting?---No, I don't think it is.

10

Did you draft this quote?---No.

Were you aware JTG Services was tendering for or quoting for works at the Mervyn Fletcher Centre in Haberfield?---No.

And the date there is 10 July 2019. It doesn't ring any bells?---No.

All right. If we can go to volume 7.3, page 4.8, please. Sorry, before that comes down, there was a number ending in 779. Did you recognise that?

20

See that mobile number. Do you recognise that number?---To be honest I don't. Like, I don't. I can't recall.

THE COMMISSIONER: Just one moment. This quotation has your details including your name as the project manager.---Yes.

Were you aware of that?---No.

There's also some handwriting on it. Is that your handwriting?---No.

30

Do you know whose handwriting it is?---No.

MR ENGLISH: Can I just ask, that 779, is that a mobile number you used whilst at Transport?---To be honest, I don't know. I, I, I can't recall, like, I, yeah. I can't recall.

THE COMMISSIONER: Did JTG use reference numbers for quotes it had issued?---I have no idea.

Did you ever issue a quote for JTG?---No.

40

I see. Yes.

MR ENGLISH: And this quote's for \$88,545. That's a substantial amount of works, isn't it?---Yep.

Do you know anything about a quote for works of that magnitude with Inner West Council by JTG?---No.

If we can go to the top, or scroll up a bit, please, you can see there it says,
10 "Dedicated to providing customer-focused building contracting services since 2009 specialising in interior fit out and refurbishment." Do you see that?---Yes.

JTG wasn't around in 2009, was it?---No.

Are they your words, "Dedicated to providing customer-focused building contracting services since 2009 specialising in interior fit out and refurbishment"?---No.

Have you ever discussed a statement like that with Mr Nguyen about JTG
20 Services?---No.

Because that would be totally false, wouldn't it?---Yes.

The company had nothing to do with interior fit out and refurbishments, did it?---No.

If we can go to volume 7.3, page 418, please. Here is another quote. This one's 24 January 2020 fro, JTG Services to Tony Nguyen at the council.
Do you see that?---Yes.

30

That's for repointing external brickwork at Petersham Grandstand.---Yes.

For total ex GST \$39,393. Do you see that?---Yes.

Do you know anything about this quote?---No.

Ever seen it before?---No.

It says down the bottom, "Should you have any further questions, please do
40 not hesitate to contact Jessica Tosh." Do you see that?---Ah hmm.

And there's a number provided, 802. Do you see that?---Yes.

Do you recognise that number?---I don't know.

That's your Peter Penny number, I suggest. What do you say about that?---
Well, if you're saying it because I don't know. I don't, I don't recall the
numbers. So - - -

THE COMMISSIONER: Just one - mmm.

10

MR ENGLISH: That was - sorry, Chief Commissioner. That was a number
you were using ending in 802 in 2019 and 2020. What do you say about
that?---Yeah, I must have.

So wouldn't Mr Nguyen have told you that he was using this number in
connection with a quote?---There's no way in hell I would have ever
allowed him to put that name there. There's no way.

Jessica Tosh?---Yes.

20

Why not?---Because she's got nothing to do with it and - - -

But she's got, on your evidence, nothing to do with a lot of things yet her
name's featuring on a lot of documents we've seen. Isn't that right?---Yes.

And it's a number that you're using, subscribed in the name of Peter Penny.
So if someone rang and said is Jessica Tosh there you probably would have
just covered for that, right?---Not really. Like I mean - - -

30

Or was Jessica Tosh aware, was your wife aware that dummy quotes were
being submitted on the JTG Services letterhead to Inner West Council?---
No.

Well, when the money came into the account from Inner West Council did
she say to you what have you done for Inner West Council?---No.

She just saw money came into the account and didn't ask anything.---She
wouldn't look at it. Like I mean, yeah, she just, she just thought I've just
got a business and that's it. But this, this, this is, I've never done this job.

40

I've never even written this quote.

All right. That can be taken down, please. I asked you some questions before about Recruitment Solutions and you said that was your wife working for Chandler Macleod. Do you remember that?---Yes.

What did you mean by that? Please tell the Chief Commissioner.---That's the, the, the, the, Chandler Macleod engaged the employees to work for Downer. But we falsified the employees to work for Downer.

10 Yeah. So when you said you falsified the employees, one of the people that was put down as a worker for Chandler Macleod or Downer was your wife, right?---Yes.

And did you have a role in that occurring?---Yes.

Who with?---Abdal.

20 So how did it come that you and Abdal put your wife's name down to carry out work in those false circumstances for Chandler Macleod or Downer?--- Well, she was unemployed at the time and then I just grabbed all her stuff and just filled out the documents and the forms and stuff like that and then, then, yeah, then just, and then after we do the timesheets and then Chandler Macleod will send the invoices.

All right. And the money went into her bank account, right, because it matched her name?---Yes.

30 And so she would have seen that, right?---No, because at the time it was, I told her to open up a bank account. She, I don't think she had one and I just told her to open one up.

Your wife didn't have a bank account.---Yeah, I don't, I think it was just opened up and then - - -

Hang on. Your wife was a teacher, right?---No, she wasn't working. She was unemployed.

But before that she was a teacher, wasn't she?---Yeah, but that was like, she was unemployed for I think four or five years.

40 But employers haven't been paying in cash since the '80s or '90s. How - - - ?---Yeah.

She must have had an account to be paid wages.---Yeah, I don't think this was the account though that she was getting her wages.

Well, you know we can check that pretty easily.---Yeah, yeah. It's there. Don't you have it all?

Just hold on.---I'm pretty sure, like I'm just, I just, like, you know, I don't know, I'm, like, you know, I'm a bit confused but.

10

Okay. Well, if we go, please, to volume 2.4, page 5. So this is a Bendigo Bank new customer account form in your wife's name. Do you see that?---Yes. Where's the date?

Just go to the next page. You can see a signature down the bottom. Do you see that? That's you wife's signature, correct?---Yep.

And then you can see the next page the date that it's been actioned internally is 9/9/2019.---Yes.

20

This wasn't your wife's first bank account, was it, that she opened at the age of 34?---No. No, it wasn't her first one.

So you've told her to open a new bank account. Did you go to the bank with her?---To be honest, I can't remember.

Well, why, what did you tell her was the reason she needed to open a new bank account for?---I can't remember, to be honest. I can't remember. I just made up lies and stuff like that.

30

She doesn't do anything you ask her to, does she, your wife?---Well - - -

Does she?---Well, when you lie to them, yes.

But, okay, let's assume that's right. You've lied to her about some reason for her to open this bank account, then she would have received the statements, wouldn't she?---Yeah.

40 And so if we go, for example to page 2, here's a statement, and you can see this Chandler Macleod income starts coming, coming into the account. Do you see this?---Yes.

And this got sent to your wife at your house, see?---Yeah. I don't remember, like, I don't remember what I told her but I, I would have made up some story about, like, "Oh, it's to do with my own business and, yeah, don't worry about it."

All right. So as at March 2020 were you still working for Transport?---Yes.

Yeah. Okay. So you're going to work every day, right?---Yes.

10

And the statement arrives in the mail at your house, yes?---Yes.

And your wife's unemployed at this point?---Yes.

So it's only natural for her to open the mail in her name, correct?---Oh, no. It's not, I mean, I check the mail because the mailbox is far away from, I get the mailbox, like, and like I said, I just made up some lie and just said, "Oh, it's to do, I'm doing some work. Don't worry about it."

20 So what about internet access to these accounts? Your wife would have been given that when she opened the account, correct?---Yes.

And did she ever say to you, "Why am I being paid a salary from Chandler Macleod"?---Yeah, I said, "Oh, it's to do," I just said to her, "Look, don't pay attention to it because it's just," like, I just made up some lie about my, you know, "I'm doing some work," and, you know - - -

30 Yeah, but even if you made up a lie, wouldn't she have said to you, "Hey, I'm not working for anyone and apparently I'm getting paid a salary in my, in this new bank account that you've told me to open. What's happening here?" Did you ever have a discussion like that with her?---Not really. I just said, "Oh," I can't even remember, to be honest. Like, there was some arguments and stuff like that but I just said, "No. No, it's just" - - -

Did she turn a blind eye to all this, your wife?---Not really. She just, she just believed what I told her.

Okay. And then it seems the money comes in from Chandler Macleod, and let's be clear, there was no work performed for this money, was there?---

40 Yeah.

Are you agreeing?---Yes.

And then a few days later it's being used to make home loan repayments.
Isn't that right?---Yes.

Were they manual entries or - - -?---Yeah, manual entries.

So who's gone into the account to make those manual entries?---That was
me.

10

Okay. And this is for the home you lived in, was it, for that loan?---Yeah, I
believe so.

Okay. And did you tell your wife that's what you were doing with this
money?---She didn't really ask any questions about it.

But you also gave some of this money to Mr Aziz, didn't you?---No, not
this money. It was from the other applicant, [REDACTED].

20 Yeah, [REDACTED]?---Yep.

But didn't you give some of this money - Abdal Aziz is paying money to
your wife for nothing, correct?---Yeah.

And he's dodging up time sheets on his end so she can get paid, right?---
Yeah.

And he's making sure that the payments are getting approved, correct?---
Yes.

30

He's doing that for free, is he?---No. So the, the, the, so we were splitting
the money as well for, like, [REDACTED]. So instead of splitting it I would just
give him the, the, the - - -

So he was getting a greater share of [REDACTED]'s money to make up for what he
would have got from - - -?---Yes.

- - - your wife?---Yes.

40 Okay, I see. So it was the case, wasn't it, that 50% of this money was meant
to go to Mr Aziz, wasn't it?---Yes. I believe so.

This is paid to your wife, okay. And which property - was this repaying where you lived, the loan attached to where you lived?---Yes.

Because you own some other properties, don't you, as well, either you or your wife?---No, just me but not anymore.

What about your wife, are there other properties in your wife's name?---No.

10 Was there not a property in Waitara?---Yeah but that's not, that's not in her name.

Whose name was that in?---It's in her mum's name.

And was any of this money being used to service that?---No.

When was it that your wife was taken of the directorship for JTG Services?
---When all this happened the, like, we've had a lot of fights and arguments
and then she found, she figured out everything and, and then her name is,
20 like you know how her name's been everywhere? She got extremely angry
and then, she got extremely angry and she called a lawyer and the lawyer
told you, you - - -

We don't need to know what your wife was told by a lawyer, okay?---Okay.

That's confidential between your wife and the lawyer.---Okay.

But I'm just looking at the updated ASIC record and it seems your wife was
only removed as a director of the company some five days ago, is that
30 right?---Yes. She, she actually rang, she was, like, she was really angry and
the, like, we had a fight, big fight and - - -

THE COMMISSIONER: Do you want a five-minute break?---(NO
AUDIBLE REPLY)

We'll just return in five minutes.

40 **SHORT ADJOURNMENT**

[2.33pm]

THE COMMISSIONER: Yes.

MR ENGLISH: I understand Ms Ceic has an application, Chief Commissioner.

THE COMMISSIONER: Yes, Ms Ceic.

MS CEIC: Chief Commissioner, it's an application for an adjournment. Unfortunately Mr Abdi is unable to continue this afternoon. He is in a very emotional state. I have been advised that the options are to continue tomorrow or 2pm on Friday. The preferred date is Friday to give Mr - - -

THE COMMISSIONER: Is there any issue with Friday?

MR ENGLISH: No.

THE COMMISSIONER: All right. 10.00am Friday?

MS CEIC: Thank you.

THE COMMISSIONER: The Commission will adjourn.

THE WITNESS STOOD DOWN

[3.06pm]

AT 3.06PM THE MATTER WAS ADJOURNED ACCORDINGLY

[3.06pm]