

HECTORPUB00903
31/03/2023

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pp 00903-00920

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE JOHN HATZISTERGOS AM
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION HECTOR

Reference: Operation E19/1595

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 31 MARCH, 2023

AT 9.30AM

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

THE COMMISSIONER: Thank you. Yes. All right. We're ready to resume. Mr Sanber, you're subject to the same oath you took at the commencement of your evidence to say the truth. Do you understand?--- Understood.

Yes. Thank you, Ms Davidson.

10

MS DAVIDSON: Mr Sanber, you were asked some questions yesterday in relation to payments made by you to Sadco. Do you recall that?---Yes.

And you indicated that you would have paid invoices that were provided to you?---Correct.

20

The Commission searched its records and the only Sadco invoice that it's been able to locate appears in volume 3.9 at page 229. If that could be brought onto the screen, please? Do you recall seeing this invoice?---Not specifically but I, the, the logo is consistent with what I recall.

Do you recall seeing other invoices from Sadco?---Yes.

To the extent that those invoices weren't able to be located in any of your records, do you have any explanation for that?---They were all in my emails or - - -

30

Why would you pay money to Sadco in the amounts that were shown if there was no invoice?---That's exactly the opposite to what I just said.

So is it your evidence that there were corresponding invoices for all of your payments to Sadco?---Yes.

Did you delete invoices from Sadco?---No.

Did you, well, the bank statements, well, the bank statement that we were looking at yesterday afternoon - - -?---Yeah.

40

- - - the scanned version - - -?---Yeah.

- - - if we could bring it up? It's volume 3.9, page 122. That was the document that you indicated that you'd falsified. Sorry. If we could go to page 123, which is the start of the scanned document? And that's where you've annotated on this and subsequent pages payments to Sadco?
---Correct.

How did you decide what transactions it was that you were including on this statement that you'd indicated you provided to Mr Nguyen and, as you understood it, others?---If you look at the words "inv ssd part 1 part 2" those were invoice numbers that I paid against.

Right. So how did you decide which of the transactions that you were aware of, you said this was a falsified document - - -?---Correct.

- - - how did you decide which transactions to include within this falsified document? It was a selection of your real transactions, I think that was your evidence?---I said I modified everything, yeah.

Right. And yet it's your evidence, I think, that you, in fact, made these payments to Sadco?---Yes, I believe so, or, well, the reason I voluntarily suggested that or provided the real invoices is to, is so you can actually see what payments were actually made and to whom they were made.

Well, yes, and we'll come to the payments that were actually made - - -?
---Yeah.

- - - but I'm asking you a question in relation to what you say is this falsified document.---Yeah.

30 And my question is this. How did you decide in compiling this document - - -?---I don't recall. That, that, that, again, this was done, if you, you can probably, if you go up a page, you'll see what time that was scanned, you can see the, I, I, I was doing it whilst, in the evenings of, of my day job. And, as I said to you previously, I always try to make sure that I do a good job. This was not, I didn't consider this work. This was I had to get something out to get people off my back, yeah. So I didn't spend too much time considering, thinking and trying to recall what I was doing, other than - - -

40 But there was some process of selection in deciding which transactions to include?---At the time, yeah.

Because you were trying to create an impression with this document, were you not?---Correct.

And what was that impression?---I can't answer that accurately, 'cause I don't recall my, what I was thinking at the time.

10 What were you trying to show them by including certain transactions on this document?---Money paid, I don't, I don't know what you're, what you're asking, sorry.

Chief Commissioner, I seek relief in relation to page 357 of Mr Sanber's compulsory examination transcript, which I understand you have a copy of?

THE COMMISSIONER: Yes. Granted.

MS DAVIDSON: Lines 11 to 33.

20 THE COMMISSIONER: Granted.

VARIATION OF SUPPRESSION ORDER: SECTION 112 ORDER IS VARIED IN RESPECT OF RAJA SANBER'S COMPULSORY EXAMINATION TRANSCRIPT DATED 25 NOVEMBER 2021, PAGE 357, LINES 11 TO 33.

30 MS DAVIDSON: If that could be brought up on the screen? This is some questions that you were asked in relation to what you say is a falsified document, and take it from me that's this document, in relation to the bank account. There's some context included in the first few lines there. Do you agree you're talking about this document here?---Yes.

40 And you were asked, "What do you mean by it being a falsified document?" this is line 20, and you say, "I was being put under pressure by the others, as I mentioned previously prior to the break and I was getting pressured to, you've made all this money, XYZ on this job, you need to pay us or we're off the job and we're going to get, you know, not, you not being able to complete the works. And so I didn't want to just hand over my bank statements to people, so, you know, I made it look like it was my bank statement." And you were asked, "So these were documents that you

printed off?” And you were asked, “And how were they altered? If you say they’re falsified, what do you say was falsified about them?” You say, “I falsified this document completely. There’s, for the transactions that I knew that they knew about, I put them in and for, and made up others”.

---Correct.

Was that an accurate answer?---Yes.

10 So the document that we’ve been looking at includes transactions that you knew that the others knew about?---Correct.

And that included the Sadco transactions?---Correct.

You knew that they knew about them?---Yes.

And was that because you knew that those payments were payments in relation to splitting profits with Mr Aziz and others?---No. I, it’s because I did not organise those trades. I just paid the invoice - - -

20 You did not organise those trades?---Correct.

I suggest to you that that’s a lie.---I, I don’t know how to respond when you make suggestions like that. I’m, I’m being transparent, truthful, honest, I’m, you can see what, what I’ve answered previously is consistent with what I’m saying now, so, you to say that.

Could we have volume 18.13, page 251 brought on the screen? These are messages between you and Mr Aziz using the Tresca phone number that we were discussing yesterday?---Yeah.

30

Do you see that - - -?---Yeah.

- - - in December 2017? And do you see the bottom message there, you say to him, “inv paid”?---Yeah.

Why would you be telling Mr Aziz that you’d paid an invoice?---I don’t recall this message, so, but - - -

40 All right. Well, can we scroll to the following page? “Same bank. So should be in the account today or Monday morning at the latest. Let me know how it goes.” That suggests that you’re paying Mr Aziz, doesn’t it?

---I'm trying to recall this, to, to accurately answer your question. As I said in my response yesterday, I did not know who organised it, whether it was, I could not recall who organised it, whether it was Monty, Tony or Abdal. I can't recall this exchange of messages, but it, like, it's not really jogging my memory, but, again, I don't want to jump to conclusions to say, well, maybe it was Abdal that organised the trade, but I don't know.

10 Well, there's no reason for Mr Aziz, as the Downer project manager, to be organising trades for you, was there?---There was, there was, this is at the time when I did not go up to site at all for, for a period of time because I was flat out in Sydney. And I did rely on others to organise some things. The, the, well, what I saw yesterday changes my mind about what I, you know, of what I believe now, but at the, in my mind at the time, it was, there was material that needed to be removed offsite and, and, like, there was, there was an occasion, another occasion where a crane was needed and Abdal organised the crane and I paid for it. So it wasn't - he, he had organised it but I, and I paid the invoice.

20 Well, that would again suggest that he was assisting you in relation to RJS's work as opposed to fulfilling his role at Downer, wouldn't it?---Well, it's, his, his - well, no, not necessarily because if you look at most of the correspondence and most of the emails between Abdal and I, it was always him putting pressure on RJS to get work completed quickly, on time. He, he was, he was always concerned about the, how the project was going and how it was proceeding in, from a time, cost and quality perspective, which is his job and on some occasions he did step in to make sure that things got done in a timely fashion and that's to serve his interests, whether it's his personal interests or his requirements, his obligations with Downer.

30 Well, it was certainly his personal interest, wasn't he because he was extracting profits via Sadco from - -?---I did now know this at the time, no. So I, although, yeah.

These messages you see are on 2 December.---Yep.

40 If we can go back to the statement, that is the bank statement on page [sic] 3.9, page 123, that you say included the payments, or in your answer in your compulsory examination, which you say is accurate, included the payments that you said the others knew about. If we could scroll to page 124. I'm sorry, it's 125. One more page, apologies, 126. You see in fact on 2

December, which is the identical date of the messages, you made a payment of \$67,353 that you've labelled as a payment to Sadco.---Okay.

That's rather coincidental, is it not?---Sorry? I don't know where you're going with this.

Well, what I'm suggesting to you is that you - - -?---What do you mean it's coincidental?

10 - - - knew in paying that Sadco invoice and telling Mr Aziz that you had done it and it was the same bank and he should let you know how it goes, you knew that a payment to Sadco was going to Mr Aziz.---I can't recall what the circumstances of it were, why he, why he was asking or why I was telling him about whether the invoice was paid but my assumptions, I can tell you what I believe now but I don't recall it. So it's not really accurate but what I, what I'm thinking now is potentially that he as being asked by, by his, the contractor he organised, when am I going to get paid for that work. That's, that's what I would assume but, anyway, I'm talking about what I think potentially may have happened.

20

He wouldn't normally be involved in monitoring your payments to contractors, would he?---Not unless he was involved in it, no.

And the suggestion was that it would be in the same bank and he would - that is a suggestion from the message - that he would know when it went into the bank?---Oh, that's, that's jumping to a conclusion. I'm assuming, I'm assuming that - actually, I don't know. Commissioner, if I don't actually recall, if, if I start saying what I'm thinking, is that, I'm just worried I'm going to be stuffing it up.

30

THE COMMISSIONER: Well, you - - -?---Because I don't actually recall why I sent him that message. So - - -

Yeah. You asked him to check and to contact you back. So, doesn't that assume that he would have the capacity to find out when the payment was received?---Capacity to, yes, which is potentially a phone call to the, to the contractor, I believed that there was another contractor, to say, "Have you been paid?" And, because I, again, I don't recall whether he's the one that organised it.

40

But you asked him to do that. You didn't pick up the phone and make the contact, you asked him to do that.---Yeah. Sorry.

So you're saying, what, there's no relationship between Sadco and Mr Aziz?---I'm not saying that at all. I don't know that or not. I don't know whether that's the case or not. Or I did now know at the time. What you showed me yesterday made me, made me, made me second guess that now but I'm, I'm trying to give you evidence as to what I knew at that time.

- 10 MS DAVIDSON: I suggest to you that the inference arising from that message is that you did know at the time that there was an association between Mr Aziz and Sadco?---No, I did not. I did not. I'm being honest with you. I did not.

And I suggest to you that you're lying in giving that answer.---That's fine.

- In relation to the business transaction accounts, could we bring up volume 3.11, page 1? Now, you will see, Mr Sanber, that this is a table that summarises payments that are made out of your business transaction
20 accounts relying on your business transaction bank statement as opposed to the falsified document.---Yep.

It's a table that's been prepared by the Commission but I can show you how it works. If you look at the first line there's a transfer you see mentioned and an invoice number and it's a payment to SDL Project Solutions and then there's a corresponding page reference. If we bring up page 3 you will see the corresponding entry on the bank statement is highlighted and these are your actual bank statements, that is out of the business transaction account rather than the scanned document.---Yep, correct.

- 30 So if we could return to page 1, this indicates a total series of payments over the period to a number of companies. The first one listed there you will see in the left-hand - I'm sorry - the fourth column in from the right is the Sadco payments.---Yep.

The second, well, the third column in from the right indicates payments to SSD (NSW) Pty Ltd. Do you know who they were?---Not, not off the top of my head, no.

- 40 A number of the payments that were made to SSD (NSW) Pty Ltd you had annotated on your falsified bank statement as being payments to Sadco. Do

you know why that would have been?---As I mentioned yesterday my recollection was that there was two separate events where material needed to be removed offside. On was earthworks materials and the second one, as far as I understood anyway, was builder's rubble et cetera that was going to a waste disposal. So I assuming that, I assume they were all the same company. I, I don't know why there's an error there but - - -

10 Do you know why you would have - well, I'm not suggesting it was an error, I'm suggesting that in presenting them in your falsified documents you thought that they were all payments to Sadco or you were presenting them as payments to Sadco?---Correct, yeah.

Are you able to offer any explanation as to why that was so?---Because I assumed that it was for Sadco.

That is you assumed that payments for SSD were in fact payments for Sadco?---Yes.

20 Right. Did you ask to see - the invoice that I took you to before didn't have any tip dockets associated with it. Did you - - -?---I, I recall seeing tip dockets with every invoice that I had received that related to material tipping.

Again, the Commission's searched its records in respect of tip dockets and hasn't been able to find any. Are you able to offer any explanation for that?---I can't offer you an explanation why you couldn't find something, no.

30 Did you ever delete or remove invoices from SSD Pty Ltd?---What do you mean remove? I didn't, I haven't removed anything.

From your devices.---No, I did not remove anything from my devices. Not, not that I - I did say to you yesterday that all my emails and whatnot were no longer accessible.

I understand that.---So, and that's, I didn't really have that much in terms of a filing structure. I didn't have time to do that type of admin. I, I was working off of the inbox.

You will see the total amounts there paid to Sadco and SSD (NSW) over the period of time that's covered by these bank statements amounts to more than \$661,000.---Okay.

10 Did you seriously think at the time that you had spent \$661,000 on removal of spoil for the project?--I, I wasn't tracking that in that detail, to, to try to total it up. So, and I'm assuming, like I said, me, I don't recall everything as, as it was. It was quite a number of years ago but I, I would suggest that each one of these invoices would relate to or that these payments for works would relate to a variation that, that I'd received or that RJS were asked to undertake a variation of the contract. Now, when I took on a contract, I couldn't remember what it was again. But you said to me it was in circa \$700,000, so, yes, that's, it, it seems like a lot more. At the time, there was no earthworks to be done when I, when I first signed up the contract with Downer. The, and, like you rightfully said, there was a, a, a, I don't know what, what's the word? A non-consistently high, it's, it's not an unusual, sorry, that's the proper word, an unusually high number of variations on this project.

20 If these were variations in relation to spoil removal, one would expect to see that documented in your claims to Downer, would you not?---Yeah, I was, yes, 100%

So to the extent that those are not claimed as variations, it doesn't explain the transactions, does it?---No, but that's what I'm saying. It, they should correspond with variations.

30 So are you suggesting that the payments to Sadco corresponded with variations to the contract?---Not exact figure, plus margins or whatnot, but, yes.

All right. I suggest to you that that's a lie.---I can't tell you, I'm telling you what I, what I think. I, I don't recall exactly what those variations were or how much they were or how, or when they were paid. Again, we're, put something in front of me to jog my memory, yes but don't, don't make assumptions and accusations like that.

40 Well, it's a question of allegations being put to you and you being given an opportunity to respond, Mr Sanber.---Okay.

Let's go to the bank statements that you've provided. This is the same sort of bank statements that's been used for the purposes of this analysis.
---Spreadsheet, yeah.

I don't have them electronically but I have a set for you in hard copy, which the Commissioner also - - -

THE COMMISSIONER: Before we move on, did you want to tender this -
- -

10

MS DAVIDSON: I'm sorry, yes. Exhibit 94, Chief Commissioner.

THE COMMISSIONER: Exhibit 94, it's the extract from the compulsory examination, 25 November 2021, lines 11 to 33.

**#EXH-094 – EXTRACT OF RAJA SANBER'S COMPULSORY
EXAMINATION TRANSCRIPT DATED 25 NOVEMBER 2021 PAGE
357 LINES 11 TO 33**

20

MS DAVIDSON: I'm grateful, Chief Commissioner.

THE COMMISSIONER: Yes.

MS DAVIDSON: If the folder might be provided to the witness and one for you, Chief Commissioner?

THE COMMISSIONER: Thank you.

30

MS DAVIDSON: These are the documents that you provided yesterday, which are extracts from your business transaction account, well, statements, I should say, from your business transaction account. And the statements have been audited according to their numbers in the folder that you've got in front of you.---Okay.

Statement number 8 on the 27th if you can go to that?---Yeah.

On 27 July - - -?---Yes.

40

- - - there are two identical transfers out at a branch at Elizabeth and Foveaux Street for \$19,745.10. Do you recall what that related to?---No.

Was that a transaction you were involved in?---Yes

Was anybody else a signatory of this bank account?---No.

On 3 September - - -?---Same statement?

10 Same statement following page. You will see there is a director credit of \$100,000.---Yep.

And a corresponding payment a few days later of \$100,000.---Yep.

Do you recall what the director credit related to?---No. I think, I, I'm assuming that that went into my personal bank account but I can't recall exactly what it was about, no.

20 Well, it's a credit to this account.---Oh, it's credit. I, I put this money in, is that what you - - -

Do you recall doing that?---I, no, I don't recall exactly everything I've, I've done, no.

So when you say, "I put this money in", that's you speculating now, is it?---No, I'm, I, sorry. I read it wrong. I thought this was a debit and you just corrected me saying it's a, it's an actual credit into the account and I, that just threw me because - - -

30 Okay.---- - - I don't recall that.

You don't have any recollection of that?---No.

If we turn to statement 9.---Oh, yeah.

You'll see on the first page there a director credit being debited out of the account in the amount of \$140,000.---Yep.

40 Do you recall what that related to?---6580 is, I can't remember which, it's one of my accounts. I'm not sure.

And describing it as a director credit would suggest that you were paying yourself effectively?---Correct, yep.

Does that indicate an occasion on which you were taking profit from the project, having received payments from Downer?---I don't recall exactly.

10 You will see on 6 October, on the same page, a \$100,000 cash withdrawal at a branch in Elizabeth Street, Sydney. Do you recall going to a branch in Elizabeth Street and withdrawing \$100,000 in cash?---I recall going to the branch on Elizabeth Street on a number of occasions. I don't recall that amount but that's - - -

It's a fairly extraordinary amount of cash to withdraw, isn't it?---Yes. That's, yes, that's why I'm trying to recall what, what it was about.

Not really forgettable to be carrying around \$100,000 in cash on your person.---I'm, I'm, can I check, check whether I've deposited it somewhere else? I'm not sure. Is it - - -

20 Well, it doesn't really matter whether you deposited it somewhere else. You were taking it out of the company.---No, if it was into another account - yeah. I don't, I don't recall what that's about, sorry. I, I'm genuinely trying to recall. This was in October 2017.

2017. You will see on the following page, on 29 November, down the bottom of that page 2 of 5, there's a transfer to that account, that is the account that I think you've indicated was yours. It's described as a cash payment.---Yep.

30 Do you recall that?---Again, I, I mentioned - well, no, I don't recall that but - - -

And similarly, turning the page, on 2 December 2017 they transfer into the same account, likewise described as a cash payment.---Yep. I don't recall what these are all about.

They would all seem to indicate instances of you paying yourself in respect of the project, wouldn't they?---Yep.

40 And it represents, well, the combined withdrawals there are in an amount of more than \$200,000?---Well, just taking a step back to what you were

saying before about the, the credit, there was multiple director credits, as well. And that, I'm, I'm now, I don't recall but I'm assuming it was me trying to balance books somehow. But I don't recall. And you can't just, I'm just saying you can't just total the, the credit, the debits without looking into the credits, as well. But you, keep going.

10 You were, as indicated by these transactions, accepting that there were director credit transactions, as well, taking out profits from the project, I suggest to you.---That's, you can make that assumption. I don't recall what they're all about. I did take out money for, yes, but for what purpose exactly, I can't tell you.

Logically, for the purpose of paying yourself in relation to the work you were doing?---That's a logical conclusion to, to derive from, from that evidence.

20 You also, as I think we've indicated, as I think we've canvassed, made, as indicated by these bank statements and the summary table that I showed you, a very high number of, well, paid a very large amount of money during this period of time to Sadco and SSD. It might be submitted against you in relation to the cash withdrawals and those payments, that this looks rather like a tax avoidance scheme. What's your response to that?---There's no tax avoidance scheme. I've, I've put my, I've paid my taxes.

What role did Mr Nguyen have in this Victoria Street project other than introducing you to SDL, to Mr Laphai ?---Can I put this away? Will we - - -

30 Yes.---Yeah. Basically, the original introduction was his, well, well, when I, when, yeah. His introduction from, to SDL but when SDL's, when we were trying to kick off the job, I was finding it very difficult to get SDL to get people out there to get the job. And Abdal was, or Downer in general, was putting a lot of pressure on me to make sure I'm sticking to the program, make sure I get people onboard. There was problems with inductions, problems with, with getting paperwork done, things I'd relied on SDL to do. And I conveyed my frustration to Tony and, and demanded that he help SDL bring their, you know, get up to speed, get up to scratch.

40 Did he complete safety inductions for you on the project?---He, he didn't do safety, yeah, so he completed, so Downer had a, a system for safety inductions and RailSafe worker inductions and that type of stuff. That

needed to be done electronically. And my understanding is that he assisted SDL in, in getting their employees and contractors on that system.

In fact, he filled them out on behalf of workers, didn't he?---He filled them out? Yeah, I, I do, I do recall that he had, that SDL had some people that couldn't speak English and, and I believe that he was filling it out for them, but - - -

10 And you were aware that he was doing that, weren't you?---That's what I just said.

Did he complete safe work method statements for you, that is, on behalf of RJS Civil?---Yeah, he had my safe work method statements that I asked to make sure that everyone was signed up to, yes.

20 Did you pay him in relation to that work?---No. As far as, and this is where the argument stemmed, was that my understanding he was getting paid by SDL to get their paperwork up to scratch. It wasn't my responsibility to pay more for that work to be done.

I suggest to you that his involvement or work on that, and assistance to you on that, in getting them onto site and completing documentation on their behalf was because you had an agreement with him in relation to sharing the profits of the project.---That's not true.

You gave evidence yesterday that you had arrangement or understanding with Mr Aziz in relation to splitting profits on Victoria Street, that was a lie, wasn't it?---You've, I thought you, we've addressed this yesterday.

30 Well, I'm putting it to you and giving you the opportunity to respond to what might be submitted against you in relation to that.---Again - - -

40 It's a yes or no answer.---My answer is I did not have an agreement with anyone. I had an argument later on that, in which this was discussed. But just, just to make sure that this is very clear and I don't know if - I know you haven't really asked the question, I'm not sure why it's being avoided. I set up the company called Sanber Group under my own last name. There was no intention to hide anything. There was no other names in there, there was no other acronyms in there and I, and if you look at my, my phone records, email records, whatever it may be, when I set up the company there was no real communication, well, there was no communication at all with Tony and

very limited with, with, or none with Aziz either. So just for, like, just for them to suggest that there was an agreement is just, the evidence is there to show you that that's false.

Well, I'm asking the question and it has a yes or no answer. Similarly, I'm suggesting to you that to the extent that your evidence is, or you've given answers, that you didn't have an understanding or agreement with Mr Nguyen in relation to splitting the profits of Victoria Street that that was a lie too.---Sorry, are you saying to me, I just want to know which answer to
10 give, yes or no, are you saying - I'm, I'm saying to you no, I did not.

I'm suggesting to you that you're lying.---And, and I'm not.

Right. You indicated in answer to the previous question that you had set yourself up as Sanber Group.---Yep.

In Victoria Street you weren't trading as Sanber Group, were you? You were trading as RJS Civil.---I changed the trading as when I wanted to do civil works back when I was attempting to get work in councils and
20 subsequently when I got work at the Inner West Council.

Was not using the name Sanber Group an attempt to disguise your involvement?---No. I mean - - -

Because you were employee of Transport for NSW at the time?---No, no. That's, that's not it at all. It, sorry, it's on ASIC, it's on the ASIC website. Whether the trading name as, is, the trading name is also - sorry. The, sorry, I don't know how to explain this. On the ASIC records it's Sanber Group trading as RJS, or was anyway, trading as RJS Civil.
30

I'm sorry, Chief Commissioner, were you about to raise something?

THE COMMISSIONER: No.

MS DAVIDSON: To the extent you gave evidence on Tuesday and yesterday and answers that you weren't part of the TRN Contractors or ASN business I'm suggesting to you that that was a lie too.---It was not a lie. Well, as I keep, as I keep saying, I was involved in setting up the company but I was not involved in the operations other than when I got asked to
40 change the name and, and assist with some safe work method statements et cetera.

And when you gave an answer that you didn't receive any payment in relation to these Glenfield Junction car park rectification works that that was also a lie.---That's not a lie, no.

That's the examination, Chief Commissioner.

THE COMMISSIONER: Yes, all right. Thank you.

10 MS DAVIDSON: I should tender, I'm sorry, Chief Commissioner, the bank statements in the form that they were produced by this witness yesterday, that is the bundle that was produced that would be Exhibit 95.

THE COMMISSIONER: It's this bundle?

MS DAVIDSON: Yes.

That will be Exhibit 95.

20

**#EXH-095 – RAJA SANBER COMMONWEALTH BANK
STATEMENTS DATED 1 OCTOBER 2016 TO 30 SEPTEMBER 2018**

THE COMMISSIONER: Yes. Now, there's been no request for leave, is that correct, to cross-examine?

MS DAVIDSON: That's correct.

30 THE COMMISSIONER: Yes, all right. Thank you.

THE WITNESS: What does that mean, sorry?

THE COMMISSIONER: What's to happen now?

MS DAVIDSON: I'm sorry?

THE COMMISSIONER: Is the witness to be excused or - - -

40 MS DAVIDSON: To be stood down rather than excused from the summons at this point.

