

SCANIAPUB00584
01/09/2016

SCANIA
pp 00584-00628

PUBLIC
HEARING

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE REGINALD BLANCH AM QC

PUBLIC HEARING

OPERATION SCANIA

Reference: Operation E15/0978

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 1 SEPTEMBER, 2016

AT 1.00PM

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

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

ASSISTANT COMMISSIONER: Yes, Mr Mack.

MR MACK: Commissioner, I just note the time. It's now just a bit after 1.00pm. We took an extended break over morning and lunch to allow Mr Mohamad Taleb to arrive. I understand that he's now here and I propose to call him. And I also understand that he requires an interpreter and I'm instructed that a Ms Issa, I-s-s-a, is an Arabic interpreter here to assist.

10 ASSISTANT COMMISSIONER: Thank you. We might swear the interpreter to begin with. Ms Issa?

MS ISSA: Yes.

<ZEINA ISSA, affirmed

[1.04pm]

20 ASSISTANT COMMISSIONER: Thank you, Ms Issa. Could Mr Taleb come forward, please. Just go into the witness box, Mr Taleb. Mr Taleb, will you take an oath or an affirmation?

MR TALEB: Anything. I don't care. But without mentioning religion.

ASSISTANT COMMISSIONER: Thank you.

<MOHAMAD TALEB, affirmed

[1.05pm]

30 ASSISTANT COMMISSIONER: Thank you. Just take a seat. Yes, Mr Mack.

MR MACK: Mr Taleb, when did you arrive in Australia?---2012.

And where did you arrive from?---Lebanon.

40 And when you arrived in Australia, where did you reside?---I stayed with my brother-in-law. I stayed with the brother of my wife for two weeks and then I resided on my own.

ASSISTANT COMMISSIONER: I forgot the section 38 order.

MR MACK: Oh, sorry, Commissioner.

ASSISTANT COMMISSIONER: Mr Taleb, in the course of answering questions you might leave yourself open to civil or criminal prosecution. I can make an order that will protect you so that no civil or criminal action

can be taken against you as a result of your evidence. Would you like me to make that order?---There is no need. I don't see that this would be necessary.

Very well.

MR MACK: Mr Taleb, you were just telling me that when you arrived in Australia, you stayed in one location and then you moved to another location.---Yes.

10

Can you recall the suburb of the first location?---Birrong.

And then when you moved out of Birrong, what suburb did you move to? ---Yagoona.

And who did you live with in Yagoona?---With my family. My wife and my children.

20

What was the street called that you lived in in Yagoona?---[REDACTED] Road.

Do you live in Yagoona at the moment?---No.

Where did you move after you left [REDACTED] Road, Yagoona?---I went to Melbourne for around a year.

With your wife and children?---Yes. I had one child, only my son.

30

When did you move back to Sydney?---About a year later. I remained there for about one year and then I came back.

And when you came back to Sydney, what suburb did you live in?---At Guildford.

And what was the street name at Guildford?---[REDACTED], I think. I think. Yes, [REDACTED]. [REDACTED].

And how long did you live there for?---Six/seven months.

40

And did you live there with your wife and your child?---Yes.

Where did you move after [REDACTED], Guildford?---[REDACTED], Granville.

And how long did you live at [REDACTED] for?---Also about a year or maybe less, approximately.

Where did you move – sorry. Did you live there with your wife and your child?---Yes.

With anybody else?---At the house we had another child.

Okay. And where did you move after [REDACTED], Granville?---[REDACTED].

How long did you live at [REDACTED] for?---Approximately a few months. I'm not – I don't really know. About half a year or something like that.

10

And were the only people living at [REDACTED] yourself, your wife and your two children?---Yes.

Where did you move after [REDACTED]?---*[REDACTED], [REDACTED].*

Is that where you live now?---Yes.

20

And are the only people that live at [REDACTED] yourself, your wife and your two children?

THE INTERPRETER: Sorry, this is the interpreter speaking. I just need to clarify this word in Arabic because it can mean father-in-law or it can mean a paternal uncle.

THE WITNESS: Okay. So that's also my paternal uncle he is residing with us.

30

MR MACK: What's his name?---Nosir. Nosir.

What's his surname?---Taleb.

Is his surname – does Nosir also have a name Kabite, K-o-b - -?---*Yeah, yeah, yeah, yeah, yeah.*

Yes, all right Thank you.---Yeah, yeah, that's right.

40

Mr Taleb, are you familiar with an address at [REDACTED] – [REDACTED]?---Yeah. Yeah, yeah.

[REDACTED]?---*Yes.*

And is that where Nosir used to live?---No, Nosir – ever since I've come to this country he was not residing there.

Okay.---His family is there but that's his ex-wife.

Well, where – have you been to visit Nosir at his house before?---Yes, my uncle's house. I've gone to see his family, not him.

All right. Do you know where – before Nosir moved in with you where did Nosir sleep at night?---At my, at my paternal uncle's place. My second uncle. I mean his brother.

Is that Uncle Ahmed?---*Yeah.*

10 And is also known as Sam?---*Yeah.*

And where is Uncle Ahmed's place?---Current, the current one?

Current one, yes?---Fairfield.

And how long has Uncle Ahmed lived in Fairfield for?---Must be about a year and a half or something like that, I don't know.

20 And before Uncle Ahmed lived in Fairfield where did Uncle Ahmed live?---
What do you call it, at Liverpool but I don't know the exact name of the area.

Bass Hill?---No, before that, prior to that he used to reside in Bass Hill.

Do you know where [REDACTED]?---Yes.

Is that where Uncle Ahmed used to live?---When I first arrived in Australia he resided there.

30 And then he moved from [REDACTED] to Liverpool?---*Yes.*

Do you know what street in Liverpool?---No, the area was not Liverpool. We just caught that whole area over there Liverpool but I don't know the exact name of the area. I mean if I can see something, if I can see names then I will recall but at the moment I just can't remember.

40 All right. So you've known that Uncle Ahmed has lived in three different places. The first at [REDACTED], the second somewhere in the Liverpool area and then the third at Fairfield, is that correct?---Yes.

Do you know what - in regards to the Fairfield location, do you know what street in Fairfield?---Yes, [REDACTED].

[REDACTED]. And was Uncle Ahmed living in [REDACTED], Fairfield this time last year?---I'm not exactly sure. He has been there for not so long, so it should be right.

And how long has Nosir been living with you in Merrylands?---Ever since I've moved in about three to four months ago, even at the other place he didn't reside there he used to come and sleep at my place at [REDACTED].

So Uncle Ahmed lives in [REDACTED], Fairfield now?---Yes.

Can you recall when he moved in there?---I told you it was approximately about a year and a half ago.

10

Okay. Did Nosir ever sleep at your place in [REDACTED] in Granville?---Over there I don't think so, no.

Do you know what year and what month you moved into [REDACTED] in Guildford West?

THE INTERPRETER: [REDACTED] in Guildford West?

20

MR MACK: Yes. Sorry, I'll withdraw that. [REDACTED].

THE INTERPRETER: [REDACTED]. Sorry, "Did you move to [REDACTED] [REDACTED]?" Was that the question?

MR MACK: Yes. I'll ask the question again.

THE INTERPRETER: Yes, thank you.

30

MR MACK: When did you move to [REDACTED] in Guildford West? ---Approximately about a year or less than a year. Approximately. Or maybe a little bit more than that. Honestly, I don't know.

And how often would Nosir stay with you at the Guildford West house? ---There's no specific period. Sometimes he used to come and sleep for two, three days, sometimes once a month. Sometimes every week. Sometimes every few days.

But if he wasn't sleeping at your place, would he have been at Uncle Ahmed's place in Fairfield?---I don't know but that should be the case.

40

Thank you. What is your current job?---Truck driver.

Do you transport soil around Sydney?---Yes, in Sydney, yeah.

And how long have you been a truck driver in Sydney for?---Approximately about three years or less.

And who do you work for?---My uncle, Ahmed. Sam.

Have you ever worked for Nosir?---No.

Has Nosir ever paid you any money?---No, just the rent. He just pays for the rent. The house rent.

Can the witness be shown a picture of Bandon Road, Riverstone? Volume 18. I'm going to show you a picture on the screen, Mr Taleb. Do you recognise where this picture's taken?---Yeah. That's it, isn't it?

10 Do you know, have you heard of Bandon Road before?---I don't know the street exactly but I don't know the yard up there. I do know it.

You do know the yard? You do know the yard?---Yeah. I do this. I do know this, I do.

Did you use to work there?---No, I went over there about twice or three times.

20 THE INTERPRETER: Sorry, this is the interpreter. I just need to clarify.

THE WITNESS: I took road base. Driver up there for them.

MR MACK: For who? Who did you take it there for?---Ahmed sent me. I work for him and he tells me where to go, so he sent me there.

Did you ever work there and record the trucks that came in on a piece of paper?---No, I don't recall. But if once when my uncle is there maybe I have recorded something or something like that.

30 Did you ever drive an excavator at that property?---Where, you mean here?

Yes.---No.

I'll show you a property – another picture. Does this picture look – do you recognise this picture?---No.

Are you familiar with a road called Willowdene Avenue?---No, but it's not clear like the other one. The other one there was the train and that's why I was able to recognise it straightaway.

40

I'll show you one more picture to see if you recognise that property. This is volume 15, page 31 and I want you to tell the Commission if you recognise the entry - - -.---*Is it, is it this one in Leppington or something like that, like off Elizabeth Drive?*

No, it's in Luddenham.---*No, I – this one I don't (foreign language) Yeah, yeah, this one.*

This one you recognise. So this is for the - - -?---Sorry. In Arabic that was I can't tell right now if that's it and then in English, this one, yeah.

For the purpose of the transcript this is volume 15, page 32. Do you recognise the picture at the top of that page?---This one, yes.

And did you use to transport soil to this site, to this yard?---Yes, I used to take road base and things like that, take it over there. I used to go up there, yes.

10

What do you mean by road base, what is road base?---For the driveway.

Does road base include bricks?---Road base is made up of concrete.

So just concrete. Does it have any soil in it or is it just road – or just concrete?---No, it's just concrete.

Do you know what asbestos is, Mr Taleb?---*Yes.*

20

Did you ever take asbestos to the place that I just showed you?---No.

Did you – have you ever dumped asbestos anywhere?---No.

What is your mobile phone number, Mr Taleb?---*.*

And how long have you had that phone number for?---More than a year.

Do you have any other phone numbers?---No, I do have this one right now if you want it?

30

No, I don't want it. Did you ever have a number that ended in 8-0-6?---Maybe. If I see the whole number I might recognise it because I'm constantly changing numbers. But that's the only one that I've kept.

Okay. Do you know Ali Taleb?---Yes.

And what relation is he to you?---He's my paternal cousin.

Does Ali Taleb has any brothers?---Yes.

40

And what are their names?---Taleb, Mohamad.

Taleb and Mohamad?---*Yes.*

ASSISTANT COMMISSIONER: Is Taleb the last name or the first name?--The first name.

Taleb?---*Yes.*

And what's his last name?---It's Taleb.

Thank you.

MR MACK: And who is the eldest out of Ali Taleb and Mohamad Taleb?
---Taleb.

10 And who is second eldest?---The eldest is Ali, then comes Taleb, then
comes Mohamad.

Do they live together?---Yes, mostly, yes.

All three of them live together right now?---Right now exactly I don't know.
But I do see them when I visit them and usually I find them together.

And at what address do you usually find them together?---This one's [REDACTED]

20 [REDACTED] ?---*Yeah, yeah, yes.*

Did you ever see Nosir at [REDACTED] ?---No.

I'm going to play you a phone call and I want you to tell the Commission if
that's your voice. What I'm going to play you is from 5 December, 2015
and it's call number 3940. And before that's played I should indicate to the
Commission that the call won't be in English, I understand it's in Arabic but
there will be a transcript, the call is being transcribed and that transcript will
be available on the screen and we have somebody operating the transcript in
30 time with the call who is familiar with Arabic and who transcribed the call.
So it will be in sync.

ASSISTANT COMMISSIONER: Before that happens, can I remind you
that you do not have to answer any questions that might incriminate you in
any criminal or illegal activity or any civil liability. But I repeat, I can make
an order if you want me to to protect you against any civil or criminal
prosecution arising from your answers.---If you wish to give that order
that's fine but I don't see it is, it is necessary. I mean protection from who?
But if you see that this order needs to be made then you can make it.

40 Okay. Then I will make it. I think it's – so 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 the evidence – his evidence at this public inquiry - - -

THE INTERPRETER: During the course of his evidence at? I'm sorry, I
missed something, Commissioner.

ASSISTANT COMMISSIONER: At this public inquiry.

THE INTERPRETER: At this public inquiry.

ASSISTANT COMMISSIONER: - - - are to be regarded 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.

10

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 THE WITNESS'S EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED 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

20

THING PRODUCED.

ASSISTANT COMMISSIONER: That means that you are protected against any civil or criminal actions in giving evidence but it does not protect you if you tell lies. Yes, thank you. Yes, Mr Mack.

MR MACK: I ask that that call be played 3-9-4-0.

30 **AUDIO RECORDING PLAYED**

[1.38pm]

MR MACK: Did you recognise any of the voices in that recording?---I can only recognise Nosir's voice. The other person's voice is not clear.

Okay. I'll play you another call now and I just want you to identify whether or not it's your voice. I will play you call 4-9-0-4 on 11 December, 2015.

40 **AUDIO RECORDING PLAYED**

[1.39pm]

MR MACK: Commissioner, clearly I think there's a problem with at least one side of the speaking in that conversation. Did you recognise any other voice besides Nosir's?---No. Addressing the interpreter, even you cannot understand the second voice, yes. Is that correct?

That's correct. Commissioner, I'll just ask if the matter be stood down for five to 10 minutes to see if we can sort this technical issue out. I understand it's not mean to - - -

ASSISTANT COMMISSIONER: We'll adjourn for five/10 minutes to see if that can be sorted.

SHORT ADJOURNMENT

[1.41pm]

10

ASSISTANT COMMISSIONER: Yes, thank you, Mr Mack.

MR MACK: Commissioner, I want to play call 3940 from 5 December, 2015, again. I understand the audio is working correctly now.

AUDIO RECORDING PLAYED

[2.02am]

20

MR MACK: Mr Taleb, do you recognise the other voice beside Nosir's voice in that call?---Yes.

Whose voice is it?---It is my voice.

Okay. Thank you?---You're welcome.

I want to ask you a few questions about what was said in that phone call?---Yes.

30

I'm going to read from the screen words that Nosir has said to you and then I want to ask you a question what Nosir means?---*Okay.*

Nosir says "And what you call it when you get here, when you get here just unload the loads and with the machine cover them with clean soil so just cover them so they are covered a little bit"?---Yes.

Where were you when this phone call was made?---I must've been, it must've been at Riverstone, must've have been or perhaps another place.

40

And when Nosir says when you get here, is that a reference to getting to Riverstone?---Okay. What he is talking about what we need to unload these are the buckets for the machine. And this wasn't the first time. It's happened about 10 times because buckets were stolen from us. So this is just because Nosir sometimes – because he used to say to me so Ahmed do whatever, to actually dig a hole – dig up a hole and to cover them with soil. So now this is why I don't know if it was at Riverstone or at a different location.

Okay. Thank you. I understand. I now want to draw to your attention this comment of Nosir's, should I take Taleb here or take him with me - - -

THE INTERPRETER: Should I leave Taleb here and take - - -

MR MACK: Sorry, should I leave Taleb here or take him with me.---What do you mean?

10 Is that Taleb, Taleb the brother of Ali Taleb and Mohamad Taleb?---Yes.

Yes. Thank you. I'm going to ask that you are played call 4-9-0-4 now from 11 December, 2015.---Yes.

AUDIO RECORDING PLAYED

[2.07pm]

20 MR MACK: Mr Mohamad, is that your voice?---*Yes.*

And is the phone call in relation to a load of soil that you were going to tip at Bandon Road – at Riverstone I'm sorry?---That I'm actually loading it or someone else is loading it. What do you mean?

Well, where are you when this phone call takes place?---Riverstone.

And was Nosir on his way to tip a load at Riverstone?---All right. I have to explain. Can I explain something, please?

30 Yes.---Okay. Usually I – when it's raining I take one road base in the morning before people come, one load when it's raining. So someone came over there to unload - - -

THE INTERPRETER: I'm sorry. This went for too long I've just got to restart that. This is the interpreter speaking.

40 THE WITNESS: So I rang my Uncle Nosir, because my Uncle Ahmed he told me the evening before that you need to speak to your Uncle Nosir in the morning. So, someone came to unload over there so I let my uncle know. So I also told him because it was supposed to be clean stuff, clean goods, so I told him that it has asbestos in it. So he said to me then don't allow him. Keep the gate closed and go back to your work. And then when I come I will speak to him.

MR MACK: And when Nosir came did the person unload the load at Riverstone?---I went to my work. I took that to him and then I went to work for our, you know my work with other people. So I just took the load and

that's it. And it just happened. That when I was there they arrived so that's why I called him.

And so did the load get unloaded at Riverstone?---No, no, no, no, no.

ASSISTANT COMMISSIONER: When you say no, do you mean it didn't get unloaded or you left and you don't know whether it got unloaded?---It was not unloaded in front of me. He told me to lock the gate, so I locked the gate and I left.

10

MR MACK: I'm going to play you another phone call now. This is the following day on 12 December and it's phone call 5059.

AUDIO RECORDING PLAYED

[2.13pm]

MR MACK: Is that your voice?---Yes.

20

And do you accept that you took over 10 loads of soil to Riverstone?---No, this was not Riverstone.

Where did this go?---First of all you need to understand when I say two in one we are not actually loading soil. This is not a load of soil. And the second thing is I'm talking on behalf of my other uncle because they weren't talking to each other at that time.

If it wasn't soil what was it?---All right. It was something, sort of mulch. Mulch. Mulch. Mulch.

30

And where did it go?---All right. That day I took two loads for somebody and then the rest, we took another two to the farm that day. We left them on the ground.

THE INTERPRETER: Sorry, this is the interpreter. You just need to slow down. So I just need to clarify again. I took two loads to the farm and there were other people loading on that day, it wasn't just me.

40

MR MACK: Where is the farm?---It was in Liverpool or something like that on that day. That's it.

You said that two went to the farm. Where did the rest go?---I don't know on that day.

Who is Sam Abbas?---Okay. Let me explain something please. At that time I'm talking about my Uncle Ahmed, meaning Sam, because they weren't speaking to each other. There was a problem or something like that. I don't know. So I don't know who wanted to speak to him. No, no, no. I

don't know the name of the man that you're telling me about, Sam Abbid or something.

You don't know Sam Abbas?---No.

Okay. Thank you. I'm going to move on from those phone calls and I'll play you some phone calls from November now. But before I play them I want to ask you if you know anybody by the name of Craig?---No.

10 Don't know anybody by the name of Craig?---No. No, no, no.

I'm going to play you a telephone conversation from 27 November, 2015 and this is call 2-4-6-8.

AUDIO RECORDING PLAYED [2.19pm]

MR MACK: Is that your voice?---I was the one who said okay, okay, that was it. That must be it, that must be it, can you repeat it again, please?
20

AUDIO RECORDING PLAYED [2.20pm]

THE WITNESS: That's me, yes.

MR MACK: I'll ask you again. Do you know who Craig is?---No.

30 Why would Nosir be calling you to tell you that Craig is coming?---Okay. First of all three quarter of the time him and his brother they don't talk to each other because they always have problems together. And Ahmed and I most of the time we're together or at the same job. That's why he always talks to me because he doesn't want to Ahmed.

So did you tell Ahmed after Nosir called you that Craig was coming?---I did not say to him. All I said to him was he needs, he wants money.

40 Who wants money?---That Nosir wants money from Ahmed.

All right. Where were you when this phone call was made?---I can't know this.

I'm going to read you a bit from, something that Nosir says to you. Nosir says to you "Craig is coming here at 2 o'clock and he wants his weekly payment"?---Okay, okay. Let me explain something. Whenever there's something on the phone then there are prior things before that.

THE INTERPRETER: Sorry, this is the interpreter speaking. We just need to do this slowly because there are different names. I need to make sure that I interpret everything correctly. So I'm just going to ask him to repeat that. Okay.

THE WITNESS: So sometimes something would've happened between Ahmed and Nosir and Nosir wants money. Okay, all right. And then about an hour later or two hours about you know, the money, he will tell him I want money. This is why I don't look at the name because every single
10 time the excuse is Adam, this one, it has nothing to do with me because he wants money. So this is, this is the thing so I never pay attention to the name because he might say to him that this man wants this money from me and he actually doesn't. Maybe, I don't know. So this is why I only deliver the message to Ahmed and that's it.

MR MACK: When Nosir says "Craig is coming here at 2 o'clock", where is here?---Okay. Because there are a million phone calls just like this phone call that's why I will not know where I was.

20 Do you know where Nosir meant when he said "Craig is coming here", it's a location that Nosir's directing you to?---Okay. So maybe what I said it wasn't understood or something. But the thing is, but the thing is what he means is he wants money and he wants Ahmed to leave money for him for somebody that's what he means. So when he says here, it doesn't mean that he has to be in a particular location.

I'm going to try and summarise what I think Mr Taleb's evidence is.--- Please, go ahead.

30 Nosir phoned you - - -.---Yes.

- - - because he wanted you to tell Uncle Ahmed - - -.---Yes.

- - - that somebody was going to come and collect payment.---Yes, to collect money.

But you don't know who it was who was coming to collect payment?---No, because every time the same thing occurred, something like this.

40 Was there many people that came on a weekly basis to collect money from Uncle Ahmed?---No, no. From my Uncle Ahmed, no, because with his work it was all invoices and, and so on. I mean I don't know if there's anybody. It's not like I'm with him the whole time.

And where would – if somebody was to collect money from Uncle Ahmed where would they go to collect the money?---He would speak to him over the phone. He would give him a cheque or something or transfer money. I mean he used to pay me by cheque, a cash cheque.

But somebody is coming to Uncle Ahmed to pick up money.---Mmm.

So it's not – hasn't got anything to do with Internet transfer or cheque.
---What do you mean, what do you want me to tell you?

10 Somebody is coming – somebody wants to collect money from Uncle Ahmed. Is that what Nosir is saying?---No, no, no. *Nosir when he wants his money so he's going to find any like reason or something to ask they show the money. So sometimes going to ask for Adam, for Craig to worry about so it's always different names, you know. That's it.*

20 THE INTERPRETER: That was all in English. Would you like me to give you my interpretation of it? Sorry, but that was all in English. Okay. The thing is that sometimes whenever he needs money he will refer to somebody. This is why I never pay attention to the names. And also the money could be his so whenever he says someone needs money it could be that he needs money. It's his money. Because no one is going to come to Ahmed to collect money. So he wants money for himself, Nosir.

MR MACK: And does he – does Nosir want you to give him the money?
---No. All that Nosir wants me to do is to tell Ahmed that Nosir needs the money today, example.

Did you tell Ahmed that Nosir needs the money today?---Yes, of course. Every time he tells me. All the time of course.

30 You mentioned Adam and Craig before.---I'm just saying for example names, like I never ever, I never ever care about the name or memorise the name my life.

So there's no list of names you can give the Commission that Nosir used to tell you he wanted money from?---No. No. All that is that every single time that Ahmed required money from Nosir or the other way around, Nosir wanted money from Ahmed they used to talk to me. Because I am their, their nephew and we are related. Of course when they had problems between each other of course.

40 That's not true, is it? You know Craig, don't you?---No.

And you knew that this person Craig wanted payment from Nosir?---No.

ASSISTANT COMMISSIONER: According to you this call was for you to pass onto Ahmed that Nosir wanted money for Craig, is that right?

THE INTERPRETER: Okay. Can I please explain something for one minute, please. Okay, sorry, and this is just a bit of speaking. I just need him to say it in short sentences so it's all clear.

THE WITNESS: I don't know if he was going to give it to Craig or not. But in our family that's how it is he always have problems with his brother. Okay. And this is what I said, I don't want to keep repeating it. So they would call me, so he would ring me to say he wants money or the other way around. But I am not saying, I'm not excusing Nosir that he's giving and I'm not saying that he's not giving or he's giving the money to Craig or anybody. All I'm saying is that Nosir always has a reason to get the money. Because he is his brother so he always gives him a reason for asking for the money.
10 But I don't know whether he is giving money to Craig or he is not giving money to Craig, that I don't know. I don't even know Craig.

ASSISTANT COMMISSIONER: We understand all of that. But you heard the call and the name Craig was mentioned?---Yes, it was mentioned here, it was mentioned and yes, I was speaking on the phone, yes.

Yes, okay?---But also because it's an English name and it's not an Arabic name so there's no way I would remember it.

20 All right. I understand what you're saying but you're not really answering the question. So just listen?---Okay.

You're telling us that the message was for you to pass that message on to your Uncle Ahmed?---*Yes, yes, yes.*

And was that because he wanted Uncle Ahmed to send the money to him, to Nosir?---Yes, because he wants to take it, so I need money from you, get it ready for me, like that.

30 If they weren't talking to each other how was he going to do that?---He knows, I mean he would leave the money with his wife, he'd send the money across to him with somebody, whatever.

Yes, thank you.

MR MACK: If he would send the money across to Nosir where would Nosir be?---Honestly I wouldn't know.

40 Would he be at your place in [REDACTED]?---No, no, no.

Would he be in Wood Street in Fairfield?---to be honest I don't know. All there is to it is that sometimes he leaves money for him for his wife or somebody like that.

THE INTERPRETER: So I just need to clarify because it went too long. Okay. So my Uncle Ahmed always leaves money for him with my – with his wife, my Uncle Ahmed's wife so there is no particular reason. It's not

work, it's just because he doesn't work so he's always asking him for money. That's all I know.

MR MACK: Do you know – sorry. I'm going to play you another phone call now. This is on 30 November and it's phone call 3-1-3-3.

THE INTERPRETER: 4-1-3-3?

MR MACK: 3-1-3-3.

10

THE INTERPRETER: 3-1-3-3.

AUDIO RECORDING PLAYED

[2.37pm]

MR MACK: Is that you?---*Yes.*

20 What's dynamo?---This is the truck thing. We call it dynamo. In Arabic we call it dynamo. What do you call it? This is the thing that make everything work. The electric battery.

30 Thank you. Page 2 on the transcript at the top Nosir says, "You don't know from which area? This one wants – we found a phone. Craig wants the telephone now. He is coming at 2.30 to take it".---Okay. As I have said previously that he always searches or he always finds a reason to take money of his brother. So this telephone I know and his brother knows that this is just an excuse for him to take money. So this is why three-quarters of the things that he tells me I don't believe it (not transcribable) and I never pay attention to the names or the telephones or anything at all. That's it.

So, your evidence is still that you don't know who Craig is?
---I don't know him at all.

Do you know who Ali Abdul-Rahman is?---No. I know a million Ali. I know many Alis. But this one, his surname, no. Maybe if I see him I do know him.

40 Do you know someone called Fred?---Yes.

Do you know an Ali that knows Fred?---Okay, all right, we have so many Alis.

Okay. Well, who's Fred?---Fred works in excavation and Ahmed used to also send me to him. I used to work with him on an hourly basis. Sometimes I would take brick to tip it, or concrete or whatever, in demolition.

Do you know Fred's surname?---No.

How many Ali Abdul-Rahmans do you know?---I don't know anyone. Perhaps in Lebanon I do know. In Lebanon I do know Ali Abdul-Rahman, but here I don't know.

Okay. I'm going to play you a call from 27 November, 2015. It's call number 2508.

10

AUDIO RECORDING PLAYED

[2.43pm]

MR MACK: Is that your voice?---*Yes.*

Do you recall who Ali Abdul-Rahman is now?---This is someone who wanted from my uncle a long time ago from Nosir, from my Uncle Nosir. So my uncle he went and did a job for Fred, Ahmed did a job for Fred. It turned out that Fred knew this person, Ali Abdul-Rahman. And then Ali Abdul-Rahman he wanted his money and he wanted to deduct off my Uncle Ahmed. That's why, and that's why you heard in the phone call when I was saying to him – Ahmed said to him that Nosir has nothing to do with the job, he has nothing to do with the business. And so we were talking to my uncle and my uncle was saying don't worry, don't worry, I'll see him. And also he said to me Craig, I mean I don't know this Craig came up in front of me a million times in front of me, I don't know how I'm meant to recognise him. So perhaps it's Nosir playing a game to take money off his brother. And you can tell from the manner of speech, the way that I'm actually speaking to Nosir that, no, we don't believe you. Your brother does not believe you. He wants your money. He wants his money, his money. He didn't believe that he actually owes him 15,000 that he hasn't given it to him.

20

30

40

Just in that last bit, who didn't believe who?---Ahmed, Ahmed did not believe Nosir. It was Nosir, three quarters of the time he's asking him for money. And Ahmed always says that I don't have it. So that's why when we, when we saw this we thought well maybe he's just, he's put up this game with Ali Abdul-Rahman so he wouldn't give Fred the money and he will take the money. And also I don't know Craig because now it's come up a million times. Honestly, I haven't paid attention to him.

So your Uncle Ahmed threatened Ali Abdul-Rahman, is that correct?---Yes, of course. It's not like threatening, like threatening to kill him. He just said to him there's nothing you can do, we want the money. It's like threatening with the business. The other one threatened what you call it, my Uncle Ahmed first.

Who said - - -?---And you can see from the phone call that the other one threatened him first, he threatened Ahmed.

Did Uncle Ahmed say these words, "Listen here Ali Abdul-Rahman, you make one little mistake I will burn the shit out of you, do you hear me"?
Page two?

THE INTERPRETER: Sorry, that's not on my screen.

10 MR MACK: "Listen here Ali Abdul-Rahman, you make one little mistake I will burn the shit out of you, do you hear me"? Is that what Uncle Ahmed said to Ali Abdul-Rahman?---This is what Ahmed said in order for me to deliver the message to Nosir. It doesn't necessarily, doesn't necessarily mean that he actually said that. Okay. And I'm not sort of defending Ahmed but if we say we're going to go and shoot him it doesn't mean that we were actually going to go and shoot him, we're just going to go and beat him up. So when we say this, I'm going to burn the shit out of you that's nothing.

20 All right. And the reference to the yard up there is all mine. What does that mean?

THE INTERPRETER: The yard up there is all mine?

MR MACK: Yes. Where's the yard, what yard is that reference to?
---About Riverstone. That's the only yard to be, you know, in the first -- like that's the only yard anyway.

30 So why is Uncle Ahmed saying and the yard up there is all mine, all mine, why is he saying that to Ali Abdul-Rahman?---Because my Uncle Nosir he sort of wanted to start a business up there. It's as if he wants to, as if he wanted to make money from, from up there from Fred or (not transcribable) or this Ali Abdul-Rahman or other people. So that's why Ahmed was making sure that he was letting everybody know that the yard is his and Nosir has nothing to do with it so Nosir cannot take money from anybody, from anyone for the work because the work is Ahmed's, it's not Nosir's.

I understand. I want to direct your attention now to page 3 of the transcript.
---Yes.

40 And Craig is mentioned a few times and Nosir says Ali Abdul-Rahman is Craig's job, Craig's job and then you reply yeah and then it says yeah and so, and then you say so what do you mean it's Craig's job? Is that because you didn't know who Craig was or you didn't know what Craig's job was?
---No, I didn't know who Craig was or who Craig's job is.

What did you think Nosir meant when he said, "Yeah, and I was present and I'm the one that has to give him the money"?---He has to give the money to Ali Abdul-Rahman.

Okay.---It's like you say this is my problem. It happened, it happened before and I have to pay it to Ali Abdul-Rahman.

So give him money is not a reference to giving Craig money, it's a reference to giving Ali Abdul-Rahman money?---That must be it. The way I heard the phone call that must be it.

10 Is it a possibility that what Nosir meant was that he had to give money to Craig?---I don't think so, no. The reason why because he had spoken to Nosir beforehand and he was telling him this money is my money, it's not your money and he was saying to him before I even came to this country he wanted money from you so it has nothing to do with me. Yes, and the other one said to him I will give him the money, it's not your problem. That's what he meant.

All right. Did Nosir ever mention to you somebody in council that he knew?

20 THE INTERPRETER: Sorry, this is the interpreter again. I just need to clarify one word. I wasn't clear of its meaning. No. Maybe, maybe we've spoken about it. He wants to get licences or something like that, for Ahmed to get a licence but names were not mentioned, no.

MR MACK: Did Nosir have a contact in council that would turn a blind eye to illegal activities of Nosir?

THE INTERPRETER: Sorry, Nosir had a contact in council who will turn a blind eye?

30 MR MACK: Yeah, who would ignore Nosir's illegal activity.

THE INTERPRETER: Sorry, I couldn't hear the last word.

THE WITNESS: I don't think so.

MR MACK: Did Nosir have a contact in council he had to pay money to?
---I don't know.

40 I'm going to play you a phone call from 30 November, 2015, and it's call 3-1-6-7.

AUDIO RECORDING PLAYED

[2.57pm]

MR MACK: Is that you speaking?---*Yes.*

Do you want to change any of your evidence?---*Huh?*

Do you want to change any of your evidence you gave before?---No, no.

Do you know what Nosir meant when he said, “The one from council is here”?---No.

Do you know where Nosir was when he says, “The one from council is here”?---No.

10 Do you know who Nabil is?---My brother.

What did you mean when you said, “Tell him quarter of an hour”?---Maybe it’s about the phone, to purchase it or something.

It’s not a reference to the person from council, is it?---No. No, no. What have I said to him exactly? Can I listen to it again?

Yes. I will play it to you again.

20

AUDIO RECORDING PLAYED

[3.00pm]

THE WITNESS: Did I say 15 minutes? I did not mention 15 minutes in the phone call.

MR MACK: Tell him quarter of an hour? Second page. Scroll down.---I said Nabil came a quarter of an hour ago.

30 Next one. “Tell him quarter of an hour. Ahmed wants to come. He needs an hour to get to you. Should he come? He’s asking.”---No, I was referring to Nabil. Maybe I said that by mistake or something.

Where were you when this phone call took place?---I was at Fairfield, perhaps, I think.

Where, sorry?---I was at Fairfield, perhaps, I think. That must be it.

40 The reference to “tell him quarter of an hour” is a reference to the guy from the council, isn't it?---I don't think so, no.

Nabil, Nabil dropped the phone off at Fairfield, where you were making the call, 15 minutes before this - - ----*No, not dropped this. No, dropped the, if you remember before, I said I'm going to fix truck. The dynamo, the truck.* The dynamo for the truck. Nabil did not come and take money from me and he did not come and give me a phone. Nabil came and gave money so we can pay for the dynamo. My wife is Rawya. She was the one

who organised the phone. That's all I know. That's what I remember about it. But Nabil has nothing to do with it in any case.

So where did the phone go?---I don't know. I did not see the phone, I did not buy it, I did not get it, and I had nothing to do with the phone in the first place. But my wife said that the phone was brand new.

And do you know if your wife gave it to anybody?---Must be. I think Nabil took it.

10

Do you know where Nabil took it to?---That's what she said to me. Sorry?

Do you know where Nabil took the phone to?---Nabil wanted to give it to my uncle. Nabil has nothing to do with anything in the first place.

And when you say your uncle, do you mean your uncle Nosir?---My uncle Nosir, yes.

20

All right. I'm going to play you one final phone call. What I think will be the final phone call. It's a phone call on 7 December.---Okay. So may I know something, one thing, please?

Yes.---I want to know am I accused in this case or have I come here to give my evidence as a witness?

ASSISTANT COMMISSIONER: You've come here to give evidence as a witness.---Okay. So I have nothing to do with this whole thing.

30

MR MACK: What do you mean by this whole thing?---Because now you're saying to me "you know him" as if I'm going to save somebody at my own expense, my own personal expense. I'm not going to save somebody in order to look after somebody else and put myself in trouble.

All right. Well, you're here to give evidence as a witness and your obligation is to give truthful evidence and the Commissioner has given you some protection in relation to that evidence.---Yes, I do know that but in regards to everything that took place - - -

40

THE INTERPRETER: Sorry, sorry. I'm sorry. Because the ideas are scattered it's very difficult for me to follow so we're just going to start again. Sorry, this is the interpreter speaking. Perhaps now if you look at the telephone number so you might think to yourself that I do know something, I'm aware of something and I'm not telling you about it. All right. But if you know my Uncle Nosir and you will believe me straightaway. Because all he wants is money and he always gives a reason for it so I never actually - I never at all look at his reasons - - -

MR MACK: All right.--- - - - and his excuses. And if I know anything, everything I know I will say it because I'm not going to place myself in trouble, not for his sake or anyone else's sake.

All right. I appreciate that. What I'm trying to establish is whether you knew somebody called Craig.---Yes.

And your obligation is to give truthful evidence and you have protection for any truthful evidence that you give.---I know that.

10

All right. I'm going to play you phone call on 7 December 2015, phone call 4-1-6-4.

AUDIO RECORDING PLAYED

[3.07pm]

MR MACK: Is that your voice?---*No.*

20

All right. Whose voice is it?---Must be his son's.

Whose – your son?---It must be his son's. all their voices are similar. He's saying to him Taleb, dad, or my son.

Whose voice do you say it is?---All I know it's either Ali's or Taleb's or the other one. I don't know. Because he said to him dad.

All right. But you can't - - -

30

THE INTERPRETER. Sorry, this is the interpreter. Sorry, this is the interpreter speaking. Just from a linguistic perspective, when he uses the word dad and I'm not sure if he's refer to – which, which person is speaking because in Arabic the word dad is used when you want to call someone son. So dad is used from a father to his son and from a son back to his father.

MR MACK: All right. Did you ever call Nosir dad?---No.

So you can't tell whether that's Ali, Mohamad or Taleb Taleb?---I don't know.

40

All right. Do you know if Mohamad, Ali or Taleb have ever used your phone number?---Yeah. Mohamad, no way. Taleb or Ali, yes, maybe.

Thank you. Commissioner, I have no further questions for this witness. Just before I, hang on. I'm just going to ask the witness to identify some more voices if he can to let us first of all know if it's him or somebody else? ---Okay.

And this is from 17 December, 2015. And it's phone call 6012.

AUDIO RECORDING PLAYED

[3.12pm]

MR MACK: Is that your voice?---*Yes.*

10 But you don't know what Nosir was referring to when he said "We want
\$2,000 for Craig at half past 8.00"?---Nosir just wants money for, Nosir just
wants money. So he will dig up a reason from anywhere. He will, he will,
he will fabricate an excuse from overseas. So this is why I never pay
attention to anything he says.

When you say he will fabricate an excuse from overseas, what do you mean
that, was he overseas at this time or?---No, no, no. What I mean it's just like
a joke.

20 So the reference to half past 8.00 but that's - - -?---What is it?

This phone call was made at quarter past 7.00 and Nosir says he needs
\$2,500 for Craig tomorrow at half past 8.00?---Can I please hear it again?

AUDIO RECORDING PLAYED

[3.14pm]

THE WITNESS: So he's referring to the appointment at 8.30.

30 MR MACK: The next day?---Yes, that must be it. When he wants
something he will give you a time, 100 per cent.

40 Okay. Can you recall if you gave any money to Nosir between the time of
that phone call and 8.30 the following day?---No. Please allow me to also
explain something. Okay, he is sort of 90 per cent from the phone calls, of
the phone calls, Ahmed would be right next to me and I put him on the
speaker. And if you notice, I'm always responding with "yeah, yeah, yeah"
because then I allow Ahmed to tell me what to say to him. So when he says
Craig or other than Craig, then Ahmed is listening to what he is saying.

Do you think it's likely that Ahmed would know who Craig is?---Must be.
If he's saying that, then he must know him.

All right. Just one final phone call. This is from the same day but half an
hour later, at 8 o'clock. And this is phone call 6-0-2-0.

AUDIO RECORDING PLAYED

[3.17pm]

MR MACK: Was that you on the phone?---*Yes.*

Was Uncle Ahmed in the background as well on that call?---*Yes.*

He was?---Yes. He would have been either next to me or I had spoken to him on the phone or something like that. It must be.

10 And do you know what Nosir meant when he said, “No, Craig came and saw it and he took photos of it and he notified the government”? Do you know what that’s a reference to?

THE INTERPRETER: May I please, the - - -

MR MACK: Yes, that’s the bottom of page 1 of that transcript.---No. Three-quarter of the times I either have him on speaker or I’ve got my uncle on the other line and I’ve got him on speaker and he’s telling me what to say to him. And it’s a three-way call or something like that. So it’s like I have
20 another phone and I’m speaking to my uncle and I get him to hear it, something like that. But I don’t know anything about him. If you want me to, I can have a look at a photo of Craig or something like that.

Was your uncle worried about having his own phone tapped?---Which uncle?

Uncle Ahmed.---No. I don’t know. But no, no way because they always use me between them. I’m sort of like – I’m the messenger and now like I’ve
30 copped it.

Just finally, at the bottom of page 2 Nosir says Craig wants \$2,000 at half past 8.00.---Yes.

You don’t know what that’s a reference to?---No.

All right. Thank you. Commissioner, I have no further questions but I should tender all of those phone calls and I propose to tender them all together. If you want I can give a quick summary of what the phone calls were.
40

ASSISTANT COMMISSIONER: For the transcript perhaps. Exhibit 24.

#EXHIBIT S24 - TRANSCRIPT SESSIONS 3940, 4904, 5059, 2468, 3133, 2508, 3167, 4164, 6012 and 6020

MR MACK: I'll try and do them in order. It's telephone call 3-9-4-0 from 5 December, 2015. Telephone call 4-9-0-4 from 11 December, 2015. Telephone call 5-0-5-9 from 12 December, 2015. Telephone call 2-4-6-8 from 27 November, 2015. Call 3-1-3-3 from 30 November, 2015. Call 2-5-0-8 from 27 November, 2015. Call 3-1-6-7 from 30 November, 2015. Call 4-1-6-4 from 7 December, 2015. Call 6-0-1-2 from 17 December, 2015. And finally call 6-0-2-0 from 17 December, 2015.

10 ASSISTANT COMMISSIONER: Thank you. Mr Taleb, at the beginning of those calls you were asked did you know anyone by the name of Craig and you said no. You will have heard that there were quite a few telephone calls where his name was mentioned to you.---Yes.

Was his name mentioned to you on any other occasions?---No.

20 Yes. Thank you.---Okay. If his name was mentioned to me by somebody else then I would have remembered his name but as I have said previously my uncle he only calls for moneys and he always mentions different names, like he might say Sam wants money, and this is why I don't pay attention and I don't remember the names.

That last call related to a person Craig taking photographs of the timber dumped outside.---Yes, but I did not say that Craig was taking photos. All I said is there was a gate – that behind the gate there, there was some timber tipped and it was my uncle who told me, my Uncle Ahmed. So I passed it onto my Uncle Nosir that this is the case, this and this and that and he said to me okay.

30 But you were told that Craig had taken photographs.---*No, he said that.*

Yes, he said that.---But what I'm saying is perhaps when he spoke to me it was my uncle who was listening to what he was saying. Because I don't pay attention. All I care is about is just saying to him yes, yes, okay, okay.

40 So you weren't listening to the telephone call at all?---No, I'm listening but what I'm saying is when he is mentioning the name Craig so I don't pay attention because already my uncle is listening and his speech is directed towards my uncle. This is why I don't give it attention. Do you understand what I mean?

I understand what you're saying. That you were told or you should've heard that Craig was taking photographs of the timber outside?---Yes. But please let me explain something. I mean the foreign names are very different to our names so I never, ever memorise them, ever in my life. I mean like

names such as Mohamad, Ali, Sam are Lebanese, Arab names I have a recollection of those. But other names I don't remember them. I can't memorise them. And his name is not easy. So if it's Jack or Sam or Adam or something like that, fine, but his name is, is difficult so I would never memorise it.

Yes. Who wants to ask some questions apart from Mr Patterson? No, Mr Patterson.

10 MR PATTERSON: Thank you, Commissioner. Mr Taleb, my name is Patterson, I represent Mr Izzard. I think you said that when your Uncle Nosir wants money he will give any reason, is that fair?---Yes, from his brother, yes, to his brother.

And name any name?---*Yes.*

So that this is something like a code, is that right?---No.

20 When your uncle says Craig wants his payment?---Yes.

Do you understand that to mean that there is to be a payment made to a person called Craig?---No. Before he actually says this name he would've sort of prepared a whole scenario prior to that. Either something has happened to him or he has to make a payment to somebody or that he has weekly payments that he needs to pay or something like that. To begin with Nosir has nothing to do with the business or how it happens or how it operates. He just does – so he does this just to, just to take advantage of his brother because his brother loves him so he takes money off him.

30 So this could be a payment for any reason?---Yes, for any reason, yes.

Even – it could be even be a payment for Nosir himself?---Yes, it is for Nosir. What, what is it for?

Thank you. I have no further questions, Commissioner.

ASSISTANT COMMISSIONER: Anything arising?

40 MR MACK: No, Commissioner.

ASSISTANT COMMISSIONER: Thank you. You can step down. Any (not transcribable)

MR MACK: No, Commissioner.

ASSISTANT COMMISSIONER: You can be excused. Thank you?---May I know something, please? Do I still need to come back here or something like that or not?

No, you're excused?---Thank you very much.

THE WITNESS EXCUSED

[3.29pm]

ASSISTANT COMMISSIONER: Yes, Mr Mack.

10 MR MACK: Commissioner, just as a matter of housekeeping if all those residential addresses and phone calls that were mentioned either today or previously that they be redacted from the public transcript?

ASSISTANT COMMISSIONER: Yes, they should be redacted from the public transcript.

MR MACK: Commissioner, I understand that Atef Fattah, who was meant to appear today, still has not arrived. I just have a short question for Mr Ali Taleb and I wonder if he could be recalled.

20

ASSISTANT COMMISSIONER: Ali, could you come back? You're still on the same oath that you took before.

MR TALEB: Yes.

ASSISTANT COMMISSIONER: And you're still protected by the same order that I made.

MR TALEB: Okay.

<ALI TALEB, on former affirmation

[3.30pm]

ASSISTANT COMMISSIONER: Yes, Mr Mack.

MR MACK: I'm just going to play you phone call 4-1-6-4, from 7 December, 2015. You might have heard it played already, but I just want to get it fresh in your head.---Fair enough.

10

AUDIO RECORDING PLAYED

[3.31pm]

MR MACK: First of all, do you recognise the voice of Nosir Kabite?---Yes.

And do you recognise the other voice?---Yes.

Who's the other voice?---Who the other voice?

20 Yes.---So, I'm just, I'm just not remembering this call. I just don't really remember it.

Is it your voice?---Taleb, Taleb's voice.

Taleb?---Yeah.

That's your youngest brother?---No, not the youngest.

He's in the middle?---Yeah, he's the middle brother.

30

Do you know what he's referring to when he speaks about the machine?---No.

No?---No clue.

And it definitely wasn't you, was it?---No, wasn't me.

You were - - ?---When was this?

40 This was on 7 December, 2015. And what I'll do is I'll show you a document.---7 December? No, I think I was overseas.

Yeah. I'm showing you a document now.---Ah hmm.

Do you recognise that document?---Yes.

And does that refresh your memory about the period of time you were overseas?---That's not possible. Yes. Yes.

And when did you leave to go overseas?---November 1.

And when did you return?---January 10.

All right. Thank you. Commissioner, I tender that document. It's a one-page A4 sheet, the photocopy of Mr Ali Taleb's passport.

10 ASSISTANT COMMISSIONER: That can be Exhibit 25.

#EXHIBIT S25 – PASSPORT OF ALI TALEB

MR MACK: May I ask that that be redacted?

ASSISTANT COMMISSIONER: And redacted.

20 MR MACK: What was Taleb's role in your business and your dad's business?---What was his role?

Yes.---Nothing.

Nothing. He didn't - - -?---No.

Taleb Taleb's not involved in trucks or - - -?---No. I don't think so, anyway.

30 Do you know how old your brother Taleb is?---Yes, of course I know how old he is.

How old is he?---19.

Is he in the country at the moment?---Yes.

Do you know his address?---Yes.

40 Is it the same as yours?---Yeah, yes. Same as my address. He lives with me.

What's Taleb's date of birth?---Taleb's? 18th of the 6th, '96.

And Mohamad?---I think it's on the 22nd of the 6th, 2002 I think but I'm not too sure but what, what year exactly for Mohamad, yeah.

ASSISTANT COMMISSIONER: He's only 14 is he?---Yeah, yeah, I think he is.

MR MACK: All right. Thank you, Mr Taleb.

ASSISTANT COMMISSIONER: Now is there anything else you want to tell us?---No, that's it.

Are you sure?---Yes.

Okay. Then you're excused. We'll let you go now.---All right. Thank you.

10

THE WITNESS EXCUSED

[3.35pm]

McMAHON: Commissioner, if I can be excused as well?

ASSISTANT COMMISSIONER: Yes, certainly. Thank you.

MR MACK: Commissioner, I'm informed that Mr Fattah is on his way. Perhaps if – we've been going for a couple of hours now and we've lost a bit of time already. Maybe if we stand down for five or ten minutes and come and have fifteen minutes of Mr Fattah?

20

ASSISTANT COMMISSIONER: Yes. We'll - - -

MR MACK: He's here now I'm informed. If you're happy to continue sitting I will call - - -

ASSISTANT COMMISSIONER: Yes.

30 MR MACK: I call Atef Fattah.

ASSISTANT COMMISSIONER: Mr Fattah, will you take an oath or an affirmation?

MR FATTAH: Sorry, what was that?

ASSISTANT COMMISSIONER: An oath or an affirmation.

MR FATTAH: Yeah.

40

ASSISTANT COMMISSIONER: An oath?

MR FATTAH: (not transcribable)

ASSISTANT COMMISSIONER: An oath. On the Bible or the Koran?

MR FATTAH: (not transcribable) last time I done it.

ASSISTANT COMMISSIONER: Sorry?

MR FATTAH: Last time I done – I take an oath (not transcribable) so every time I come here I have to – yeah, anything. I'm not religious that's the problem.

ASSISTANT COMMISSIONER: Okay. Well, an affirmation then. Thank you.

ASSISTANT COMMISSIONER: Okay. Just take a seat there.---No worries.

Now you have to answer the questions that are being asked of you but I can protect you against any criminal or civil liability by making an order.
---Yeah.

10

Do you want me to make that order?---No, there's no need to.

Sorry?---No need to.

If in the course of the examination you feel that there is a need to make an order then you can ask me to make the order. Do you understand?---Oh, yeah.

20

Okay. But you understand that you have to answer the questions and any order that I make can't protect you against prosecution for perjury so you have to be truthful?---Okay.

Okay. Yes, Mr Mack.

MR MACK: Mr Fattah, what's your current occupation?---I'm not working at the moment.

Not working at the moment. What was your previous occupation?
---Excavator operator.

30

When did you cease employment as an excavator operator?---Yeah.

When, when did you stop?---Two, maybe two and a half years ago the last time. I got injured.

Do you know a person by the name of Nosir Kabite?---Yes.

What relation is he to you?---Uncle, my mother's side.

40

What about someone by the name of Ahmed - - -?---(not transcribable)

- - - Taleb?---His uncle as well.

Uncle as well.---Yeah.

And do you know somebody by the name of Mohamad Taleb?---Yes, his cousin.

And Ali Taleb?---Cousin.

All right. How long have you known Nosir for?---Since I was born. He's my uncle.

Have you ever done any work for Nosir?---Once. I gave – mentioned last time about that.

10 Do you know anybody called Craig Izzard?---No.

Do you recognise the person behind me?---I haven't met him, haven't seen him.

Do you recognise his face?---No. Which one was that?

Sorry. This gentleman here.---I haven't seen him in my life. Never met him.

20 All right. Thank you. I'm going to show you a picture of a site please at Bandon Road. Do you recognise the property in this picture?---Where at, which area?

Sorry?---Which area's that one?

All right. There's a diagonal road going across the top. That's Bandon Road. And then you can see some train tracks on the right-hand side and a road running parallel with the train tracks. That's Riverstone Road.---Yeah.

30 Do you recognise that site?---Yeah, yeah.

Have you ever tipped waste there?---No.

Have you ever used your excavator there?---Yeah, I used my excavator on the driveway, so - - -

How many days did you work there?---One. One day.

Who paid you for that?---I put road base on a driveway for him. One day.

40 Put road base on the driveway?---Yeah. On my excavator.

All right. And who paid you?---No-one paid me yet.

No-one paid you yet. Who was meant to pay you?---My uncle. He said he's going to pay me but he didn't pay me.

Have you ever worked at a place at Willowdene Avenue?---Where?

Willowdene Avenue?---No.

I'll show you a picture.---Yes.

Might refresh your memory.---Where is that?

That's what I'm asking you. Do you recognise that property?---No.

All right. Thank you.---I never been there.

10

Do you know if Nosir ever had a contact inside the council? No contact inside any council?---Mate, last time (not transcribable) mention about that, and, no, I repeat my information. If I know anything, I'll give it straightaway.

All right, well - - -?---But I don't know nothing.

What you didn't hear last time was some telephone intercepts. So I'm going to play you some telephone calls.---Yeah.

20

And if you need to change your evidence about what you said last time, you'll let me know?---Phone calls about what?

Well, I'll play you a phone call. This is phone call 26 November, 2015. ---Yeah.

Call number 2-3-6-8. It's in Arabic.

30 **AUDIO RECORDING PLAYED**

[3.43pm]

MR MACK: Before the Commissioner offered you an order that would protect you for anything you said in relation to criminal or civil proceedings and you declined, would you like the Commissioner to make that order? There's - - -?---Mate, no. Because everything I said here is right. But got nothing to do with the guy who said or my uncle.

40

All right?---Because my, my truck has been stolen and we got, we got all the evidence from the police that (not transcribable) that day. And that's what he was talking he was talking about. And we're not talking about anything. And, and I told you the road base that I'm putting on the driveway (not transcribable) for the houses. See the roof tiles they put on the roof, they broke it with a machine and take it to put on the driveway for him.

Mr Fattah, there are other phone calls that I'll need to play to you?---Yeah.

You just need to think carefully about what you're telling the Commission?--Mate, I'm telling you I don't know nothing about Craig.

All right?---A 100 per cent. I don't know nothing about him. I never met him in my life. I've never seen him.

Well do you know if – what did Nosir tell you about Craig or about this guy in the Council?---He told me about that because - - -

10 That's all he said - - -?--- - - - my truck, my truck, my, because I had the worker before, he tipped one load of top soil and he got fined \$2,500 on that on my truck. And the Council they called me up and said you done it. I proved them wrong. So I didn't do it. So they seen all the cameras, all the recording, it wasn't me. That's why I asked him, what's happening with the Council? But not anything I don't know, I don't know anything about this guy Craig, I never met him in my life.

ASSISTANT COMMISSIONER: How long have you been unemployed?--Over one year now, one year.

20

And are you receiving benefits for it?---Benefits of what?

Unemployment?---Mate, I got, I got injured, injured.

Yeah. I understand that. But you're talking about working here?---I'm talking about working here but not me working here. I've got people who work for me. Not me myself. I've got people to work for me.

30 Okay. Are you sure you don't want me to make this order?---Mate, I don't know what this order is for. I never been in, in this position before.

Well I was telling you before that the order will protect you from anything that's said here. We're not interested in prosecuting you or sending you to gaol or doing anything like that. We're just trying to find out – this is an inquiry. We're just trying to find out what was happening. And in the course of that if you're giving evidence you may say something that leads you open to some sort of prosecution about something?---Yeah.

40 Now I can make an order so that that can't happen to you?---But I don't know if I need to use that or not, should I use that or not?

Well I think you should, so I'll make it?---Yeah.

So 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 the witness's evidence at this public inquiry are to be regarded 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.

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 THE WITNESS'S EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED 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.

ASSISTANT COMMISSIONER: It gives you protection again any civil or criminal actions - - -?---Okay.

20 - - - that could be taken against you. It doesn't protect you if you tell lies. Okay?---All right.

Thank you.

MR MACK: So I'm going to take you to page 1 of that transcript. And the very last line Nosir says to you, this is the very last line of page 1, Nosir says to you, "The council guy, the council guy didn't call you."---Okay. Okay. I'll tell you what happened.

30 All right.---On that, when was the date of that?

This was on 26 November. Sorry, this was the - - -.---We got a truck. We got a truck, Mack truck. We work on it. So sometimes we put ads on Gumtree and we rent it out to people. It's tipper hire truck. On that day we give it someone. I'm injured. I wasn't driving. I wasn't doing nothing.

Who was driving?---My, let me explain to you, man.

40 All right.---Someone rent it out off my brother and took it and didn't bring it back. We called him up. He didn't answer. We done a report to the police and they find that truck. They found that truck somewhere, was tipping, and it was, he tipped it over on purpose, the bloke.

The bloke that stole your truck?---Yeah.

Tipped it over on purpose?---Tipped it over on purpose.

Why would he do that?---I don't know, man. Maybe because of the, he want to steal the truck or something. I don't know. He tip it over on purpose and the police know that. And I gave his name and all the information to the police.

I'll ask you again.---And I ask him, he ask - - -

10 Nosir says to you, "The council guy, the council guy didn't call you."---The council guy for that thing, because the truck was have little bit of rocks and timbers in it. And when it tipped over, I call the council and told them that's what happened. And no-one called me. I (not transcribable) three or four days, no-one called me at all. That's why I got nervous. So no-one called me at all. And the police didn't contact me.

All right. Well, at the bottom of page 2 - - -?---Yeah.

- - - Nosir says, "I'm telling you, and Craig told me." You see that? This is - - -?---What's Craig?

20 Well, that's what I'm asking you. See where the mouse cursor is now? It says, "I'm telling you, and Craig told me."---I have nothing to do with this man. I don't know nothing about that. That's the truth.

So why didn't you ask, "Well, who's Craig?"---Mate, sometimes you never ask question you have nothing to do with, you know what I mean?

30 All right. Well, who is Nosir referring to at the bottom of page 3 where it says, "In any case, the other one, our friend, his name is never to be mentioned, do you hear?"---It's not - - -

Who's that?---I don't know.

You do know. You just don't want to mention his name. That's correct, isn't it?---Mate, I don't know.

"He has a paper." What paper does he have?---I can't remember.

40 Who's the person that was in - - -?---I can't remember. But it's not - hundred per cent. Hundred per cent. If I'm lying, take me to jail. Hundred per cent it's not Craig. Because I don't know him. I never met him. I have nothing to do with him, man.

Who was it, then?---Hundred per cent, I'm telling you it's not Craig. I don't know him. I never met him in my life.

I'm not saying you have. I'm wondering, I'm asking you - - -?---Mate, I don't know.

- - - who was the person that had the paper - - -?---Mate, there was, this ages ago. I can't - - -

- - - that says he's in hospital?---I can't remember.

Who's Nosir referring to at page 4, when he says, "I'll tell you why they have something to do with it. There is something called the owner of the property." Is that reference to the owner of the property where the rubbish was dumped or the owner of truck?---The owner of the property? Which
10 property, bro?

Well, that's what I'm asking you. What's Nosir referring to?--- "I'll tell you why they have something to do with it. There is something called the owner of the property." The owner. It means maybe the owner of the truck, not the property.

The owner of the truck?---Yeah.

What did you mean when you said, "Yeah, the owner got up early in the
20 morning and called them and told them my truck is not working. His truck wasn't working. They stole it and they did it."---Me, me. Me, me. That's me.

So - - -?---That's me. When he say he said, because he's been telling me he's going to get back to you, come back to you. I told him, no, it wasn't me. The truck has been stolen. It wasn't me. The truck has been, I rent it out to someone. Hidden on purpose. He done it to me on purpose. The truck stay with him for two, three days.

30 All right.---And the police knows him. And he has courts now.

All right. I'll play you another call. This is from 17 November, 2015 and it's call number 5-9-9-8. It's between you and Nosir.

AUDIO RECORDING PLAYED

[3.55pm]

40 MR MACK: Is that you on that phone call?---That's not my voice. Is that my voice?

I'm asking you, is that your voice?---I don't know, bro'. It's not my voice. It's different.

Do you know whose voice it is?---(No Audible Reply)

Do you know whose voice it is?---That's my phone number.

Well, Nosir says at page 1, Atef, where are you.----Yeah.

What's your first name?---Yeah, Atef.

So is he talking to you?---I can't remember, man. I don't know. Maybe it was me but I don't know. I can't remember.

It might have been. Well, I'll try and refresh your memory. Do you recall talking about a farm with Nosir? It says down the bottom of page 1 - - -?
10 ---Look, mate, I tell you - - -

- - - why didn't you talk to me at the farm before you left.---Okay.

Where's the farm?---Okay. Which farm?

Well, you tell the Commission.---Maybe this, this I'm talking about you showed me.

Sorry?---The property that you showed me before.
20

At Bandon Road, Riverstone?---I don't know what the address of it is.

That's the farm?---Yeah.

I'll show you the picture again.---Yeah.

Volume 18, page 38.---Yeah, that's the one.

All right. So that's the farm?---Next to the train station.
30

All right.---Yeah.

So the reference to the – in the phone call to the farm is a reference to that site?---Yeah.

All right. And what did you mean at the bottom of page 1 when you said, "I didn't get money off the man. When I get some off him I'll give you".
---Okay. My uncle always rings me about money, ask me about money every time he gives me name.
40

Uncle – is this Uncle Nosir?---Yeah. He always rings me about money but I didn't give him. I didn't pay. Every time he ask me about money I didn't pay. So he need to lend money off me but I didn't give him.

I see.---You've got proof here on the record.

Well, who is the man, I didn't get money off the man, who is the man?

---Mate, this in our language, in our language didn't get the money off the person. That's, that's, that's what it means, not the man, the actual man so if - - -

So who was the person you didn't get money off?---At work.

Who?---The job site I'm, job site that I'm in, I'm working, the man I'm working with.

10 Who was the man - - -?---Because - - -

- - - you're working with?---My excavator works on the site. I've got a driver working on it. When I finish the job the man pay me. So if I do a job for you aren't you going to pay me.

So were you doing the job?---Not me, my driver. I've got a driver working for me.

20 Who's your driver?---My, my driver is someone I know.

What's his name?---Mark.

Mark who?---Why, why are you asking these questions for?

Well, this is a Commission, an inquiry. And we're trying to find out - - -?--- Well I know this is a Commission but you're - - -

30 - - - some very serious allegations - - -?--- - - - you're out of, you're out of the subject but. We're out of the subject.

And I'm exploring with you - - -?---Yeah.

- - - who you knew in relation to these allegations?--- Mate, no one I know. I know nothing about this allegation I'm telling you. That's the last word I say, nothing at all. If I know anything I would've gave you my right information. Because I spoke what I know from before. If I know anything I'll tell it straight away. Because this person, my uncle, I don't speak with anymore, we're not, we're not going to talk to each other anymore.

40 All right. Well who's Joe?---Who's Joe?

Yes?---Joe, which Joe you mean?

Well on page 2 it says "So what you just turned around unloaded and left straight away", that's what Nosir says to you and then you say "Because I had to catch up with Joe"?---Which Joe though? I don't know, no, it's not right.

It's not what you said (not transcribable)?---No. It's not right.

"Because I had to catch up with Joe because I'm not allowed to"?---Not allowed to what?

Well that's what I'm asking you. Do you need me to play it to you again?---
No. No. Can I hear it again this part?

10 You can hear it again but - - -?---This part, this part only, yeah?

All right. We'll stop it after we get down to the spot, okay.

AUDIO RECORDING PLAYED

[4.01pm]

THE WITNESS: See, see, mate. Excuse me, one second. Can you stop it?
See that's the proof here, mate. That's the proof here.

20 MR MACK: All right?---Yeah, yeah. If, what if there's something wrong
with me, what if he's trying to tell me something, what if there's something
wrong, so I just turn around and left straight away. So that's, that's the
proof. See he was asking me for money and I didn't give him.

And you left straight away?---Yeah. I left straight away there because I
didn't want to give him.

30 Okay. All right. And then you said you left straight away because you had
to catch up with Joe?---Yeah. Maybe that's a lie.

Okay. All right. That's a lie?--- Because that's a lie.

And anyway Nosir says to you "Anyway, Craig's weekly payment, Craig's
weekly payment is on you. It's \$2,000 this week you understand". Do you
want to pay that on the audio again or just at that point?---Yeah. No, there's
no need to.

All right?---No.

40 Well who's Craig?---I don't know bro'.

Well when you said "Yeah, okay, okay"?---Yeah. Okay, as if okay, blah,
blah, blah. Okay. Okay. That's all it means, bro'. And you can see it from
the rest of the conversation that proves that, man.

"Well at half past 8.00 he's going to be here at the farm", that's a reference
to Bandon Road, to the site, the picture I showed you?---Yeah.

So somebody, Craig's going to be at the farm at half past 8.00, so you have to fit it now?---No, bro'. Nothing to do with that. I'm telling you. I swear, I swear on everything you believe in.

So you didn't say I can't do that full stop. You said "I can't do it tomorrow"?---No, no, no, no. Look, look here, I said "Yeah, okay, okay, okay, okay, okay", and I hang up, see you. But I can't – I told him but I can't tomorrow, I can't. So I don't want to give him the money.

10 You don't want to Craig the money?---No, no, no, no, him. Because I don't know this Craig, I swear on everything you believe in, mate. I don't know Craig, I never met him. I never met him in my life. If he prove, if he can prove me wrong take me to gaol, put me 10 years in gaol. I never met him, I never spoke to him. I don't know what he looks like.

All right.---So if the situation here someone asking you for money and you don't want to give him you make excuses. You know what I mean. And Nosir always rings me and says oh, Joe wants, I want, I want, I want to pay Joe, I want to pay to pay Adam, I want to pay Isaac, I want to pay Craig, I
20 want to pay – every day a different name, different name. He doesn't want to pay no one. He needs the money for himself, for himself.

All right. Well, there's a few more phone calls that I want to play you.
---Yeah.

But I note the time, Commissioner. It's - - -

ASSISTANT COMMISSIONER: Yes. We'll resume at 10 o'clock
tomorrow morning.

30 MR MACK: But perhaps if this witness is explained that he has to return tomorrow.

ASSISTANT COMMISSIONER: Yes. You have to return tomorrow and make sure that you're here at 10 o'clock because the fact - - ----I can't, I can't at 10 o'clock because I've got my son. I have to drop him at school and come back.

40 Is there any accommodation we can make for that?

MR MACK: What time can you make it?---I need to drop my son off school at 9 o'clock, at school, and then come, I come here.

All right.

ASSISTANT COMMISSIONER: What time will you get here?---After 11.00, 11.00.

Okay. Well, we can – another witness?

MR MACK: Yes, Commissioner.

ASSISTANT COMMISSIONER: Yeah. We're prepared to meet your convenience about that. But bear in mind you hadn't met ours because you weren't here this morning. And because you weren't here this morning, we've lost an hour or so's time in this hearing.---Okay. But I'm telling you, no-one rang me, no-one send me papers, no-one nothing at all. They rang
10 me two weeks ago and they said after the 20th of this month I'm going to be, someone's going to be calling me and telling me to attend here. But no-one called me.

MR MACK: Commissioner, I just want to put on the record that that's not accepted by the Commission and there was adequate notice and paperwork.

ASSISTANT COMMISSIONER: Yes. You were in fact notified.---Me?

Yes.---Okay. I'll show you the proof. If I was noticed with that, may I
20 show you the proof? No-one rang me. No-one told me. They sent me an email but I don't check my email. I only checked it today.

ASSISTANT COMMISSIONER: How was he notified?---I wasn't notified. No-one called me. No-one sent me papers.

MR MACK: I understand there was an email sent on Friday, 26 August, 2016 at 9.00am to Mr Fattah. And I understand there was a read receipt registered by Mr Fattah, indicating that he had received that email.---Mate, I
30 just seen the email today. That email, I seen it today. I seen this email today. And if I knew that I had this today, I would have come. Because if I don't come you can arrest me for that.

Commissioner, the document I have indicates that it was read on Friday, 26 August, 2016 at quarter past 1.00.

ASSISTANT COMMISSIONER: Somebody read it. Okay. Make sure you're here tomorrow no later than 11 o'clock.---9 o'clock?

11 o'clock.---Okay.
40

THE WITNESS STOOD DOWN [4.06pm]

AT 4.07PM THE MATTER WAS ADJOURNED ACCORDINGLY [4.07PM]