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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE MEGAN LATHAM

PUBLIC HEARING

OPERATION YANCEY

Reference: Operation E13/1916

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 2 JULY, 2015

AT 10.09AM

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

THE COMMISSIONER: Yes, Mr Brady.

MR BRADY: Thank you, Commissioner. I call Adrian Moeskops. He's in fact just outside the Commission. Adrian Moeskops.

THE COMMISSIONER: Just come and take a seat, Mr Moeskops. Are you represented here today?

MR MOESKOPS: No, I'm not.

10

THE COMMISSIONER: No, all right. That's okay. I just need to explain something to you, Mr Moeskops. Because you are required to answer all questions truthfully you do not have the option of refusing to answer a question even if your answer should incriminate you in some offence or disciplinary matter you would have the option of objecting to each and every question that is asked of you so that the objection in effect would protect you from the use of your answers in future civil or criminal proceedings but I can make an order which operates in effect as a blanket objection so it covers all of your answers in the course of your evidence and it means that those answers can't be used against you in civil or criminal proceedings at any time in the future but it doesn't protect you if it should be found you've given false or misleading evidence to the Commission. You understand that?

20

MR MOESKOPS: Yeah, I understand.

THE COMMISSIONER: Do you wish to take an order to that effect?

MR MOESKOPS: Yes, please.

30

THE COMMISSIONER: 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.

40

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.**

THE COMMISSIONER: Would you like to be sworn or affirmed,
Mr Moeskops?

MR MOESKOPS: Ah - - -

10 THE COMMISSIONER: Either, either an oath on the Bible or a promise to
tell the truth, they're equally relevant.

MR MOESKOPS: Promise to tell the truth.

THE COMMISSIONER: All right. Can be affirmed please.

THE COMMISSIONER: Yes, Mr Brady.

MR BRADY: Just before I start with Mr Moeskops my instructing solicitor has just asked that I raise with the Commissioner this, and that is whether an order lifting the suppression order of 11 June, 2015 in relation to evidence by Hakime Hammoud be lifted just so her now solicitor can view the transcript.

THE COMMISSIONER: Yes. Well, that suppression order is lifted to allow - - -

MR BRADY: It's Mr Patterson who appears.

THE COMMISSIONER: - - - to allow Mr Patterson to have access to that transcript, thank you.

20

THE SUPPRESSION ORDER OF 11 JUNE, 2015 IN RELATION TO THE EVIDENCE OF HAKIME HAMMOUD TO ALLOW MR PATTERSON TO VIEW THE TRANSCRIPT

MR BRADY: Yes, thank you, Commissioner.

Would you please tell the Commission your full name?---Adrian John Moeskops.

30

Can I just get you to spell Moeskops for us?---M-o-e-s-k-o-p-s.

And what is your occupation, Mr Moeskops?---I'm a senior project manager.

And who do you work for?---I work for Built.

Is that just Built as in the word built?---Yeah, Built, B-u-i-l-t Pty Limited.

40 How long have you worked for them?---Approximately 18 months.

Before working for Built who did you work for?---Patterson Building Group.

How long did you work with Pattersons?---I worked with them for two years and I had worked with them previously on an earlier occasion for two years.

What was your role with Pattersons?---I was a senior project manager.

What were your qualifications to be a senior project manager?---I've got a trade background and I've also completed an Associate Diploma in Construction Management.

Can I just go back to your trade background, what did you start as?---A carpenter.

10 When was that?---That would have been in about 1993 originally.

You did your apprenticeship as a carpenter?---I didn't complete the apprenticeship, I switched over to the diploma two-thirds of the way through.

Right. And that's the Diploma of?---Applied Science in Construction Management.

20 Who did you do that through?---I did it through Southern Sydney TAFE at Kogarah.

And when did you get that diploma?---Probably finished that in 1995.

What did you do from there?---I've worked as a, I worked as a foreman on site and then I worked as a contract manager and then a senior contract manager and then a project manager.

Can I say foreman on site at construction?---Yes.

30 And a contract manager in relation to what?---In relation to commercial construction.

And then a senior contract manager?---Again commercial construction.

Right. And what, what did you do from there?---I then owned my own business for five years doing high-end residential building works and then I went and did project management commercially again.

40 Sorry, you went and?---Commercial project management.

And how did you get into commercial project management?---So I – after I closed my business I went back to commercial project management so I worked for two years in London as a project manager.

Right?---And then I came back to Australia, had my own business for seven years. When I closed that down I worked for Patterson Building Group for two years as a project manager and then I worked for another company for two years as a project manager during the BER program - - -

Sorry, the?---The BER, building the schools.

Right?---And then I went back to Patterson Building as a senior project manager.

Right?---You were then involved with the Camden and Picton Courthouse upgrades?---That's correct.

10 What was your role?---I was the senior project manager.

For Patterson's Group?---For Patterson Building.

Right. Had you previously worked on any courthouses as a project manager?---No, I hadn't.

Had you previously worked on heritage listed buildings as a project manager?---Yes, I had.

20 How many?---I would say that I would have done three or four heritage projects.

Right. Did you become aware that a company called Triton were the external project managers for the Department?---Yes.

How did you become aware of that?---In the early part of the project so, okay. We had a start-up meeting initially and at some stage within maybe three or four weeks of that start-up meeting Anthony Andjic informed me that Triton Group would be doing project management on the - - -

30

When you say start-up meeting, who was at the start-up meeting?---So Anthony was – myself, Anthony and there was a girl there who I'm not sure, I can't remember her name.

All right. When you say Anthony, Anthony Andjic?---Anthony Andjic, yeah.

Had you met Anthony Andjic before the start-up meeting?---Not prior to the start-up meeting, no.

40

All right. You were at the start-up meeting, Anthony Andjic and a girl?---Yeah.

You don't remember her name?---It may have been Fatima.

All right. You've now heard of the name Fatima have you?---Yeah.

Right. What happened at that start-up meeting?---So any Government works project under a GC21 we, we do a start-up meeting where we sit down and we first of all issue our safety management documentation, safety, quality, environmental, which sets out the procedures, our proposed procedures for running the project and we establish roles and responsibilities.

All right. And is that what occurred in relation to this matter?---Yeah.

- 10 From that start-up meeting what happened then?---It was, from memory the work on site wasn't starting for maybe three or four weeks after that meeting - - -

Was that a plan or is that just what happened?---That was a plan. I think the meeting came – we just managed to do it, you know, reasonably early before the works were scheduled to commence and then we went down there, established the works. So we had a contract at that stage so we went down, set up the job and commenced the works.

- 20 Now, in giving evidence about this, have you had the opportunity or reviewing files in relation to this job?---I've seen two or three emails.

Right. And that's it?---That's it.

So this, what you're telling us now is just pretty much just from your memory of the job?---It's pretty much from my memory, yeah.

Right. How long did the job go for?---It went for approximately six months.

- 30 Right. And as the project manager what was your – for Patterson's what was your role?---So as the project manager I'm responsible for time, so programming and scheduling, costs, administering variations and progress claims and the like, environmental issues, controlling any sedimentation problems, noise, environmental safety, managing all the safety documentation and the safety systems and ensuring that the works can be performed safely, and client communication, the communication between Patterson Building and the Attorney-General's office in this case.

- 40 Now Mr Chacra, who was Triton Group, did you meet him?---No, I didn't.

At no stage?---No.

Did you have some email correspondence with him?---I had maybe two sort of one liner emails with him.

He was in your understanding, supposed to be the external project manager?---Yes.

Right. And you hesitate to say yes, why is that?---Initially when we had the start-up meeting I was of the understanding that somebody internal would be acting as project manager on the job and possibly a few weeks into the job Anthony told me that Triton Group would act as project managers, so it changed.

10 What would you normally expect from an external project manager?---So it, it varies from client to client. But any Government type works you'd expect, ah, them to help administer the contract. So they'd administer requests for information and get responses from the, from the consultants. They would – again all the stuff that I mentioned earlier time, costs, quality, safety, environment, communication with the various parties. They are responsible for all of that from the client side of the fence.

20 You're running it from the construction point of view and you have the external project manager, how often, over a six month build would you expect to see the project manager?---On – to draw a comparison we commenced another courthouse - part way into the refurbishment of the Camden and Picton we commenced another project at Manly Courthouse. Now that job we would've had weekly meetings with the client side project management team and with various consultants. And we'd be communicating via email or on the phone almost daily. Ah, that was a larger project in value. So you know, it may not necessarily have been as much communication on the smaller project. But somewhere in the order of weekly, fortnightly meetings.

And you're thinking weekly, fortnightly over the six month period?---Yeah.

30 All right. The external project manager for Manly?---Yeah.

Which group was that?---That wasn't an external project manager that was representative from within the Department.

Right. Who was it?---Ah, Neil Murphy was our designated person to communicate with.

When you were doing the Camden Picton who were you mainly dealing with?---Pretty – mainly Anthony directly.

40 Triton Group charged the Department \$65,000 for their project management of Camden Picton Courthouse. You can assume from me that Triton Group at that stage was just Mr Chacra. What would you say about the level of input from Mr Chacra into the Triton, sorry, into the Camden Picton project and a bill for the sum of \$65,000?---I would, I would say that maybe I should be client side project manager.

Right?---No, but it would be extremely difficult to justify that value for the amount of work that was carried out on those projects.

Have you got any idea what sort of value you would give to the amount of work that it appeared that Mr Chacra did in relation to that project?---From what I understand of client side project management there should be an agreement based on either a fee pro rata'd off the percentage value of the project or, and/or an agreement based on certain activities performed so I'm not obviously aware of the agreement between the Attorney-General's office and Triton Group but I would suggest that for services performed there was maybe three or four emails and one site visit. As far as whether
10 there was some form of agreement based on a percentage I don't know.

In terms of the work actually performed though, sorry, three or four emails and a site visit - - -?---Yeah.

- - - from what you could see?---From what I can recall.

Nothing further, thank you, Commissioner.

THE COMMISSIONER: Does anyone have any questions of Mr
20 Moeskops? Yes, Mr Chalmers.

MR CHALMERS: Yes, I act for Fatima Hammoud?---Ah hmm.

You said that there was a girl at a meeting. Do you recall when that meeting was?---I'm afraid that all I can remember is the timing in relation to when the project commenced so it was probably within three or four weeks of the commencement of the project, I can't remember the dates I'm sorry.

And you've heard the name Fatima I assume in the last few days, is that
30 right, being discussed with your discussions with the Commission or from looking at newspapers or - - -?---Maybe yeah, through the media.

Yes. So do you think that might have influenced you in coming and recalling the name of the person was Fatima?---Yeah, maybe.

Yes, nothing further.

THE COMMISSIONER: Any other questions of Mr Moeskops? Yes,
40 Mr Oates.

MR OATES: Thank you, Commissioner.

Mr Moeskops, my name is Oates, I represent Mr Andjic. Would it be fair to say that before being spoken to by the Commission's investigators which I assume was a couple of days ago - - -?---Ah hmm.

Yes?---Last Thursday.

Thank you. Sorry, sir. You hadn't turned your mind to this matter apart from what you might have read in the newspaper since this inquiry was going since the Camden and Picton project?---No, that would be, that would be reasonable, yeah.

10 Yes. As you indicated by your description of your work life you've moved around not necessarily frequently but every couple of years you've gone to a new project or a new job apart from the seven years you spent working for yourself?---By the nature of my work it's project based so, yes, I regularly finish a project and go on to a new project.

Would it be fair to say that in the building industry changes of personnel are not unusual?---No, they're not.

So you might start a project with a particular group of people and it might change even dramatically in terms of personnel through the course of the project?---That can happen, yes.

20 Do I assume also, sir, that you don't have any notes of the conversations you had with various people during the project at Camden and Picton?
---No, I don't.

Nothing further, Commissioner.

THE COMMISSIONER: Thank you. Anyone else? No. Nothing arising, Mr Brady?

MR BRADY: There isn't, thank you very much.

30 THE COMMISSIONER: Thank you, Mr Moeskops, you may step down, you're excused.

THE WITNESS EXCUSED

[10.29am]

MR BRADY: Helen Doherty, if the Commission pleases.

40 THE COMMISSIONER: Just come forward Ms Doherty, thank you. You're not represented at the moment?

MS DOHERTY: (No Audible Reply).

THE COMMISSIONER: Could I just give you the same explanation I gave to Mr Moeskops. Were you here when I spoke to him about the section 38 order.

MS DOHERTY: I was outside.

THE COMMISSIONER: You were outside?

MS DOHERTY: Yes.

THE COMMISSIONER: Never mind. Because you are obliged to answer all questions truthfully, you don't have the option of refusing to answer even though your answers might incriminate you in an offence of some kind. You would be able to object to each and every question that is asked of you and in that way your answers couldn't be used against you in any future
10 civil or criminal proceedings but to relieve you of the necessity to do that each and every time I can make an order under section 38 of the Act which operates as a blanket objection so that your answers can't be used against you in civil or criminal proceedings but it does not protect you if it should be found that you've given false or misleading evidence before the Commission because you would none the less be liable to be prosecuted under an offence under the ICAC Act. Do you understand that?

MS DOHERTY: Yes.

20 THE COMMISSIONER: You wish to take that section 38 order?

MS DOHERTY: Yes.

THE COMMISSIONER: 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
30 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
40 OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

THE COMMISSIONER: Do you wish to be sworn or affirmed, Ms Doherty?

MS DOHERTY: Affirmed.

THE COMMISSIONER: Can the witness be affirmed please.

THE COMMISSIONER: Yes, Mr Brady.

MR BRADY: Yes, thank you, Commissioner. Would you please tell the Commission your full name?---Helen Mary Doherty.

10 And Ms Doherty, I might just get you to keep your voice up if you would?--
-Ah, sorry.

And slow down just a little?---Okay.

What's your occupation?---A consultant.

Who do you work with?---At the moment I work with different organisations.

20 You are self-employed at the moment?---Self-employed.

Before being self-employed as a consultant what did you do?---I worked with the Attorney General's Department as an assistant director of People Development.

Of?---People Development.

What does that mean?---Ah, that's a learning and development organisational development sector of a unit of the Attorney General's.

30 All right. And is that under a particular branch with the Attorney General's?---That's within the HR branch.

Being?---Ah, Human Resources branch, sorry.

40 That's okay. We use acronyms all the time but we might get the full names in future. Now Ms Doherty, I want to ask you some questions about a recruitment process that took place in about 2013 and I think you'd already been asked some questions about this by Mr Thomas, the investigator. Were you asked to be on a panel for a recruitment process in relation to a project manager or development officer in Capital Works?---Yes.

Who were you asked by?---Anthony Andjic.

Right. Do you recall when it was that you were asked to be on this?---Ah, it would've been a few weeks before the process, before the actual interview process. So it would've been back in June, 2013.

Right. When you were asked questions about this previously did you then have access to some notes that you'd made?---Ah, yes.

And did you have a look at those notes to remind yourself of the matter?---Ah, I've looked at the notes, yes.

What was your role in relation to the panel?---I was an independent on the panel. So an independent - - -

- 10 What does that mean?---So an independent is that you're there to ensure, you know, each panel has a convenor and then there are independent members of that panel who - - -

The convenor is what?---The convenor is the person who commences the process right from the recruitment selection stage through to the final selection and sign off stage.

Right. Who was the convenor in this panel?---Anthony Andjic.

- 20 You were to be an independent?---Yes.

What then is your role as an independent?---Ah, role of an independent is to do the interview process from the point of looking at the selection process and going through the interview process, having assessment of that process, of the candidates and making a selection.

Were you do you know selected for the panel because you were from Human Resources Department?---Not necessarily because I sit on a number of panels and each panel has to have an equity, male/female.

- 30 Okay. And you say a number of panels. No doubt over the period of time you were working with the Government you sat on numerous panels?---I've sat on numerous panels, yes.

All right. I'll take you to the interview itself, just for the interview, do you get to see the résumés and selection criteria before the interview?---Yes.

In order to prepare yourself for the interview?---Yes.

- 40 Did you on this particular occasion?---Yes.

All right. Then the interviews took place. Do you remember how many there were?---I think there were three.

You interviewed Fatima Hammoud?---Yes.

I'm going to talk to you about that interview if I can?---Ah hmm

Can you describe what happened during the interview?---The interview was a normal process. The candidate came in. We would have gone through the process of doing introductions, asking her questions. She would have answered the questions, well, she answered the questions and she would have left.

All right. Now, in relation to Fatima was there something particular that you noticed about her during the interview?---Fatima had a, a broken arm.

10 Right?---Or a black, a black, it might not have been a broken arm but she had a cast on, on her arm.

All right. At the start of the interview or for the interview are the people who were on the panel required to declare any conflict of interest?---Yes.

How do you go about doing that?---The process is that you get a form, you sign it, do you have a conflict of interest in this process.

20 Right. Did you have any conflict of interest in the process?---No.

Right. Did Mr Andjic raise any conflict of interest?---No.

Did he raise the fact that he knew a Mr Murphy and Fatima?---Part of the process is that he didn't raise it as he, as a conflict of interest but you would know that they were there because they worked for Attorney-General's so he would say yes, you know, these people are in this Department so we would know that.

30 Did he raise any conflict in terms of a friendship that he had with Fatima Hammoud?---Definitely not.

Sorry, so definitely not?---Not.

Why do you, why do you say definitely not?---If someone was to raise that they had a friendship I would have to sort of question them, well, you need to fill out a form.

40 Right?---You need to declare this. So I didn't have – I don't – didn't have that conversation with him.

I assume from that that he didn't raise that he had a relationship with Fatima Hammoud?---Definitely not.

Again definitely not because?---Yeah. Definitely not because I would have had to say that this was a total conflict of interest and you need to actually go and talk to someone about getting a new convenor and we close down this panel.

All right. Now, did Fatima raise with you that she was just doing this for practice?---No.

You say that with some confidence as well?---Totally. If someone was to raise that with me I would be saying this is not a training session, right. You need to either formally withdraw from the process and I can – I've got a team upstairs that can actually help you. The Department had quite an extensive coaching, recruitment training program in place.

10 Right?---And that would be – this, you know, it just wasn't worth our time.

I'll come back to worth your time but sorry, you had a, sort of a program in place where people could go and get some assistance with going through recruitment processes?---Yes.

That was known to the people in the Department?---Yes. There was coaching, coaching workshops, there was one-on-one coaching, there was a whole range of recruitment and it was something that had been in place for a number of years.

20

Right. So if someone wanted to get some assistance with recruitment what would they do?---Through the performance or the achievement planning process they would be talking with their manager, they have a very strong achievement planning process, indicate the personal development they wish to undertake and it was always very much supported to help people look for other jobs because of the nature of the work, you know, and that was something that was offered through People Development.

30 And would that training process include assistance with doing resumes and meeting selection - - -?---Resume assistance, how to conduct yourself in an interview, there could be personalised mock trial type interview processes and that would actually depend on the person who – you know, how far they wanted to assist themselves.

So no doubt if Fatima Hammoud had raised with you this was just a practice session you would have suggested to her that you have a whole area for it? ---I would have, I would have suggested that this is not the place to be doing a mock exercise, you need to do that before you come to an interview and I would ask her what she wanted to do.

40

Would you then give her advice about the fact that you have this program in place that you could make, utilise that program?---Well, I would have said to her I think that she could contact someone in the area, given her a name and left it at that.

Was there any indication from Mr Andjic that Ms Hammoud was just going through this for practice?---No.

Again, the same things that you've just gone through would no doubt apply?
---Exactly.

Was there then with you and Mr Andjic discussion about preferred candidates once you'd been through the interview processes?---Sorry, could you - - -

10 Did you have discussion with Mr Andjic about preferred candidates once you'd been through the interview process?---Oh, yes, we would have gone through each candidate.

I'm assuming at no stage through that was Ms Hammoud left out of the reckoning because she just wanted to do it as a practice run?---No.

Now after the interview do you contact referees?---No.

Why is that?---The convenor does.

20 Right. Can I just show you if I can page 3103. You talked about notes of the interview process?---Ah hmm.

Are they the notes that you made on the interview process?---Yes.

If in fact Fatima Hammoud had raised that she was simply doing this as a training exercise or a practice run what would you normally expect to see or what would you see at the top of your notes?---I would have written that down in the first three lines, right, that – and written down what I'd said and what the response was.

30 No doubt at the time that you were doing this you had a full workload?
---Yes.

What would you have thought about sitting through an entire interview on a practice run process basis only?---Well, I wouldn't have done it, it's not the appropriate place to do it, it opens it up for a whole, a whole array of issues post the interview and I just wouldn't - - -

40 Such as?---If some declared that they were doing a training exercise and the process didn't, didn't allow for a training exercise it puts the whole thing into question right from the word go, the whole process, the whole credibility, the whole, the whole exercise. There are clear guidelines of, of what the process is.

THE COMMISSIONER: Ms Doherty, do you actually recall that there was a discussion about the preferred candidate following this series of interviews or is that something that you said would generally occur?---It would, it would occur, I do not recall us discussing the candidates.

In this particular - - -?---No. But I know it would have, it's occurred, right, I can't give you verbatim what was actually said but it definitely occurred.

Do you have any recollection of there being any agreement amongst the interview panel about the preferred candidate out of the three that were interviewed?---Well, I don't have a recollection of the actual wording but the fact that she was appointed, right, or, or the recommendation was made was that we would have discussed it.

10 So you recall that it was recommended that she be the successful applicant?
---Well, I – I'm thinking that that's, that was the process, that's the one.

Was that a recommendation with which you agreed, that you endorsed that?
---I'm, I'm – I can't recall the conversation (not transcribable) having it about endorsement but that is the person who, yeah, that's the person that I believe has - - -

Was put forward?--- - - - put forward.

20 Right.

MR BRADY: And I think what the Commissioner was getting at was did you agree if she was being put forward that she should have been the one put forward?---Ah hmm.

Let me ask it in a different way. Did you have a particular view about which candidate would be the preferable candidate?---We, we had discussions about who should be the candidate and I think that I had gone one way, a preference but through a discussion kind of – we talked about,
30 you know, particular candidates and so we were led to, to that, that, particular candidate.

When you say you've had particular discussions and you had a particular view, what was your view about the preferred candidate?---Recalling what I can recall of it at the time she was very polished in her responses.

Right?---Right, upon reflection I'm saying that she was very polished in her, in her, her responses.

40 And upon reflection saying she was very polished what does that - - -?
---There was another candidate there who had a lot of experience, right, and that person did trigger to me as an independent, you don't necessarily have to have that field of expertise in that area so you do, are guided around the expertise side of things and Anthony had that expertise.

Sorry, so just so I can clarify what you're saying, you mean you were guided by Anthony in terms of who would be the preferred candidate?
---Yes, in the level of expertise.

I see. On your view there was another person other than Fatima who seemed to have that expertise - - -?---Ah hmm.

- - - but you were then guided by Anthony in your ultimate or the ultimate preferred candidate?---Yes.

10 When you were talking about Fatima seemed polished in the way she presented and you say on reflection what do you mean she seemed polished on reflection?---She could give, she could give examples of things, she could give very good examples of, of answering of the questions, right, and there was no hesitation about the way she could answer those questions and she gave, you know, good relevant examples.

When you say relevant examples of experience that she had?---Experience.

I assume you can't remember today what some of those examples were? ---No.

20 Yes, thank you, Commissioner.

THE COMMISSIONER: Does anyone have any questions of Ms Doherty? Yes, Mr Silver.

MR SILVER: I'm from the Department of Justice and I represent the Department of Justice. I've got a couple of questions. The first is, in terms of the declaration of conflicts of interest, is that one of the first processes that takes place before the process starts, you have to declare any conflicts of interest that you have?---Well, once you've looked at the application,
30 yeah.

And that's regarded as an important step on the process?---Yes.

Secondly, I've had a look at the process and one of the steps is the checking of references?---Ah hmm.

Do you regard that as – or did you regard that as an important part of the process?---Checking of references is an important part of the process.

40 You say that you didn't check them because you weren't the convenor. Mr, is it correct, Andjic was, Andjic was the convenor?---That's correct.

And he told you did he not that he had checked the references at some point?---I, I would assume that he would have told me that.

Because that is a necessary step before - - -?---You sign off.

- - - coming to a conclusion. And did you know who the actual referees were by looking at the form?---I can't, I cannot answer that.

And do you recall any actual report backs about the referees or are you just assuming that it is an - - -?---I can't - - -

Sorry?---I can't - - -

10 Are you just assuming that's an inevitable part of the process?---That's correct.

If it had not been done and there had not been a report back would you have nonetheless gone ahead with a recommendation or not?---Not if I'm not given the information.

20 You used the expression that Mr Andjic led you or, or, or led those concerned to the recommendation. Do you mean that he encouraged you to give your support to the successful candidate?---No. When you are in a panel and you're asking questions and – about experience you actually ask the question and you listen to what you're being told by the person who has that expertise. So I'm, I'm not an expert in certain areas so I would have to ask questions. I have a knowledge but I would rely on that person. They are the person who are recruiting.

So when you say led to that candidate, are you saying led you in respect of the candidate's expertise?---- Yes.

Thank you.

30 THE COMMISSIONER: Just following on from that. Mr Andjic being the convenor was also the person who was going to be working with the successful applicant and the three applicants who were interviewed as I understand it were all from within his, his branch in any event, they were, they were employees known to him?---I can't recall all three.

All right. But there was one other one who - - -?---Yes.

40 - - - who had relevant experience, and when you say Mr Andjic guided you and whoever else was on the panel in terms of the relevant expertise required for the position, did he represent to you that Ms Hammoud had the relevant experience and expertise from having worked with her or did he say that he had – that she, she would acquire it in some other respect?---(No Audible Reply)

You can't remember. Don't - - -?---I can't recall that.

No. All right?---I can't answer that.

If you can't remember that doesn't matter. Does anyone else have any questions of Ms Doherty? Yes, Mr Chalmers.

MR CHALMERS: Thank you, Commissioner. I act for Fatima Hammoud. Just first of all I just want to mention the issue of dates of what day the interview was. You completed two statements. The first one was on 5 May, 2015 and just to assist that's pages 3096 to 3100 on the, the exhibit. In paragraphs 15 and 16 of that statement on page 3100 you talk about the interview being on 8 July, 2013. Then in your second statement which is 10
10 June, 2015 and that's pages 3101 to 3104. Sorry about the numbers, just so people can reference. You talk – you say in paragraph 4 of that statement on page 3101, “On Thursday, 3 June I received an email from ICAC Investigator Thomas inquiring if Fatima Hammoud had attended the interview process on 9 July, 2013”. Do you recall which day it was, 8 or 9 July?---I, I, no, I don't on that date. I mean - - -

I'm not surprised you don't know the answer. I just - - -?---I think that that's - - -

20 It's just there are two dates there. All right. The, the next issue is in the first statement that you completed in paragraph 12 which is on page 3099, and just to remind you this is the first statement of 5 May, 2015, you say, “I do not recall the interview or applicants”. That's contained in paragraph 12. Perhaps, perhaps the witness could be shown that to be further heard.

THE COMMISSIONER: Was that statement before you had had the opportunity to look at your notes?---Yes. It was a telephone call and it was I did not recall it.

30 Right.

MR CHALMERS: Okay. All right. And then you completed a second statement on 10 June, 2015. Is that right?---Hmmm.

Is that right, you completed a second statement on 15 -?---That's correct.

40 And did you say in paragraph 5 of that statement on page 3102, and this is the statement where you had your notes attached, did you say, “Firstly, as previously stated I do not have an independent recollection of the interview or interviewee in question”?---At that time, yes.

Yes. So this – your second statement was completed on 10 June so that's only some three, three weeks ago?---Ah hmm.

There's no mention there of Fatima Hammoud having a sling or her arm in a sling?---No.

Did someone suggest that to you or - - -?---No.

- - - remind you of that?---No. No.

So despite the fact that on, on 10 June you had your notes and note you didn't recall at that stage that the interviewee had a sling?---No.

10 And I daresay, and I'm guessing but I suspect it's an educated guess, that you were asked by the person interviewing you on 10 June, 2015 to try and remember what the candidates or particularly what Fatima Hammoud was like as a candidate or if you could recall her. Would I be right in that assessment?---No. I was asked about the, the process.

All right. Now, I could be wrong but are you – do you assume that Fatima Hammoud got the job, just from your answers, are you assuming that when you give your responses?---I, I'm, I'm assuming that that's, that's what's happened.

All right?---I am not – it's two, over two years ago.

20 Right?---And there's been a lot of panels since.

Understood. Understood. So basically is what happening is that you believe that she got the job so you're working backwards to try and work out how she would have got the job, what - - -?---No.

THE COMMISSIONER: Mr Chalmers, before we got any further, I recall the witness saying that her understanding was that Ms Hammoud was the preferred candidate?---Mmm.

30 She didn't say anything about whether or not she actually got the job.

MR CHALMERS: No, and that's why – thank you, Commissioner, but that's why I asked the question just now whether, whether she presumed that she got the job and she agreed with that, that that was her thoughts and so what I'm asking is, if that's what she believes happened, obviously I'm asking questions about is she working her way backwards.

40 THE COMMISSIONER: Well, all right, but I'm not sure where this goes because at the end of the day the witness says that she is really relying on the notes and she couldn't remember anything before she looked at the notes but anyway, go on.

MR CHALMERS: All right. Thank you, Commissioner. So can I suggest to you that you have tried to outline in your mind what steps must have happened for Fatima Hammoud to get the job?---The process is the process.

Yeah?---And the process does – we follow the process.

See, if you believe that Fatima Hammoud got the job you probably, working from that point, you probably believed that you and Anthony decided that she should be the preferred candidate because otherwise you wouldn't have the job?---Look, I'm sorry - - -

Well, what I'm saying is you work backwards.

10 THE COMMISSIONER: Mr Chalmers, I think you should, I think you should put the positive case. Because if you want to put to her, if you want to put to her that it was never suggested that Ms Hammoud was the preferred candidate well put it to her but otherwise we're just going round in circles.

MR CHALMERS: Well, Commissioner, Commissioner I can't do that. I can't put that proposition because it wouldn't be something my client would necessarily know. But the point is that certain conclusions have been given by this witness about she and Anthony having discussed that Fatima Hammoud was the preferred candidate. But that might be based on the fact that she believes that Fatima Hammoud got the job and she's working
20 backwards.

THE COMMISSIONER: All right. Ms Doherty, what's being put to you is that you have no independent recollection of whether or not Ms Hammoud was the preferred candidate but in effect you've assumed something that's caused you to reconstruct that process and that your evidence in relation to Ms Hammoud being the preferred candidate is no more than a reconstruction. Do you agree or disagree with that proposition?---Look, went through the process and there was a discussion about the person in question and he was to go and do referee checks.
30

And when you say the person in question you mean Ms Hammoud?---That's right

So you have a recollection of that being, being discussed?---That was -- that's how it went, yes.

Right. Anything else Mr Chalmers?

40 MR CHALMERS: No, Commissioner.

THE COMMISSIONER: Does anyone else have any other questions? Yes, Mr Oates.

MR CHALMERS: Sorry, sorry Commissioner.

THE COMMISSIONER: Yes.

MR CHALMERS: Sorry, I should put it to her. I'm sorry. Can I suggest to you that there was a conversation where Ms Hammoud did tell you that she was going to leave the Department and she was just doing this for experience?---No.

Can I put it to you that there was – that Ms Hammoud did tell you at the interview that she was thinking of – she was going to leave the Department and she was just doing the job interview for practice, do you agree or disagree?---I disagree.

10

All right?---No.

And do you remember any discussion about Ms Hammoud's hand before the more formal part of the interview took place?---There was a discussion about her hand, yes.

And can I suggest - - -?---Shaking hands.

Yeah. And can I suggest to you it was around that point that she told you that she was just doing it for experience?---No.

20

Okay. Thank you?---It was not said to me.

THE COMMISSIONER: Yes, Mr Oates.

MR OATES: Thank you, Commissioner.

Ah, Ms Doherty, my name's Oates. I represent Mr Andjic. How many interviews do you think you've sat on since July, 2013 up until when you made your statement in March, I beg your pardon, in May 2015?---I can't recall as an exact figure. But I haven't sat on - - -

30

I'm not asking you for an exact figure, ma'am. I appreciate that's beyond you?---I'm not, I'm not sure.

Hundreds?---No.

Scores?---No.

40 Dozens?---No.

Well, you're the person in possession of that knowledge. Can you give me some estimate of how many interviews you've sat on?---It could have been one or two after that.

THE COMMISSIONER: Before you left the Department?---Yes.

MR OATES: Between the time of the interview in 2013 and when you made your statement, first statement on 5 May, 2015, did you have any reason to recall the interview?---No.

Apart from the notes you produced in relation to the matter when you were interviewed on the second occasion, do you have any other notes or records of the interview?---No.

10 In paragraph 15 of your interview, I beg your pardon, statement, dated 5 May, you said this. "I've since been made aware that the actual interviews were conducted on Monday, 8 July." So until you were told that you didn't know the date?---No.

You have to answer it because - - -?---No, no, no.

- - - it is picked up on the transcript. You then stated that during the interview I would've made a number of notes and you did and they were produced later?---Yes.

20 Can we just go back to paragraph 12 if you please. In paragraph 12 you stated "I do not recall Mr Andjic declaring any conflict of interest in relation to this panel." Now you understand what the words I don't recall mean, don't you?---Yes.

It means you don't have a memory either way?---That's right.

It could've happened, it may not have happened. Correct?---Correct.

30 Yes. And that's what you were intending to convey to the person taking the statement, weren't you?---Correct.

You then stated you – I beg your pardon – I'll read it to you. "I do not recall Mr Andjic declaring that two of the applicants being interviewed formed part of his team and reported to him on a daily basis". Again, you've had no memory of that did you?---No, I don't.

40 You then stated "I do not recall Mr Andjic declaring a personal relationship with any of the applicants". Your memory failed you in that, not being critical, but that's what you've told the interview, you've had no memory of that. Correct?---At that point of time, no.

Yes. But you say you have a memory of it now, do you?---Look, I do. I can clearly state, I've been able to think about it and I think that, and I know that he did not say that.

When did that come to you ma'am?---When did that come to me?

Mmm?---It's in the last couple of weeks.

Did you tell anybody?---I have told people.

Yes. Did you tell anybody from this Commission?---As in?

Anybody in the employ of the ICAC that in the last two weeks you had a sudden recall of memory to the effect that Mr Andjic did not declare a personal relationship with one of the applicants?---Yes.

10 Who did you tell?---I think I've spoken to Mr Thomas.

Ah hmm. When did you tell Mr Thomas though?---It would've been on a Monday morning and it was in the car and I was driving to work a couple of weeks ago.

Do you know where Mr Thomas was at the time?---No.

20 Did Mr Thomas - - -?---It was on the phone. It was on the phone. I was driving along and - - -

Did Mr Thomas tell you that he wanted to speak to you in his office and take a further statement from you in relation to that revelation?---No.

And you say it just came to you spontaneously that you suddenly remembered that, no, I hadn't – I beg your pardon – you did remember that that declaration wasn't made?

30 MR BRADY: I object to that. Putting a positive proposition you say it came to you spontaneously is not what she said.

THE COMMISSIONER: Well she didn't say sudden revelation, she said she'd thought about it but anyway, go on, Mr Oates.

MR OATES: I'll withdraw all that. What is that triggered this recall?---I don't know. Whether I was asked the question or not. But I know that I've stated that I did not know they were in a personal relationship.

40 When you were interviewed by the ICAC officer to take the statement on 5 May, I assume that was your first contact with ICAC?---Yes.

I assume you were endeavouring to do your very best to ensure that what was put down on paper was correct - - -?---Correct.

- - - accurate and complete?---Yes.

And what you told the investigator on that day after due consideration was "I do not recall Mr Andjic declaring a personal relationship". That's what you told him, isn't it?---It was in the notes, can I - - -

You're welcome to read the - - -?---Can I read it?

- - - statement if it can be produced to you.

THE COMMISSIONER: Well it's acknowledged that that's what it says, 5 May statement says that, yes.

10 MR OATES: I'm sorry, the witness seems to not be quite certain about that, Commissioner.

THE COMMISSIONER: Well the document speaks for itself but anyway, go on.

MR OATES: That's correct, isn't it?--- Yes. .

MR BRADY: Can we bring up the page perhaps, what page is it, please Mr Oates?

20 MR OATES: Ah, 1905.

MR BRADY: 1905.

MR OATES: I think.

MR BRADY: It wouldn't be 1933?

MR OATES: Oh, I beg your pardon. Just one moment. 3099.

30 THE COMMISSIONER: Is this the statement you're asking the witness about?

MR OATES: I can't read it, Commissioner, on the screen. I beg your pardon, just one minute.

THE COMMISSIONER: This is the statement of the 5th, this is - - -

MR OATES: If it's 3099 then it's correct Commissioner.

40 THE COMMISSIONER: Right. Well, it's signed on 28 May. Is that the statement you're referring to?

MR OATES: Just one moment, Commissioner. That's the statement I'm referring to.

THE COMMISSIONER: And this is – can I clarify, this is before the witness was shown the notes that she wrote about the interview process, is that right?---I believe so, yes.

MR OATES: I assume so.

THE COMMISSIONER: Yes, go on, Mr Oates.

MR OATES: The statement's dated 5 May which is where I took that date from.

THE COMMISSIONER: Yes, yes.

10

MR OATES: You see that at paragraph 12 you stated you had no memory of Mr Andjic declaring a conflict, no memory of Mr Andjic declaring that two of the applicants were part of his team, no memory of Mr Andjic declaring a personal relationship, do you see that, ma'am?---Yes.

Prior to making this statement I assume that you were contacted by the Commission's officers and asked to come to the Commission's premises? ---I was, did not come to the Commission's premises, no.

20

I'll start again. How long prior to 5 May were you contacted by an officer of the Commission and asked to recall these events?---I do not know.

Days, weeks?---I do not know.

Some time?---Some time.

Somebody just didn't turn up and ask you for a statement?---No.

30

So between the time you were first contacted and when you started to make the statement on 5 May you had time to think about it?---Yes.

You were told what the issues were that you were to consider prior to making the statement, is that correct or not?---Yes.

You must have been racking your brains to think about that interview which had occurred a couple of years prior?---Hmm?

40

That's a question?---Oh, look, I've, I've – my, my world is so busy at the moment, I have answered this in accordance with the way I looked at it.

You must have been racking your brains between the time you were first spoken to by the investigator and asked to make a statement about this matter about the interview that was going to be the subject of the statement? ---I thought about it.

You thought about it again when you were interviewed on 5 May?---I did.

And you didn't sign the statement until 28 May?---No.

Do you recall the process between those two dates, were you given a copy of the draft to review?---Yes, I was given a copy of the draft to review.

And you reviewed that?---I reviewed it.

Yes, and then you signed the statement on 28 May and you were content that it was true and correct and accurate?---I returned the statement that I had and it was signed by myself.

10

Yes?---Correct.

You signed it?---Yes.

You dated it 28 May?---Mmm.

And you'd had some time to review it and make sure that it was accurate and correct?---That's correct.

20

And you were cognisant of the Jurat at the top of the statement, that it was made by me accurately, it sets out the evidence which I would be prepared if necessary to give in court as a witness?---Yes.

You read that?---Yes.

You were approached again by the investigators to take a further statement, that's dated 10 June, it's signed on the 10th, ma'am, or the 20th? Can you be shown 3101, I just can't make out the date. I beg your pardon, it's 10 June. Did you make that statement on the Commission's premises?---No.

30

I assume that you were spoken to about the matter sometime prior to making the statement, you were given a phone call and asked to make yourself available?---I was given a phone call I think pretty, pretty close to the 10th.

A day or two earlier perhaps?---What day is the 10th?

What day of the week? Oh, I don't know, ma'am?---Well, I'm assuming that it was either close to it or on the day.

40

And you were told what it was to be about?---Sorry, what was I told? I don't understand the question.

You were told during the telephone conversation that the further statement was about the interview?---Yes.

You turned your mind to it again?---Yes.

And at paragraph 5 of that interview, if that could be put on the screen please, Commissioner, its page 3102 - - -?---Yes.

- - - you were at pains weren't you in paragraph 5 to state firstly as previously stated I do not have an independent recollection of the interview or interviewee in question?---That's correct.

And that was after you had recourse to your notes?---I got those notes just then, when I looked at that and that was on the 10th.

10

You made this statement after you had recourse to your notes, ma'am, or not?---Yes.

The notes didn't jog any memory about the things you've given evidence on today?---Independently there they didn't and I think they were turned around within a couple of hours of the phone call.

20

You agree with me that the notes that you read on that day, the notes that are produced, did not jog your memory as to what occurred on that day at the time you made this statement on 10 June, correct?---That's - yes.

I assume that the investigator suggested to you at the conclusion of the taking of the statement of 10 June that should you recall anything else you should speak to him or somebody else at the Commission about that?---I can't - that's what they normally say, yes.

30

Certainly you felt unencumbered, you could have rung at any time and in fact you did have a conversation with one of the investigators after this statement, correct?---In the last week, yes.

Yes, you felt quite capable of ringing one of the investigators and having a further conversation about these statements should you choose to do so? ---Yes.

Did you tell the investigator that you now had a memory of the interview? ---Yes.

40

Did you tell the investigator something along these lines, we had discussions about the candidate, I went one way, we talked about particular candidates, we were led to that particular candidate, did you say something like that the investigator?---Ah, yes.

Did you tell the investigator that you recall that Ms Hammoud was very polished in her responses?---I believe so, yes.

Which investigator was this again?---I think it's the gentleman that I've been speaking to has been Mr Thomas.

Is that Mr Thomas you spoke to on this occasion?

THE COMMISSIONER: Does it matter who it was? It was an officer of the Commission.

MR OATES: It may do, Commissioner, yes.

THE COMMISSIONER: But look, Mr Oates, look we could go on and on about this - - -

10

MR OATES: Yes, we certainly could.

THE COMMISSIONER: - - - but at the end of the day I mean look, she's already said the first statement she had no recollection, then she was shown the notes, she had a further recollection that is then recorded in the statement. You've tested her on particular aspects of that, Mr Oates, and I'm not suggesting that you can't do it but at the end of the day are we talking about recent invention or are we talking about something else?

20

MR OATES: Well, that's a matter for submissions, Commissioner.

THE COMMISSIONER: Well, I know but I mean you're going to have to put it eventually so that the witness has an opportunity to respond to the submission.

MR OATES: Yes, I may do.

THE COMMISSIONER: At the moment it's just testing her recollection.

30

MR OATES: Yes.

THE COMMISSIONER: That's all I'm saying.

MR OATES: Yes, most certainly. I, I agree with you. Mr Thomas was it you spoke to on the occasion you had the telephone call while you were in the car?---Yes.

40

That's the only conversation you've had since the statement of 10 June with an officer of the Commission apart from arranging your appearance here today, et cetera?---Yes.

Did you tell Mr Thomas that you now recall that Ms Hammoud was – had her arm in a sling when she attended the interview?

MR BRADY: I object to that. Didn't say in a sling.

THE COMMISSIONER: She said it was in a cast.

MR OATES: Oh, sorry.

THE COMMISSIONER: And I don't understand there to be any issue about this because it's already been referred to. Indeed, it was put yesterday through Mr Chalmers.

MR OATES: Yeah. Did you tell Mr Thomas that Ms Hammoud's arm was in a cast at the time that the interview was conducted?---It was in a cast and then I said a black, a grey and black band. It was a brace, a cast-y brace. I
10 don't know technically.

You were asked by Mr Silver whether Mr Andjic told you that he'd checked the references of Ms Hammoud. Do you recall that question earlier today?
---Yes.

You don't have any recollection of Mr Andjic telling you that he checked the references of Ms Hammoud do you?---We had a meeting – we've, we've, we spoke after it and he said he was going to check the references.

20 So you now tell the Commission you've got a memory of that part of the interview process that Mr Andjic had a conversation with you afterwards and told you that he was going to check Ms Hammoud's references. Is that what you're saying?---In the process of the day - - -

Yeah?--- - - - right, he was going to check the references.

You're saying you now have a recollection of that part of the interview do you?---Well, it's part of the process, right.

30 All right?---And I – when we go through the process - - -

I'm sorry - - -?--- - - - Anthony would have said, and he said, "I will check the references".

You know the difference between saying what would have happened or what should have happened according to a process - - -?---Yes, I do.

- - - and having a memory?---Yes, I do.

40 Yes. Are you saying today that you have a memory of being in that interview process, that's the process which on two occasions in signed statements you've told us you have no memory, right, you now have a memory of Mr Andjic saying to you that he was going to check the references of Ms Hammoud?---Yes, I do.

What do you think prompted that memory?---Oh, I've given it some great thought - - -

Yeah?--- - - - over the last few weeks.

Yes?---And bits and pieces have come back and I can actually visualise that the – what we were doing.

You can't say why that came to you, that it was some particular newspaper article or some little event that might have triggered something in your brain?---No.

10 Because earlier today when you answered Mr Silver's question you didn't say you had a memory of it. You said, "I assume he did so"?---In the process he was going to check the references. I understood that he would and that question was that he would go and check the references.

Mr Silver asked you whether my client told you he would check the references?---Yes.

20 My notes say, subject to the transcript, your answer being "I assume he did so". That's what you answered 15 or 20 minutes ago?---All right. Well, I assume he did so because we discussed it.

Yeah. You didn't tell Mr Silver that you had a memory of him doing that. You said you assumed it was the case.

THE COMMISSIONER: I don't understand there to be any relevant difference between what the witness is saying now and what she said before. She said I assumed he did so because she had a discussion with him and in that discussion he indicated that he was going to check the references. That's as I understand her evidence.

30

MR OATES: I – well, I don't have the transcript, Commissioner. Perhaps your notes are better than mine but - - -

THE COMMISSIONER: Well, anyway.

MR OATES: I noted the question as being did Mr Andjic tell you he would, he, he checked the references and the answer was I assume he did so and I - - -

40 THE COMMISSIONER: Yes, that, that was the answer.

MR OATES: Yes. And I took that as being that I assume he told me that. I think what you're suggesting to me, Commissioner, is the witness was answering with respect to I assume he checked the references.

THE COMMISSIONER: Yes. Yes. It's capable of both constructions but I took it as I assume he did check the references because he told me he was going to.

MR OATES: Perhaps my brain is on a different wavelength because of the
- - -

THE COMMISSIONER: Anyway.

MR OATES: - - - position I'm in. But I have no further questions if you
please, Commissioner.

10 THE COMMISSIONER: All right. Thank you.

MR OATES: Thank you, Ms Doherty?---Thank you.

THE COMMISSIONER: Does anyone want to ask any further questions of
Ms Doherty? Anything arising, Mr Brady?

MR BRADY: Could Your Honour, sorry, Commissioner, just excuse me
for one moment. No, I don't have anything. Thank you, Commissioner.

20 THE COMMISSIONER: Thank you, Ms Doherty. You can step down.
You're excused.

THE WITNESS EXCUSED

[11.26am]

THE COMMISSIONER: I think the next witness is, is Mr Andjic being
recalled?

30 MR BRADY: He is Yes, is the, is the simple answer to that.

THE COMMISSIONER: Is that, is that for your purposes, Mr Brady, or
Mr Oates' purposes?

MR BRADY: For my purposes would be fair to say.

THE COMMISSIONER: All right.

40 MR BRADY: For my purposes. We do actually have an interpreter for
another witness and I was wondering whether we might put that witness in
to start with.

THE COMMISSIONER: I think that would be the preferable thing to do
because as I understand that witness might be short.

MR BRADY: Might be.

THE COMMISSIONER: Well - - -

MR BRADY: I couldn't say that it would be short.

THE COMMISSIONER: All right. Can we take a short morning tea adjournment now.

MR BRADY: Of course.

10 THE COMMISSIONER: And then when I return we could perhaps have the interpreter and the witness in the, in the box.

MR BRADY: Thank you very much, Commissioner.

THE COMMISSIONER: Yes, Mr Oates.

MR OATES: Brief application before we break, Commissioner. I make application to be given access to the notes of the investigator concerning the conversation he had with Ms Doherty.

20 THE COMMISSIONER: Well, that's assuming that there are some. I don't know. But anyway, you can have a discussion with Mr Brady about that.

MR OATES: The Commission pleases.

THE COMMISSIONER: Yes, I'll adjourn. We'll resume at quarter to 12.00. Thank you.

30 **SHORT ADJOURNMENT** **[11.27am]**

MR BRADY: I call Hakime Hammoud.

THE COMMISSIONER: Yes, now, Mr Patterson.

MR PATTERSON: Yes, Commissioner.

40 THE COMMISSIONER: Have you through the interpreter explained to Mrs Hammoud the effect of a section 38 order?

MR PATTERSON: I have not. I'd be obliged if you would.

THE COMMISSIONER: You might have to do that now. All right. Just before we go there could I have the interpreter sworn please.

<RAYMONDA NAJJAR, sworn **[11.50am]**

THE COMMISSIONER: Madam Interpreter, could I ask you to explain this to Mrs Hammoud. She must answer all questions truthfully regardless of whether or not those answers might involve her in some future civil or criminal proceedings. In order to protect her from the use of those answers in civil or criminal proceedings because she's under compulsion I can make an order which effectively means that her answers can't be used against her in future civil or criminal proceedings. However, what she needs to understand is even if I make the order it does not protect her if it should be found that she's given false or misleading evidence to the Commission because in that case she would nonetheless be liable for prosecution under the ICAC Act for misleading or lying to the Commission. Does she wish to take advantage of the order?

MRS HAMMOUD: Yes.

THE COMMISSIONER: 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.

THE COMMISSIONER: Will Mrs Hammoud take an oath on the Koran?

THE INTERPRETER: The Koran, your Honour.

THE COMMISSIONER: Yes, could we have the witness sworn on the Koran please.

THE COMMISSIONER: Yes, Mr Brady.

MR BRADY: Yes, thank you, Commissioner.

Would you please tell the Commission your full name?---Hakime Hammoud.

10

Mrs Hammoud, you're the mother of Fatima Hammoud?---Fatima Hammoud.

And Fayrouz as well?---Hammoud.

And you are the mother of Fayrouz Hammoud?---Yes.

You are presently on a carer's pension?---Yes.

20

You care for your mother?---My mother and my husband.

And you care for your husband because of his bad back?---He's got in the kidney, chest, chest pointing at the chest area and has very high blood pressure he gets dizzy and collapses on the floor.

Your husband has not worked in paid employment since your children were young?---From the time he was on compensation he did not work.

30

And that was when your children were young?---Yes.

That would be more than 20 years?---Maybe more. *I don't know*.

Okay. He received a payout initially when he got injured?---Yes.

Of about \$30,000?---Yes.

And he received another payout from another injury from Franklins?---It was around 5 or 7.

40

Around 5 or \$7,000?---Around that, I can't remember, around that.

And other than that he has been on a disability pension?---Yes.

And neither of you have received any income from paid employment for 20-odd years?---No, that's right.

At the end of 2013 did you give your daughter some money?---I don't know the time, I know it was two years ago.

So two years ago did you give your daughter some money?---Yes.

Did you give her some cash?---Yes.

How much cash did you give your daughter?

THE COMMISSIONER: Are we talking Fatima?

10 MR BRADY: Ah, sorry, I will clarify that?---Yes. Fatima.

How much cash did you give your daughter, Fatima?---The first time it was around 7 and a bit, I don't know exactly how much.

All right. First time was around 7 and a bit thousand?---Yes.

That was cash you had at home?---Yes.

20 Why did you give it to your daughter?---She asked me for them. She said she needed them and I gave them to her.

She asked you for \$7,000?---First time.

Did you, did she say why she wanted \$7,000?---No.

Did you ask her why she wanted \$7,000?---No.

Why not?---Because she's my daughter and I trust her.

30 How did you have \$7,000 in cash?---I've been in this country for 40 years. I get my husband's cheque, I get my mother's cheque, I save.

When you say your mother's cheque, you mean her cheque for you being a carer?---I get it, I get it and I spend on her what I need to spend on her and sometimes I save from it, sometimes I use it all. What does she spend, the money for the medication for herself?

40 So you were able to save \$7,000 in cash from your carer's pension and your husband's disability pension?---Yes.

All right. You had a number of your children living at your house?---And also my cheque. Yes. Also my cheque, I spend out of my cheque and sometimes there are some left in, in the bank.

Right. So your husband gets a disability cheque?---Yes.

You get a carer's cheque?---Yes.

And your mother also gets a cheque from the Government?---Pension cheque.

And from those three cheques you were able to save \$7,000 in cash?
---Because I've been saving for a long time.

So yes is the answer to my question is it?---Yes.

10 You had your children, some of your children living at home with you?
---Yes.

They, how many children did you have living at home with you two years ago?---My five children were living there.

All right. None of them paid board?---No.

You agree with that, that none of those children paid board?---I do.

20 So you were able to save \$7,000 in cash while also effectively getting no board from your children?---Yeah, they don't pay me board and my mother doesn't either.

So you gave your daughter \$7,000 in cash two years ago, right?---Yes.

Did you then give her some more cash?---Yes.

How much?---About eight and a bit, I can't remember exactly.

30 When did you give her that cash?---After the 7,000 she asked me for them, I can't remember, I can't remember.

Well, how long after the 7,000 did she ask you for another \$8,000 in cash?
---I can't remember.

Well, did you say to her then why do you need another \$8,000 in cash?
---No.

40 Why not?---I don't, don't ask, I didn't ask her because I trust her, she's my daughter and she's never done anything.

Well, after you'd given her \$7,000 in cash and she asked you for another \$8,000 in cash you weren't interested in why she needed more?---No, I did not ask her.

I mean, whether you trust her or not weren't you just interested?---No, no.

No interest whatsoever in what your daughter needed \$15,000 in cash for?

---No, because I have trust in my daughter because I know my daughter would not do anything, no way.

While you trusted her – Mrs Hammoud, you might just wait until I ask a question and then we can go forward. While you trusted her why weren't you just interested in why she might want \$15,000 in cash?---I did not think.

Well, after giving her \$7,000 in cash and then \$8,000 in cash do you say you gave her more cash?---Yes.

10

The \$15,000 in cash that you gave her, where did you keep that at home? ---Yes, I save it all in the cupboard, I, I don't go anywhere.

So it's just in the cupboard at home?---Yes.

What, in a jar or something?---No, in a handbag and, and in the cupboard.

When you gave her the \$15,000 in cash did you have any cash left at home?---Yes, they were my mother's.

20

Did you have any cash at home?---No.

Did you count out the \$7,000 when you first gave her \$7,000?---No, I did not count them. I remember they were around 7,000 and a bit. I did not count it. I told her there you go, this is about seven and a bit. You count them.

How did you know it was seven and a bit if you didn't count it?---Because I remember, I remember them being seven and I remember putting money on top of it but I can't remember how much I put on top of it.

30

How do you know it was \$7,000 if you didn't, if you didn't count it? ---Yeah, I had, I had counted them and I knew they were 7,000 but what I put on top of it I don't know what I put on top of it. I forgot.

What do you mean what you put on top of it?---The money. I saved a little bit more and I added, I added it on top of it. They were under 1,000 but how much exactly I don't know.

40

Did you give her 7,000 and a bit because she asked for 7,000 and a bit? ---No, she did not ask me. I just said to her take them all and you do what you want with them.

Why didn't you give her the full 15,000?---Because she did not ask me for it.

If she didn't ask you for 7,000 how did you come to a conclusion to give her 7,000?---Because she asked me for it. If she had asked me for more I would

have given her and if – I had money in the back. If she wanted more I would have given her more.

THE COMMISSIONER: Madam Interpreter, I think there might be a little bit of confusion here and it may need to be clarified in translation. What we're trying to ascertain is whether Fatima simply said to her mother have you got any spare cash or whether she said to her mother I need \$7,000 because the issue is whether or not the \$7,000 was requested or whether it was simply an open request for money?---She said to me, she said to me,
10 "What money do you have and what money can you give me?" And I said to her, "Here you go, this is 7,000 and a bit." I can't remember how much exactly.

MR BRADY: All right. So why didn't you give her \$15,000 if that's what you had?---No, I had some but I have put them separate to one another.

Still in the same cupboard though?---Yeah, the same cupboard but different bags.

20 So why if she just asked you for cash did you not give her both bags?
---Because she, because she asked me, she asked me and said, "I want 7,000." And I said to her, "Here you go, this is 7,000 and a bit more."

THE COMMISSIONER: Madam Interpreter, can I just ask you to, to point out to Mrs Hammoud that that answer is inconsistent with the answer she's previously given. It's got to be one or the other. Either her daughter asked specifically for 7,000 or she simply asked her for whatever money she had and we can't work out which it is at this stage?---Okay. Commissioner, I just said whether your daughter has asked you to – for the 7,000, she said,
30 "Yes".

MR BRADY: Right?---Before I could continue.

THE COMMISSIONER: All right?---*Yes*.

MR BRADY: And then what she then asked you for \$8,000 after that?---She said to me "What else do you have"?

40 And so you gave her the rest of what you had in cash?---Yes, she did ask me and I, I think they want more. Do you remember when I told you last time, on the last - - -

THE COMMISSIONER: I think we have to just proceed on the basis of each question?---Yes.

Otherwise it becomes confusing.

MR BRADY: Can I just – it's important Mrs Hammoud just to focus on the question?---Okay.

And the question was this, when she came and asked you for some more cash, did you give her the rest of what you had?---Yes.

And that was about \$8,000?---Yeah, a bit more maybe.

10 All right. And that was all the money that you had in cash?---Yes.

And you gave that to her without asking her a single question about why she wanted it?---No.

You agree with that?---Yes.

What were the denominations of the bills that you gave her?---(No Audible Reply)

20 Okay. Let me ask it – I'll withdraw that. How was the cash made up was it in five's, 10's, 20's?---50's, 100's, I can't remember. They were mixed.

Is that the first time you'd given your daughter large sums of cash?---To her?

Yes, to her? Was that the first time you gave Fatima large sums of cash?---Yes.

Right. Did you give her more cash after that?---Yes.

30 How much?---My mother's money, 53.

Sorry, 53 what?---Thousand.

You remember that it was specifically \$53,000 that you gave to Fatima from your mother's cash?---Yes, because they weren't mine.

When you say because they weren't mine, does that mean you counted it carefully?---Yes.

40 And it was exactly \$53,000?---Yes.

And that was money that your mother had managed to save in cash was it? ---Yes.

When did you give that to your daughter Fatima?---Two years ago.

Why did you give that to your daughter Fatima?---At that, at that time I asked her, you have taken money from me before, before and now and now

why are you taking this, what are you going to do with it? She said to me I'm going to put it on the house so I reduce my interest and as soon as you want them I will give them back to you.

Right. So you specifically asked her why she wanted the \$53,000?---Yes.

She said I'm going to put it on the house?---Yes.

10 You knew she'd bought a house?---Yes, I, she said to me I bought a house.

And you knew, you knew she'd bought a house with Mr Andjic?---Yes.

Have you talked to friends about the fact that Mr Andjic and Fatima bought a house together?---No.

Not said how proud you are of your son-in-law that he was able to buy Fatima a house?---Everyone buys houses.

20 I didn't ask you that question, did I, Mrs Hammoud. I asked you this, have you said to friends how proud you are of your son-in-law that he's managed to buy Fatima a house?---How they bought a house, she had money and she bought, I can't say that, she's got her own money.

Have you said to friends how proud you are of your son-in-law that he bought Fatima a house?---No.

30 Why did it take three times to get that answer?---Because I'm not understanding what, what – of course I'm happy that my son, my daughter and son-in-law got married and bought a house, I'm happy.

Where was the \$53,000 kept?---They were, I put then in an envelope and in a bag, handbag.

You put then in an envelope and in a handbag?---Yes.

We're talking about your mother's \$53,000?---Yes, the 53, my mother's money.

40 Where was that kept at the house?---It was in the cupboard and it had compartments, it was in the last compartment up the top under the clothes in a bag.

THE INTERPRETER: The word Mrs Hammoud is using for bag could also mean wallet.

THE WITNESS: Wallet.

MR BRADY: How was that \$53,000 made up?---Fifties, hundreds. Even if I had, if there was less than fifties I would make it into a fifty, \$50. I can't remember exactly. I can't remember exactly what they were because they were a lot.

Did your mother actually put the cash together or did you put it together?
---My mother doesn't have a brain.

So from that you put it together did you?---Yes.

10

Over what period of time did you save your mother's money to make up \$53,000?---17 years to now.

So you've been getting her cheque for 17 years?---My brother was a carer, her carer at the, at the beginning but because he doesn't know how to keep money he used to give me – when he used to get her money he used to give me 200, 300, it depends.

20

So he would give you two or 300 in cash on occasions?---Every time he got the cheque.

So then over 17 years your mother has basically through you been saving all her cheque?---Yes. That's all I had. Nothing else.

Now, after you gave Fatima \$53,000 did you have any cash left in the house?---Yes.

What cash?---\$2,000.

30

All right. Anything else?---No.

And you definitely gave her \$53,000 in cash?---Yes.

For her to put in the bank account?---Yes.

Have you spoken to Fatima about this this year?---No. I knew about it when I came here and you made me swear not to talk.

40

Before you came here did you speak to Fatima about the \$53,000?---No.

Not a word?---*No. No, no, no, no.*

So it's your own independent recollection that you gave Fatima \$53,000 in cash for her to put in the bank account?---Yes.

And you have a clear recollection of doing that?---Yes.

And you're not saying this because Fatima has asked you to say that you gave her \$53,000?---No.

That is you agree that you are not saying this because Fatima told you to?
---No, I would not swear on the Koran.

How did you give it to her?---I gave it to her all at once.

10 In what?---I gave them to her, she took them and she went into her room.

Did you just give her the straight cash?---Yes.

Was it in anything?---When I gave them to her, no.

So how was it bundled up?---I don't know, I gave them to her whether she put them on top of each other I don't know.

20 When you gave them to her how were they bundled up?---They were placed like this in the wallet.

THE COMMISSIONER: Madam Interpreter, could I ask you to explain this to Mrs Hammoud, \$53,000 even assuming that they were all \$100 notes and they were not bundled in any way would represent a very, very large amount of single bills in a loose pile. What we're interested in knowing is whether or not that was the way it was provided to Fatima or whether there were bills that were collected together by a rubber band or some such other device whereby the \$53,000 was handed over?---I can't remember.

30 MR BRADY: You have no idea at all whether it was just in single bills or whether there was rubber bands around them?---They were loose but when I took them out whether I gave them to her - - -

THE INTERPRETER: Indicating with her hands.

THE WITNESS: - - - like this or like this I can't remember.

MR BRADY: Sorry, they were loose in a bag?---No, they were, they were, they had a band, a, a rubber band and in an envelope.

40 \$53,000 had a rubber hand and was in an envelope, is that what you say?
---Yes, it was in a yellow big envelope.

Well, how big?---(No Audible Reply)

There seemed to be a number of movements of your hand there, can you just show us how big was the envelope?---(Speaks Arabic, not interpreted).

All right. So what, you showed about the size of an A4 envelope, was it about the size of an A4 envelope?

THE COMMISSIONER: Was it that big?---*Yeah.*

MR BRADY: And there was \$53,000 in cash in an envelope that big, is that what you say?---Yes, and I had them in a bag like this and I had them in the cupboard.

10 And you've just shown us your handbag, just hold that up again. And do you say you had an A4 envelope in a bag that size which then had \$53,000 in it?---Not exactly this bag but it was a big bag. It could, could have been just one with a zipper, not like this.

Well, why show us that bag?---Because you asked me to show that.

MR BRADY: Mrs Hammoud, you picked it up to start with and said a bag like this, didn't you?---*(not transcribable) 123011 like this*.

20 You picked it up and said "A bag like this"?---Yeah. I said, a bag, big like this but it was bigger than that.

Mrs Hammoud, you picked up the bag and said "A bag like this", didn't you?---Yeah. Like I meant to say I put them in a bag like this.

Do you say you then took the money out of the envelope to give to your daughter?---Yes. And I gave them to her.

30 Why take it out of the envelope to give to your daughter?---Because she went to go and count the money after me.

Why not just give her the envelope and say "Here it is, go and count them"?---I just opened the envelope to make sure the money is all in there.

Did you take the money out of the envelope to then give to your daughter?--
-Yes.

40 Why not just give your daughter the envelope with the money in it?---I gave them to her and I kept it next to me and I didn't ask her.

So you pulled out 500-and, at least 530 notes and just gave them to her like this?---Yes, I took them out of the other one and I gave them to her – what she did, how she folded them and – but I know she went to the room.

How did you manage to hold onto 530 notes at least to hand them over to her?---Are they that much to carry, it's nothing. This, this bag that I have is heavier than, than them.

THE COMMISSIONER: Well we're not talking about the weight, Madam Interpreter. What Mr Brady just put was on the assumption and this is only an assumption, that there \$100 notes and that may not have been the case if there were \$100 notes and \$50 notes, but in any event what – as I understand it what Mrs Hammoud is saying is that at least 530 individual notes were simply handed to her daughter in a loose, in a loose fashion. That is they weren't bundled up. That's what she is saying as I understand it. If you wouldn't mind confirming it with her?---They had one rubber band around them and I had them in the envelope.

10

MR BRADY: Okay. So a single rubber band around \$53,000 in a single envelope?---Yes.

And you pulled out the single bundle of notes that made up \$53,000?--- Yes, I ripped the envelope and I took them out.

Okay. All right. You see you never gave her \$53,000 in cash, did you?--- Why would I give it to her if she didn't have a house. She told that "I want the money to put on the house so I can benefit from it," otherwise I - - -

20

Mrs Hammoud - - -?--- - - - wouldn't give it to her.

Sorry. Mrs Hammoud, what I'm suggesting to you is you did not give her \$53,000 in cash two years ago to put on a house. That's what I'm suggesting to you?---No, I did give her.

You're saying this because she's asked you to say it?---*No way*. And she doesn't even know.

30 THE COMMISSIONER: Does anyone have any questions of Mrs Hammoud?

MR BRADY: Thank you.

MR CHALMERS: Yes.

Mrs Hammoud, my name is Michael Chalmers. I'm the solicitor for your daughter Fatima. Can I just suggest to you that the payment of \$8,800 was paid first and the payment of \$7,200 was paid second?

40

THE INTERPRETER: Sorry, 8,000?

MR CHALMERS: \$800.

THE INTERPRETER: And then 7,000?

MR CHALMERS: 700. Sorry, 7,200. I can't read my writing?---I can't remember. That I can't remember.

All right. Thank you.

THE COMMISSIONER: Yes, Mr Patterson.

MR PATTERSON: Thank you, Commissioner. Mrs Hammoud, does the name Roc Ardino mean anything to you?---No.

If I was to suggest that he is a solicitor might that jog your memory?---No.

10 Was your mother involved in a motor accident?---Yes.

Did Mr Ardino act for your mother in that motor accident claim?---Yes. I have papers.

Do you remember how much your mother received from that motor accident claim?---I remember 23, 22. I don't remember exactly.

20 THE COMMISSIONER: Are we talking \$22,000 are we?---Yes, Commissioner.

MR PATTERSON: Do you remember approximately when that money was received by your mother?---Maybe 15, 16, 17 years ago. I don't know.

Could it have been not that long ago in terms of years, could it have been something like 2005?---I, I thought it was more. I don't know. I can't remember the time.

Thank you. No further questions, Commissioner.

30 THE COMMISSIONER: Nothing arising, Mr Brady?

MR BRADY: Nothing arising but I realise I just need to clarify something if the Commission pleases.

THE COMMISSIONER: Yes.

MR BRADY: Mrs Hammoud, you talked about giving your daughter money about two years ago?---*Mmm.*

40 You also then talked about the \$53,000 in cash you say you gave her being for her house?---Yes, to reduce the interest.

All right. So your daughter only bought the house last year didn't she? ---Yes.

So more like a year ago you gave her the \$53,000 you say rather than two years?---Yes, when she bought the house. I don't know exactly the time.

All right. So do you say that that was about April, 2014?---I can't remember.

Yes. I don't have any further questions of Mrs Hammoud.

THE COMMISSIONER: Yes, thank you. Mrs Hammoud can stand down. She's excused. Thank you.

10 MR BRADY: Before the Commissioner excuses her I wonder if she could be stood down - - -

THE COMMISSIONER: All right.

MR BRADY: - - - depending on what occurs later.

THE COMMISSIONER: Well, Madam Interpreter, I'm sorry, she can stand down for the time being but it's, but it's probably better that she remains in the premises. Thank you.

20

THE WITNESS STOOD DOWN **[12.39pm]**

THE COMMISSIONER: Yes, Mr Brady.

MR BRADY: Abdul Hammoud.

THE COMMISSIONER: Come forward, Mr Hammoud. Thank you. Ms David, you've explained the effect of a section 38 order?

30

MS DAVID: I have and I make an application for that. My client will take an oath, your Honour, I mean Commissioner.

THE COMMISSIONER: 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
40 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.**

THE COMMISSIONER: Mr Hammoud, do you wish to sworn on the Koran?

10 MR HAMMOUD: Oh, it doesn't matter, yeah.

THE COMMISSIONER: It doesn't matter?

MR HAMMOUD: Yeah, it doesn't matter.

THE COMMISSIONER: Well, we have one here, that's all.

MR HAMMOUD: Oh, okay.

20 THE COMMISSIONER: Is that what you would prefer?

MR HAMMOUD: Yes.

THE COMMISSIONER: All right. Thank you, can he be sworn.

MR BRADY: Yes, thank you, Commissioner.

Would you please tell the Commission your full name?---Abdulmajid Hammoud.

10 Would you please spell your name?---My full name is Abdulmajid A-b-d-u-l-m-a-j-i-d.

And Hammoud?---Hammoud, H-a-m-m-o-u-d.

Thank you. What is your occupation, Mr Hammoud?---Security guard.

And who do you work for?---Scorpion Security.

20 And you've worked as a security guard for a reasonable period of time?
---Since 2003.

For different companies at various times?---Of course, yes.

During the course of working as a security guard you're obviously paid?
---Yes.

Were you paid by way of transfer into your bank account?---Yes, bank account and also cash payments.

30 How often were you paid cash payments?---On a weekly basis.

What was the purpose of the cash payments in addition to being paid into your bank account?---So I'll get a certain amount taxed into the account and the rest of it will be cash payments.

Right. And what's the purpose of the cash payments in addition to the other amount?---The hours I worked through that week.

40 Why not then just get the whole amount paid into your bank account?
---Well, I used to get some of it taxed and the other wasn't taxed at all.

The old-fashioned expression cash in hand?---Ah, yeah.

Would that be right?---Yeah.

Cash in hand to avoid having to pay tax on it?---Well, they used to claim it was taxed but it wasn't taxed.

All right. When you say they used to claim it was taxed you mean the security organisations for which you worked?---Yes, that's right.

But everyone knew it wasn't taxed?---It wasn't taxed, no.

All right. And did you then keep that cash at home did you?---Yes, I would save the majority of it and spend the majority of it, yeah.

As at 2013 did you have any cash at home?---Yes, I did.

10

How much?---\$75,000.

And where did that come from?---Security cash payments.

Over what period of time did you manage to save in cash \$75,000?
---Probably over eight years, yeah. Eight, 10 years, yeah.

And that was money that you didn't pay tax on?---That's right.

20

What did you do with that \$75,000 in 2014?---I lent it to my sister Fatima.

Why?---To help her with the mortgage, house.

How did that happen?---Oh, I knew that she bought a house and I asked her if she wanted to lend the money.

Oh, you actually asked her?---I gave her, the first amount I gave her was 35,000.

30

Did you actually ask her though if she wanted the money?---Yeah, I approached her, yeah.

All right. Because your family's obviously very close?---True.

And you want to share your wealth if you've got it?---Help, yeah.

All right. I mean it was going into a bank account so you knew where it would be?---Of course.

40

But it was helping out your sister?---Of course.

And handing over to her \$35,000 in cash to help her?---Yes.

And you didn't have an issue with doing that?---No, I didn't.

You then handed over a further \$40,000 in cash to her?---That's true.

And again, because it's a very close family, is that right?---True, yeah, pretty close.

If one person in the family is doing well they want to share that with the others in the family?---Um, not share, probably help, yeah.

All right. Because it didn't strike you at all as unusual to hand over \$35,000 in cash to your sister?---To help her out with a mortgage, no.

10 And didn't strike you at all unusual to hand over \$40,000 in cash to your sister?---No, there isn't, there wasn't. But there was, there was an agreement between me and her though. If I required it back she'll return it.

But that was just one of those agreements that you made as being close family, you can have this but if I need it back I'll get it back?---Well, not need it, when I want it back, I get it back.

All right. But you haven't asked for it back?---Yes, I have.

20 Did you get it back?---She's willing to give it back to me including another amount that I've lent her.

When did you ask for it back?---Friday, that passed. I spoke to my solicitor first for advice and she said "Well, have a word with her and see how you go".

THE COMMISSIONER: Are you talking about last Friday, you asked her for the money back?---Yes, the Friday that passed, yes.

30 MR BRADY: Why?---Well, I'm worried if I lose my money.

Why?---Well, with what's happening.

Why is that going to mean that you lose your money?---Isn't it a possibility?

Why do you think it's a possibility?---Well, from what's happening, that's, that's how I put it. That's how I understand it.

40 Why do you understand it that way?---If feels like they've done something wrong and I've been dragged into it.

You also gave her more money?---Yes, I did.

In fact you gave her \$300,000?---That's correct.

You transferred \$300,000 that you'd saved into her account?---It was saved in my account and it was transferred to her account. Yeah, that's right.

And you did that again to help her out with the mortgage?---That's correct.

You didn't think a thing of it at the time?---No.

Again, because of the closeness of the family?---That's right.

You're very happy to help out your sister?---True.

10 In fact you effectively volunteered it, didn't you?---Yes, I did.

Because again of how close you all are?---Yeah.

You – and it's not just Fatima that you would help out within the family?---
Um, yeah, there's others too. If they required help I would help them.

And one of your sister has also put money in your account at one stage?---
Yes. Ah, Fay.

20 So Fay put 25-odd thousand dollars into your – one of your accounts at one
stage?---No. Not that I know of.

THE COMMISSIONER: Well how much money - - -

MR BRADY: Well how – sorry - - -

THE COMMISSIONER: How much money did she put into your
account?---I lent her in cash \$5,000 and then she returned it back to me.

30 MR BRADY: Which sister was that that you lent \$5,000 to?---Fay.

Right. Sorry. My fault, you already said that. Did you have another
account with some 20-odd thousand dollars in it?---Yes, St George account.

Right. Where did that \$20,000 come from?---Ah, my sister, Rhonda.

She put \$20,000 in your account?---Yes.

40 Again, is that just part and parcel of the Hammoud family being very
close?---Well, well that \$20,000 started off 19. The reason why she did that
is safe keeping. Why? She was getting married from someone from
overseas so we were a bit iffy if he was he going to come, take the visa, take
the money and leave. But since then it's just stayed in there and
accumulated with interest.

Yeah. And there was no issue in giving it to you?---No, there wasn't.

Because again, how close your family is. Is that right?---Yes.

Now have you asked for your 70,000, \$75,000 in cash and your \$300,000 back?---Yes, I have.

And you asked for that on Friday?---Yes, I did.

And what did Fatima say?---She said, “Yes, when you want it back, I’ll give it to you”.

10 Did you not say well in fact the reason why I’m asking is because I do want it back?---Yes.

And what did she say?---She’s willing to give it back as soon as she can.

Well what did she say?---“I will give it back to you”.

And what’s as soon as she can?---“As soon as we’ve got time to head to the bank”.

20 So have you made arrangements then to do that?---Ah, not yet because of what’s happening, she’s busy with – of course, as you know, the hearing.

And you went and saw a solicitor before asking her, asking her for the money back?---Yes, I did.

Why?---I needed advice.

Why?---Just in case I couldn’t get it back or it was frozen or things like that.

30 Why not just go and ask her straightaway?---Well, that’s why I wanted advice first.

Now, Commissioner, I need to make an application to refer to an earlier transcript, in particular the fact that this witness was subpoenaed.

THE COMMISSIONER: Of this witness?

MR BRADY: Yes.

40 THE COMMISSIONER: Yes. Is this 11 June? Yes.

MR BRADY: It is.

THE COMMISSIONER: The transcript of 11 June is varied by way of relief from the suppression order.

MR BRADY: And the fact that he was subpoenaed.

THE COMMISSIONER: And the fact that he was subpoenaed on that date.

**THE TRANSCRIPT OF 11 JUNE IS VARIED BY WAY OF RELIEF
FROM THE SUPPRESSION ORDER AND THE FACT THAT HE
WAS SUBPOENAED**

MR BRADY: You were subpoenaed to come and give evidence earlier weren't you?---Yes, I was.

10

And no doubt having been subpoenaed and giving evidence, one of the reasons why you then decided to go to Fatima and ask for your money back?---I don't understand. What do you mean?

You came and gave evidence didn't you?---Yes, I did.

Having given that evidence you then obviously after that asked Fatima for your money back?---Yes. Once I came to the hearing and sort of listened to what was happening, yeah, I asked her to have my money back.

20

Sorry, so once you came to this hearing - - -?---Yeah.

- - - and heard what was going on in here - - -?---Yeah, yeah.

- - - you then asked her for her money back?---Yeah.

All right. Now, before you came and gave evidence on the last occasion you were served with a summons weren't you?---Yeah, that's right.

30

A summons to come along and give evidence?---That's right.

And it set out in the summons the allegations didn't it?---Yeah.

And you've read that?---Yeah.

You also read that you weren't allowed to tell anyone that you'd been summoned to give evidence didn't you?---That's right.

40

Did you talk to anyone about the fact that you've been summoned to give evidence?---Yes, last time when I admitted to it, how I left the summons on the kitchen table and my family seen it.

Right. So let's go back to that time if we can - - -?---Yeah.

- - - and talk about what happened. When you were summoned you say you left the summons on the kitchen table?---Yeah.

And that people from your family saw that summons?---Yeah.

Who saw it?---My father, Fatima and Anthony.

Fatima and Anthony?---Yeah.

All right. How do you know they saw it?---Because they were there with me.

10 They spoke to you about the fact that there was a summons?---Well, Fatima, yeah, knew what it was. Anthony looked at it and said, "What's that?"

How did Fatima know what it was?---It was in, it was in my hand.

Sorry?---It was in my hand after I grabbed it off the bench.

Okay. How did Fatima know what it was?---It was on the kitchen table like I said.

20 And did you see her reading it?---They didn't actually physically read it but they saw the top page of it, how it said ICAC on it so they knew.

Okay. How do you know that they knew, did they say something to you about it?---Well, I'm not sure which one of them asked me but I think it was -- I'm not sure, I don't recall, one of them said it could be about the money.

All right?---I think it was Fatima. I'm not sure. I can't remember.

Okay. Let's try and work through if we can - - -?---Yeah.

30 - - - what actually happened when you left the summons on the table and they saw it. So who said something first?---I don't remember. I really don't remember.

Did Anthony say anything?---He said, "What's that?" But it was out of sarcasm.

Right?---And he said - - -

40 So Anthony said what's that. What did he do or what did you say?---And then he said, "Just make sure you tell the truth." I said, "Okay."

Did he say anything else - - -?---No.

- - - in addition to that?---Not, not that I remember. I don't remember. I really don't.

Did he say anything about what the summons was for?---No, I don't remember.

This wasn't long ago was it?---No. I – listen, you've got to understand I, I don't remember because I've got my mind and thoughts on other things.

All right. Try and set aside those other things just for the moment - - -?---I can't - - -

- - - and turn your mind back to - - -?---I can't remember.

10 - - - what actually happened?---I really can't.

Try and set aside those other things and try and turn your mind to what actually happened. Did either Anthony or Fatima say anything to you about the summons and what it was for?---I, I don't remember.

Did they say anything to you about the fact that it was in relation to the money?---I really don't remember.

20 THE COMMISSIONER: I thought you said a short time ago that someone said oh, it must be about the money?---It would have been Fatima, because, because she's the one I've lent the money too.

MR BRADY: Well, when you say it would be Fatima, Fatima actually raised with you did she that it was about the money?---It, it was – I don't remember.

Did she tell you it was about the cash that you'd given her?---I, I don't remember, I really don't.

30 You can't remember one way or the other whether she spoke to you about the cash that you, that you'd given her when she saw the summons?---I don't, I don't remember.

Between giving evidence on the last occasion and this occasion have you spoken to her about it?---About the money, yeah, on Friday that passed.

And that was the only time you've spoken to her about it?---Yeah.

40 Did you tell them what you'd said on the previous occasion you gave evidence?---No.

Did Fatima say to you in relation to the money when talking the summons, "Just tell them where you got it from"?---I don't remember.

Did she say to you it could be about the cash money that you'd given her? ---I, I don't remember.

Did she say to you and also the \$300,000 that you'd transferred to her?---I, I don't remember.

THE COMMISSIONER: Are you making an honest attempt, Mr Hammoud, to recall what was said?---I, I really don't remember. I really don't.

Well - - -?---Like, I'm not trying to - - -

10 You came here on 11 June didn't you?---Yes, that's right.

And that was little more than two weeks ago?---Yes.

And your memory on that occasion of course would be better than it is now wouldn't it?---Yeah.

Right.

MR BRADY: It wouldn't be much better though would it?---I don't
20 remember, I really don't. Like I said I've got - - -

Well, you gave evidence on the last occasion about a conversation you had with Fatima didn't you?---I can't remember.

You don't even remember on the last occasion talking about the fact that you and Fatima had spoken about the summons?---We did, I think we did.

Well, you now say you think you spoke about the summons?---I'm just
30 trying to remember now. That's when we stated it was about the money, it would have been about the money.

She said - - -?---Yeah, it, it would - - -

- - - it's going to be about the money?--- - - - it would have been about the money, but like the exact conversation I'm not sure.

Sure, I'm not expecting you to be able to say word for word what was said, do you understand that?---Oh, okay. I thought that's what you expect.

40 Well, no one can remember things word for word from that time but what I want is the substance, do you appreciate that?---Yeah.

All right. So in substance what was said by Fatima about the summons?
---It would have been what the, could be about the money that you lent me, just tell them yeah, where it's from, how you got it.

Right. And what did you say to that, in substance?---I said yeah, okay.

Did you know at that stage you shouldn't be speaking about the summons?
---Yes, I, I shouldn't have and I shouldn't have mentioned anything and I shouldn't have left it on the kitchen bench. On my part that was a mistake.

In addition to Fatima saying it could be about the money, you need to tell them where you got it from, did Anthony say anything to you about it?---He just mentioned to say the truth.

10 Did Fatima say to you it could be about the cash that you'd given her, something like that?---Oh, I don't recall.

Did she mention cash in the conversation that you were talking about?
---I, I really don't recall.

Did she mention the \$300,000?---It would have been the whole lot, she would have mentioned the whole lot by saying where you got the money from.

20 Right. So was anyone else there in addition to Fatima and Anthony?
---There was my dad but he doesn't really understand English so - - -

So the conversation you were having with Fatima was in English?---Yes, that's correct.

And obviously with Anthony was in English as well?---That's right.

And Anthony was there when Fatima was telling you it's about the money?--Yeah, he would have been present.

30 I'm sorry, I missed that last bit?---Yeah, he would have been present.

Okay. Now you mentioned that when Anthony saw it he says, "What's this", remember saying that?---Yes.

What did you say to him?---Ah, it's a summons but he said it out like that. First when he said, "What's that," it was out of sarcasm.

Yeah?---And then I said oh, "It's a summons."

40 Did you show it to him?---No.

Did you show it to Fayrouz?---No.

Are you sure?---Yeah. She knew I was, I had a summons.

How did she know you had a summons?---I said that I've been summoned.

All right. When did you say that to Fayrouz?---Oh, probably the same day.

Okay. Did you actually how them the summons once they'd seen it on the bench?---No, they knew what it was once I said it.

You see on the last occasion when you were giving evidence about this you – I'm just going to in fact give you a copy so you can follow with me what's happening rather than just reading things out to you. Can I show you this. Could I get you to turn over to 333, you'll see that down the bottom right-hand side?---Yeah.

10

Do you see that's talking about the summons that you'd been given, you see at the top it says, "Well, how do you know other people saw it?" "Because they wanted to know what it was for and when it was." Do you see that?--- On 333 did you say the page?

333 at the top of the page?---Yeah.

Do you see, "Well, how do you know other people saw it?" "Because they wanted to know what it was for and when it way."?---Yes.

20

Do you see that?---Yeah.

It's talking about the summons isn't it?---Yeah.

"Who wanted to know?" You said, "Mainly Anthony."?---Yeah.

Is that the case, was it mainly Anthony who wanted to know?---Well, it was both but Anthony did ask.

30 All right. All right. Well what else did he say to you other than "What's that"? And you said "Ah, what's it for and when is it, what date"? Do you see that?---Yeah.

Well let's say "What's it for, did you tell him? It's a question and you said "Not exactly, he would've knew because he's seen the ICAC at the top"?--- Yeah, that's right.

"Did you tell him"? "No". When I first asked you that question you said "Not exactly". "What does that mean", I ask you. You see that?---Yeah.

40

You then said "Yeah, well not exactly as in I told him it was a summons and that's it"?---Yeah.

I asked "Okay, what else did he ask you"? And you said "That's it, that's all he asked"?---Yeah.

"Did he ask you what date"? "No". Do you see that?---Yeah.

And I asked you "Do you want to think about that? Did he ask you what date"? And you said "No". I said "Right, other than Anthony, did anyone else you ask you about"? And you said "No". "So how do you know they saw it"? Is what I then ask?---Yeah.

And you said "Then that's when I showed you"?---Yeah. After they've seen it on the bench top, yeah.

10 Do you see you say "That's when I showed them". Do you see that?---
Yeah.

And I ask you this question "All right. Who did you show"? And you said this "I showed, my dad's seen it, my mother's seen it, uncle, brother, ah, Fatima, Fay"?---Yeah.

Do you see that?---Yeah.

20 And I said "Why did you show them? Ah, sorry, I didn't mean to cut across you, Fatima and Fay"? You said "Yeah", and I said "And Fayrouz"? And you said "Yep". And I asked you this "Why did you show it to them"? And you answered "Because this involves them". Do you see that?---Yeah.

So I'll ask you again. Did you show it to them?---Yes.

All right. Did you show it to Fayrouz?---Yes. They all saw it.

Well, there's a difference between they all saw it and you showing it to them, isn't it?---Yeah. That's after I showed it of course.

30 Right. So you showed it to Fayrouz?---Yeah.

So the answer you gave earlier when I said to you "Did you show it to Fayrouz" and you said "No", was wrong, was it?---Yeah. It's a mistake on behalf of me.

So you have showed the summons to Anthony, to Fatima and to Fayrouz?---
Yeah. That was the first summons I got.

40 What did Fayrouz say when you showed it to her?---I, I don't remember.

Well just do your best to remember what she said when you showed her the summons?---I really don't remember.

Did any of them say anything about the fact that they'd been here?---Ah, we already knew they'd been here, yeah.

How did you know they'd been here?---Ah, they just said that they'd been summoned.

Okay. Well let's deal with them one by one. Did Anthony tell you he'd been summoned?---Ah, all of them did, yeah.

Let's deal with them one by one?---Yeah.

Did Anthony tell you he'd been summoned?---Yeah.

10 When did he tell you he'd been summoned?---Ah, I don't, I don't remember.

What did he say about the fact that he'd been summoned?---Just said "He had to come to ICAC" that's all.

Nothing else?---No, they didn't, they didn't go in depth, no.

Can I just deal with one by one?---Yeah, sure.

20 What did Anthony say about being summoned?---Ah, that they just had to come here, that's all.

You keep using the term, they. Did Anthony say "I've got to come here"?--
-As in Anthony he had to come here, yeah.

Did you say "What for"?---No, I didn't ask him.

Why not?---Well I didn't think there was a need to.

30 What did Fatima say about being summoned?---Ah, the same thing as Anthony did.

Which is just "I've just to come to ICAC"?---Yeah. Yeah.

Well, when you find out that your sister and brother-in-law have been summoned did you say "What's that for"?---Well I did ask Fatima and then
- - -

What did she say?---She didn't get in depth whatsoever. But sort of - - -

40 Well, when you say didn't get in depth what did she say, again the substance of what she said?---I don't remember.

No idea what the substance was?---No, I don't remember.

Did she say "I'm in trouble"?---No, she didn't say that. I don't remember what she said.

Did she say "Don't worry about it, it's nothing"? What did she say?---I don't remember.

All right. And what about Fayrouz, did you find out that she'd been summoned?---Yeah, I did.

What did she about it?---That she just had to show up as well.

10 Well, when you found out that two of your sisters - - -?---Yeah.

- - - and your brother-in-law had been summoned did you say well, look, what's it all about?---Well, I sort of figured out myself when I've jumped on the website and read what ICAC's about so - - -

All right Did you find out that Mr Chacra had been summoned as well? ---Yes, I did.

20 And what did he say about it?---He didn't, he didn't say anything to me about it. He just said that he had - well, we all knew he had to come.

So we all knew - - -?---Yeah.

- - - because he told you?---Yeah.

Was this in a big family discussion that this was happening?---No, no.

Did all of them tell you at basically the same time that they'd been summoned?---Oh, not exactly, no.

30 All right. What does not exactly mean?---No. I found out first it was um, Anthony and Fatima and then later on Fay and Shadi.

And when you found out that it was Fay and Shadi was that at the family home that you found that out?---Yeah, yeah.

And was that like around the dinner table?---Oh, not really the dinner table, just sitting down.

40 And who else was there when you find this out?---We were all there really but - - -

And when you say all you mean - - -?---Yeah.

- - - Fatima - - -?---Yeah.

- - - and Anthony?---Yeah.

Fayrouz, Shadi?---Yeah. And myself, yeah.

And you. And your mum?---They were around but they, they don't understand English so they wouldn't - - -

And your mum was around?---Yeah, but they wouldn't know what was going on.

And none of them said anything more than we've got to go?---Yeah.

Yes, I have nothing further. Thank you, Commissioner.

10

THE COMMISSIONER: Does anyone have any questions of Mr Hammoud? Anything, Ms David.

MS DAVID: No, Your Honour.

THE COMMISSIONER: Yes. Thank you, Mr Hammoud. You may step down. Can he - - -

MR CHALMERS: Sorry, could I just ask on question.

20

THE COMMISSIONER: All right.

MR CHALMERS: Sorry.

THE COMMISSIONER: Yes, Mr Chalmers.

MR CHALMERS: I'm acting for your sister Fatima Hammoud?---Yes.

30

When, when this conversation about going to ICAC, was that, do you know whether that was a private hearing or whether it was for this public hearing that started last Monday, the Monday before this week?---We, we spoke about the private one and then when we got the other hearing for this one we all said, yeah. We spoke about that one too.

All right?---As in we had to attend.

All right. Thank you.

MR BRADY: Nothing arising. Thank you.

40

THE COMMISSIONER: No. Can Mr Hammoud be excused or do you want him stood down as well?

MR BRADY: He can be excused can't he. He can be excused.

THE COMMISSIONER: You're excused, Mr Hammoud?---Yeah.

THE WITNESS EXCUSED

[1.12pm]

THE COMMISSIONER: We'll resume at quarter past 2.00. Thank you.

LUNCHEON ADJOURNMENT

[1.12pm]