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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE MEGAN LATHAM

PUBLIC HEARING

OPERATION YANCEY

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 25 JUNE, 2015

AT 10.06AM

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

THE COMMISSIONER: Yes. Can we have Mr Chacra back in the witness box please.

<SHADI ABOU CHACRA, on former oath

[10.06am]

THE COMMISSIONER: Mr Chacra, your former promise to tell the truth and the section 38 order continues to apply. Yes, Mr Brady.

10

MR BRADY: Yes. Thank you, Commissioner. Mr Chacra, yesterday I was just taking you to some of the tax invoices for Cessnock in relation to SAFF Projects when we finished yesterday afternoon. I just want to finish that off if I can and take you to one further tax invoice for SAFF Projects and that's the, at 1513. Can you see that's a tax invoice from SAFF Projects?---Yes.

Do you see that's in relation to Cessnock Courthouse?---Yes.

20 On 30 July, 2013. Do you see that?---Yes.

Now, up until that time SAFF Projects had issued invoices for \$11,159, \$23,067, \$7,768 and the another invoice for \$6,700 in relation to Cessnock Courthouse. Do you understand that?---Yes.

What's the \$6,700 for?---I do not recall. What it says there.

Well, when you say "finalisation of works and site visit", what's firstly, finalisation of works?---What it says, finalising works, whatever the
30 paperwork may be.

What would that be?---I do not remember.

Well, generally what would that be?---I do not recall. I don't know.

No, not just in relation to this job but as a project manager generally what would be the finalisation of works?---Make sure everything was completed.

40 You mean going around and assessing whether or not the work has been done?---Part of it.

Right. Well, what else?---Whatever paperwork that is associated with the job I've completed.

Which is what?---Whatever it may be.

Well, what would it be?---I don't know. I can't remember.

But just generally as a project manager what would be the finalisation of works by way of paperwork that you would need to do?---I've already answered that question twice.

THE COMMISSIONER: Well, can you try and answer it again?---Not really. It's going to be the same answer.

MR BRADY: Which is I don't know?---Yes.

10 You have no idea what the finalisation by way of paperwork would be for a project manager?---No. I don't remember what it would be.

You see, in terms of the site visit and checking the work is done, was that something that you did?---Well, I was working there.

Was the site visit and checking that the works were done, was that something that you did?---I did do it.

20 You checked to see if your own work was done well?---Part of it, yes.

And no doubt you found – came to the conclusion that you'd done your own job well. Would that be right?---Yes.

\$6,091 is some 33 hours of work at \$180 an hour. Do you understand that?---(No Audible Reply)

Do you understand that?---Yes.

30 So effectively again another four full days. Right?---Ah hmm.

What did you do for those four full days?---Same. I answered those questions yesterday. My answers are going to be the same.

You have no idea?---No.

It's because you didn't spend four full days finalising works and doing a site visit as the project manager, did you?---No, I don't agree with that.

40 THE COMMISSIONER: What, are you saying that you did do it?---Ah, not me personally.

Well, a moment ago you said in answer to Counsel that you did do that. He asked you did you do it and you said you did?---Part of it, I said.

Well, which part of it did you do?---Well, I was there working with, with, under TGC so I did overlook some of the works.

You mean, you mean while you were doing the work you were overlooking your own work. Is that what you're saying?---And yeah, I was going, I've been to that site a few times, I just don't recall which time I was, and I wasn't the only one that went there, had my wife go to that site.

But this, but this is the project management part of the, of the, of the invoice, this isn't the construction part of the invoice?---Yeah, yeah.

10 So this is only in relation to project management. Now, what you're being asked is, did you do what is represented on that invoice?---Well, either me myself or my wife would have done it, yes.

Well, which was it?---I don't remember.

Well, if it wasn't you, you say it was your wife?---Yes.

MR BRADY: How was she going to check whether works were done properly?---I don't believe she would have been there on her own.

20 Well, who would she have been there with?---Another, another person from the Department, I'm not sure.

THE COMMISSIONER: Sorry, how do you know that?---I don't.

You're making it up?---When we, when we're finalising I think it would be a good idea to me to do a final site inspection.

But that's just speculation on your part?---Yes.

30 MR BRADY: See, you're charging out some four days of work in relation to finalisation of works and the site visit, aren't you?---Yes.

Are you charging that out on behalf of your wife?---On behalf of the works that were done, yes.

By your wife and by you, you say?---Yes.

You were there working for TGC. Right?---Ah hmm.

40 Getting paid for working for TGC. Right?---Yes.

In addition to getting paid for working for TGC, SAFF Projects is also getting paid. Right?---(No Audible Reply)

Is that right?---Yes.

And who is doing the work for SAFF Projects to get paid if you're already being paid by TGC to be there?---My wife would have been.

What did she do in terms of inspecting the work to make sure that it was done properly?---You've asked me this question over and over.

What did she do when inspecting the work to make sure it was done properly?---Went through the scope and looked at the work that were done.

And did she ask you questions about what you'd done?---I can't give you a definite – I can't remember.

10

Because part of the project managing role would be to ask the construction or the builder what had been done and to what standard it had been done. Right?---Mmm.

That's right?---Hmmm.

Is that right?---Yes.

20

And then to have the builder effectively walk them through what they'd done. Right?---Yeah.

Would you agree with that?---Some cases, yes.

Is that what your wife did?---Could have been a phone conversation or a conversation, we weren't at the site.

You see this invoice is simply a fraud, isn't it?---No.

30

You didn't do the work contained in that invoice, did you?---No, we did.

You didn't do four days' worth of work contained in that invoice, did you? ---The hours may be unaccurate (as said) but the work was done.

Well, if the hours are unaccurate then it's not worth the money that's set out, is it?---That depends if we've got approval for the fee proposal.

So as long as the fee proposal covered that amount it didn't matter whether you spent the hours doing it. Is that what you say?---Yes.

40

Did you do a final inspection on behalf of TGC as project manager for Camden and Picton?---I, I think so, I'm not sure.

You can't remember one way or the other whether as project manager for a job that you got paid \$65,000 for you did a final inspection, is that what you say?---Yes.

Now in relation to what Triton Group did for Cessnock you say you did all the works within the scope, right?---Sorry, what was that?

You say you did all the works within the scope of works as Triton for the Cessnock Courthouse?---I believe I did, yes.

Well, you charged for all of it didn't you?---I think so, yeah.

The scope of works – I withdraw that. Your fee proposal was for \$203,000 wasn't it?---If that's what it says.

10 And that included all the scope of works, right?---Should of.

What do you mean it should have?---Yes, it should of.

Again you use the term should have, did it?---I don't remember, I don't know.

I might just if I can go to 1184. Now do you see that's a purchase order from the Department of Attorney-General and Justice?---Yeah.

20 And you see that the company is Triton Group, do you see that?---Yes.

For head contractor services for Cessnock Courthouse, right?---Yeah.

Do you see that?---Yes.

And the unit price is \$203,450, is that right?---Ah hmm.

All right. And that's obviously the tender that you'd put in taking into account all of the scope of works, right?---Yes.

30

Was there work that you needed to do outside the scope of works for Cessnock Courthouse?---There was a variation put in then yes, there would have been.

What for?---I don't remember. Check the paperwork.

Well, how big was the variation?---I can't recall.

Was it a major variation?---I don't remember.

40

Was it \$100,000 worth of variation?---If that's what the variation was.

Do you remember whether it was \$100,000 variation?---No, I can't remember the figure.

Today you have no idea what the figure was in terms of the variation of these works, is that what you say?---For the variation?

Yeah?---Oh, show it to me then I'll remember.

Can I show you 1488 first. Now that's the first invoice of Triton Group in relation to the Cessnock Courthouse, do you see that?---Ah hmm.

Dated 27th of May, 2013, right?---Yeah.

And that's an invoice for \$58,480 plus GST, do you see that?---Yes.

10 And you've set out a description of the works that have been done, right?
---Yeah.

How did you work out that that came to \$58,480?---Once again we went through this yesterday, the same way I worked out the last scope.

How?---From the scope, that's what we did, at the time I would have had a little note written down of what I was doing and then I put it together into this and send it off to the Department of Attorney-General's.

20 Right. And that note, what, was in your diary?---Yeah, that was in a notebook.

That now you've thrown away?---On a piece of paper, notebook, I - - -

Sorry?---It was a piece of paper or a notebook, yeah, I don't have it any more.

That you've now thrown away?---That I don't have any more.

30 Well, when you say you don't have any more, why don't you have it any more?---Because it's not in my possession any more.

Why isn't it in your possession any more?---I don't know. Thrown - - -

THE COMMISSIONER: Well, there's only a limited number of possibilities. It got lost, it was destroyed, it was thrown away?---It was thrown away or lost or left behind, yes, one of them.

You don't know which?---No.

40 Because the other possibility is it never existed?---That's not a possibility.

Not at all. Are you sure about that?---Yes.

And this is the piece of paper where you totted up all the hours that you worked on this particular project?---It's not the same piece of paper.

I beg your pardon?---It's not the same piece of paper.

Not the same piece of paper as what?---That's got the hours you said that I worked on the project.

Well, what was - - -?---I could have been different occasions. I don't remember.

10 Sorry, I thought what you were referring to when you said you wrote notes on a piece of paper that you were referring to all the hours that you worked for the purposes of submitting this invoice?---I did not work on an hourly rate for this - - -

All right. Well, what was it that you noted down on the piece of paper, what did you write on the piece of paper?---What is on the invoice. I don't remember exactly what I wrote but it would have been somewhere along the lines of the scope.

20 Well, no. You see, it's very imprecise. It doesn't help us. What did you write on the piece of paper, did you write various amounts that represented, for example, the cost of materials and the cost of your labour and then you added it all up so that it came to that figure or did you write something else?---No. It would have been somewhere along the lines of what you said. We drew up the scope and then next to each scope I'd put a figure, what it was costing.

So each time you did a job that was within the scope of works you would write down what that cost you, you'd write the figure and then you would add it all up?---Yes.

30 You're agreeing with me?---Oh, sort of, yeah.

What do you mean sort of?---I don't know.

Well, did you do that or did you do something else?---I think on occasions but I can't remember exactly what I did for each, each part.

40 What do you mean each part?---Because it happened in different times. Sometimes I'd remember what it was. If it was one, one item on the scope I'd remember it, if it was the last thing to do before I typed this up so I wouldn't have to write that particular item down.

So you wrote some of the, some of the items on the scope of works you wrote down as you've completed them and others you didn't write down? ---Not if it was on the same day I typed the thing up or within, you know, a few hours, yeah.

MR BRADY: So with all of those jobs there that within that invoice within the scope of works?---Sorry?

Were all of those jobs there, that you've set out there within the scope of works?---Of the?

Sorry, I'll get it back up if I can. Sorry, my fault. 1488. See those. Were they all within the scope of works?---Submitted in the tender? Which scope of works are we talking about?

There's a scope of works for Cessnock Courthouse, right?---Yes.

10

You have talked about doing things in accordance with the scope of works many times haven't you?---Ah hmm.

You know what scope of works I'm talking about, right?---The Cessnock. Oh yeah, but there, there might have been a change to – oh, would have been.

That's what I'm asking you. Were all of those that are set out there within the scope of works?---I have no idea. I can't remember.

20

Well, do some of them strike you as oh, that's right, I remember, that was actually outside the scope of works?---No, it doesn't strike me as that at all.

Because if it was outside the scope of works no doubt you would put within the description outside the scope of works?---Not necessarily.

Well, wouldn't you want to make it perfectly clear within the invoice that the work that you'd done wasn't part of your quote?---Possibly. I don't know.

30

What do you mean possibly?---Possibly.

THE COMMISSIONER: Well, Mr Chacra, yesterday you were taken to a document, it wasn't dissimilar to this, where you had in fact under the term "description" referred to additional works?---Okay.

Well, that was an example of where the works were not within the scope, the original scope?---Ah hmm.

40

Well, there's nothing on that list that's on the screen that says anything about additional works is there?---No, but it could have been a mistake on my part, just not typing in additional works in, in brackets.

But you're just making this up aren't you?---No, I'm not making it up.

Well, I'm sorry, you've said numerous times that you just have no idea one way or the other. Are you just speculating about whether or not that invoice

contains additional works or not, are you just guessing?---No. I have done that mistake before.

I'm not asking you to assume whether or not you've made a mistake. Are you just guessing or speculating that that's what could have occurred in that instance?---Yes.

Now, you got paid that amount, that \$64,328?---Yeah, I believe I did.

10 Did the project manager sign off on that account?---On this job? I, I, I can't remember. If they're required to then she would have signed off on it.

Sorry?---If, if she was required to then she would have signed off on it. I can't remember.

Well, did the project manager come and make sure that what had been set out in there was actually done?---I can't remember what happened.

20 Let me take you over to the next invoice, and that's 14 June, 2013. Oh sorry, 1495. So that's the next invoice of 14 June, 2013. Do you see that?--
-Yep.

Cessnock Courthouse, right?---What?

Is that right?---Yes.

And that's for \$23,815.60 plus GST?---Ah hmm.

30 And that's description set out under there?---Yep.

And I assume the same answers you've given in the last one in terms of being able to work out what it is you actually did apply for this as well?---
Yes.

That is you just don't know?---Don't remember.

And that no doubt you wrote it down on some piece of paper that is now no longer in your possession?---Yes.

40 But you don't know whether you lost it or threw it away?---Yes.

Okay.

THE COMMISSIONER: Mr Chacra, just before we move on can I ask another question. If you were writing down in some respects the jobs that you did as and when you did them, so for example, "Surface preparation undertaken to facilitate works," you'd make a note of how much that was before you prepared this invoice, why weren't those individual figures

appearing in the column amount adjacent to the description for those works?---I don't ever put like, if you go back and see all my - - -

I don't have a what?---If you check all my records for TGC I never put a, I don't know, I - - -

Yeah, I'm asking why that didn't happen?---No reason, I just don't do it.

You just don't do it?---No.

10

So the person receiving this invoice has got absolutely no idea what those individual items costed, were costed at?---Yeah, he wouldn't.

MR BRADY: And did ever anyone come back to you and say well what were the individual items costed at?---Not that I can recall.

Because no doubt you then had that to hand back then?---Um.

20

I withdraw that and I'll do this way. No doubt you had your piece of paper that is now lost or thrown away at the time that you did this, right?---Possibly.

So if they rang you up you could say well in fact this is what I did and this is how much it was worth?---If I still had that paper.

Well, you wouldn't throw it away - - -?---Or if I remembered.

30

- - - as soon as you sent the invoice would you?---Yeah, I probably would have.

Why?---Didn't need it anymore.

Well what if someone questioned you about the individual payments?---It's a lot of work on my behalf to try to work it all out again.

40

THE COMMISSIONER: You didn't have to work it all out again, all you had to do was keep the record that you had produced for the purposes of sending this invoice?---Yes, but this is just speculation again, so we're just talking - - -

Oh, it's just speculation?---Yes.

MR BRADY: The reason why you didn't need to put it in is because you knew it was just going to be paid, right?---Well, if I did the work yes, I expected the invoice to be paid.

You knew no one would question what you'd done didn't you?---No.

You knew no one would question it because it was a fraud, right?---No.

Did you wife as project manager have a look at this piece of paper that set out the various things that you'd done and the amounts of money?---Possibly.

Well did you show it to her as the project manager, "Look Fay, this is the work I've done and this is how much it costs, just to let you know"?---I don't recall.

10

Now, in there there's no indication of any variation is there?---No.

Does that mean that all of that was within the scope of works?---I don't know.

Let me take you over to the next one if I can. Oh firstly, that one was paid wasn't it?---I believe it would have been paid, yes.

20

And no one ever questioned it, right?---No.

You agree with that proposition that no one questioned - - -?---Don't remember anyone ever questioning it.

Go over to 29 July, 2013. I'm sorry, 1505. Now this is the third invoice dated 29 July, 2013. Do you see that?---Yeah.

Job address Cessnock Courthouse. Right?---Yes.

30

For \$121,450 plus GST?---Ah hmm.

A total of \$133,595. Do you see that?---Yes, I do.

And again, I'm assuming the answers are the same in relation to the other two invoices is that you have no idea what you did for that money. Is that right?---Well I've already answered it. I do have some idea but I can't specifically answer each single item on that invoice.

40

THE COMMISSIONER: Well if you have some idea can you tell us to the extent of your knowledge?---What we did there? I could generalise - - -

If you have some idea can you tell us, to the extent of your knowledge?---Well, I just remember the main parts that we did at Cessnock Courthouse.

Well what were they?---Ah, the lifts, ah, the flooring, there was a gate involved, ah, painting of the façade, roof works, internal repairs.

MR BRADY: Now in that description there is a single word there, variation. Do you see that?--- Yeah.

What was that?---What it says underneath it.

So the variation you say from the scope of works was floor preparation undertake to facilitate works and roof repair completed?---Ah hmm.

How much was that variation or those two variations worth?---I don't know the percentage of that invoice.

10 What was the floor preparation undertake to facilitate works?---I can't remember what the work was.

Well what were the works to be done that needed floor preparation?---I can't remember.

Was it putting down carpet?---Possibly, I don't know.

20 What was the roof repair?---I know there was a leak on the roof but I can't remember what, what it was, what the problem was.

So it was basically reviewing the leaks on the roof and repairing them?---Possibly, yes.

THE COMMISSIONER: What was the, what was the roofing material?---Ah, it was a metal roof from memory, if I'm not wrong. I'm not sure, but I think it was a metal roof.

30 MR BRADY: Can I just take you to 223. Now do you see this is the scope of works to Cessnock Courthouse?---Yes.

And do you recognise that as the scope of works that you were given in relation to Cessnock Courthouse?---Possibly.

Can I take you down to the third point?---Yeah.

See it says rectification of water damage generally including making good to prevent future leaking?---Yes.

40 Focused on but not exclusive to the front verandah, making good rainwater drainage in the vicinity of the area?---Ah hmm.

Rear corridor of building where persons in custody transfer occurs. Review of other leaks?---Yeah.

Do you see that?---Yes.

That's roof repair, isn't it?---Yes.

Right. So we can strike off can we, in your invoice at 1505 as part of the variation being the roof repair?---No, you can't.

Why not?---Because I know where this scope from. I can't remember if it was in my tender or it was the scope supplied to me by the Department of Attorney General's. I don't know where it came from.

10 THE COMMISSIONER: Mr Chacra, numerous times you've told us that you worked out these invoices by looking at the scope of works and working out what each job on that scope of works cost to?---Yes.

And now you're being taken to the scope of works for Cessnock, why isn't it the case that that dot point that Mr Brady has just read out to you, in effect, covers what you say was a variation by way of roof repair. What's the problem with that proposition?---The problem is we might've missed something that I've seen later on. It might've not been included in my scope if this didn't come out of my tender, I don't - - -

20 Is this just speculation again?---It's possible. No, so just, ah, speculation.

But when you say it's possible, anything's possible. This is just something that you are speculating on now. You don't have any recollection whether or not that was in fact the case?---Yeah. I do not remember what the case was.

You've got no idea?---I can't remember. But you've got, you've got my tender with him so - - -

30 MR BRADY: That's the tender that doesn't allocate any amount of money for any of the works other than a full quote of \$203,000. Right?---Doesn't it have scope on there?

Do you see the scope that I'm showing you there?---Yes.

So I'm suggesting to you, is that the scope of works to Cessnock Courthouse that you have provided as the original scope when given the tender? Do you agree or disagree with that?---Sorry, what was your question?

40 That was the original scope of works set out in relation to Cessnock Courthouse to which you then provided a tender. Do you agree with that or disagree with that?---I partially agree with it.

Right. And you partially agree with it because of what?---Because I remember going through the scope when we were on site and we might've missed something and I was taking my own notes so I could price it when I got back.

THE COMMISSIONER: Is that a clear recollection you have, is it?---No. It would've something I do. It's something I do on – most of the time.

Well I just need to make sure I understand this. Is that something you clearly remember in relation to this particular courthouse or is this just another occasion on which you're speculating about the possible things that might've occurred? Which is it?---I can't give you a definite answer. I don't know. I would've done it but I can't – I don't have a memory of physically writing out a scope or putting a price next to it.

10

Sorry. You can't definitely tell me whether this is something that you actually remember occurring or whether it's just speculation on your part?--
-No. I remember writing the scope down as we were going through the building.

So you have a clear recollection of writing further items on the scope of works when you did a site visit?---Writing it in my own way, yes.

At Cessnock Courthouse?---Yes.

20

You have a memory of that?---Sort of a memory.

Sort of a memory?---Yes.

MR BRADY: Anyway, by that stage on 29 July, 2013 you'd been paid – withdraw that, I'll do this first. You got paid that money, didn't you?---Yes.

It was never questioned?---Not that I can remember, no.

30

And I assume the same answers are going to apply when I ask you about whether or not your wife as project manager went through these items with you?---Yes.

All right. By that stage, 29 July, 2013, you'd been paid for the Cessnock Courthouse project as Triton, setting aside SAFF, \$224,120.16. Do you understand that?---Yes.

That is \$20,000 over the original quote. Appreciate that?---Yes.

40

It becomes important, doesn't it, when you've gone over the original quote to then be able to justify the amounts you're charging. Right?---It should be, yes.

I mean even on your version about you can charge what you like up to the original quote?---Mmm.

It becomes important to be able to justify it after that, doesn't it?---Yes.

Well why then didn't you set out the amounts that you were charging for each of the jobs so that you could actually justify the \$224,000?---Because I just didn't.

Because you didn't do \$224,000 worth of work up to 29 July, 2013, isn't it?---No, it's not.

These again – withdraw these again. These were fraudulent invoices, weren't they?---They definitely were not fraudulent invoices.

10

THE COMMISSIONER: And when you say they were definitely not fraudulent invoices are you meaning to say in that, by way of that answer that you carried out all of the work at the price that was reasonable for the completion of that work so that it added up to that total invoice?---Yes I believe I did.

And so that all of that money that was paid by the Department to you on each of those invoices reflects work that you actually carried out?---Yes.

20 MR BRADY: How much of that \$224,000 up to the 29th of July was paid out in materials?---I don't have those figures.

Roughly?---There's no roughly. I don't know.

Ball park figure?---No.

How much of it was for your time?---Oh, I can't recall.

30 Well was most of it for your time?---Well, on average it's probably 60/40.

Okay. So 60 per cent of that was for your time on average?---Not my time alone but it's, that's what you break it up from material to labour.

Okay.

THE COMMISSIONER: So you say 60 per cent labour, 40 per cent materials do you?---Usually.

40 MR BRADY: Okay, that's, did that. So that's then \$134,472 in labour. Of that how much did you do?---I don't know.

Did you do most of it?---Don't know.

Well - - -?---What do you mean by did I do most of it?

Did you do most of the labour yourself?---No.

How much did you do and how much did others do?---I don't know.

THE COMMISSIONER: Mr Chacra, I thought you said yesterday that you didn't employ anybody to carry out these projects, you did all the construction work yourself?---No, there was subcontractors. I wasn't working by myself there.

MR BRADY: All right. So the subcontractors, who were they?---Oh, I don't know their name. I can't remember. Should be, some of them should be in the file if I've still got the - - -

10

THE COMMISSIONER: But you employed them?---Yes.

And you don't know who it was you employed?---No.

Well who do you normally use when you're subcontracting? You must have regular subcontractors?---In Sydney?

20

No, I don't care where it is. You must have regular subcontractors?---It makes a difference. People are not willing to travel sometimes. They might not be interested in the job.

Well so in relation to some of these projects you worked alongside these people for up to four months and you can't remember who they were?---Yeah, that's right.

You didn't give them direction about what they needed to do?---Of course I did.

30

And what did you say?---Oh, I don't know, I can't - - -

What, hey you. You don't remember anyone's name at all?---No.

Not even a first name?---No.

MR BRADY: Did they send you a tax invoice themselves?---What do you mean?

40

Well the subcontractors that you're charging for no doubt gave you a tax invoice for their time, right?---Yes.

Where are they?---The ones that I have should be in your possession.

Right, so you're saying to us that you gave the investigators all the tax invoices for the subcontractors that were given to you?---No, I gave the investigators all the tax invoices that I had in my possession at that time.

Right. Well the tax invoices for the subcontractors, were they in your possession at the time the investigators asked for the material?---Um, I don't know if they all were.

Were any of them there?---Oh, there should have been, yes.

From whom?---I don't know. Whatever was in the files.

10 See, \$134,472 is 747 hours at 180 an hour. That's a lot of man time, person time?---Where'd you get 180 from?

Is it less than 180 for a subcontractor?---No. I don't know. Where, where'd you get that from?

Well, on the past the tax invoices that you've been issuing at least on behalf of SAFF is \$180 an hour, right?---Yep.

20 So it would be less than that for a subcontractor doing for example carpentry work, right?---It depends.

Well how much does a carpenter normally charge an hour?---Oh, it's hard to find, it goes off the job. I don't know. There's minimum charges for things. It doesn't really work off an hourly rate.

Well what did you normally charge an hour when you were working as a carpenter?---Once again there was never an hourly rate. I get purchase orders or a lump sum agreement on the job.

30 Well surely when you're subcontracting this work out you want to know how much it's going to cost and what you're going to get for it, right?---Yes.

So you want to know how long it's going to take them, right?---Ah hmm.

To make sure that the amount that they're asking for fits with how long it's actually going to take, yes?---Yep.

40 So no doubt you need to know effectively what they charge for their time on an hourly rate?---No.

Well what would be a reasonable hourly rate for doing subcontracting work as a builder?---It can vary dramatically.

From what to what?---From location to job.

From what amount to what amount?---Oh, I don't know. I can't give you those figures off the top of my head.

All right. In any event that's up to 29 July, 2013 you've been paid \$224,000 for the Department in relation to the Cessnock Courthouse project. Do you understand that?---Ah hmm.

\$20,000 already over budget by the 29th of July, right?---What?.

You understand that?---Over budget?

Yeah?---Over my tender?

10

Yes?---Yes.

If I can take you to 1508 this is a further invoice dated 18 September, 2013 in relation to the Cessnock Courthouse. Do you see that?---Yes.

And do you see that that is for \$41,600 plus GST?---Ah hmm.

And that's for the installation of a disability lift, right?---Yep.

20 So that previous amount for \$224,000 did not include the installation of the disability lift, right?---Not the lift.

Okay. That's separate?---I was um, it wasn't separate but it wouldn't have been paid for completely.

Well you see there's an installation of a disability lift, \$41,600 plus GST. At total of \$45,760. Do you see that?---Ah hmm.

That was the cost of the disability lift, right?---Yep.

30

So the \$224,000 you've charged up to then did not include the installation of the disability lift, right?---No. But it could have included part payment or, I don't remember, or doing other works to, to facilitate for that to be installed.

Because the installation of the disability lift was definitely within the scope of works wasn't it?---Sorry?

40 The installation of the disability lift was within the scope of works, wasn't it?---Yeah, from memory it was.

There's no doubt about that is there?---I'm not sure if I saw it on the scope.

Okay well, let's go to page 223. Not only is it in there but it's in fact the very first thing in there isn't?---Yep.

Okay. So the \$224,000 excluding the disability lift which was within the scope of works must have included a serious amount of variation mustn't it?---What, what was your question?

The \$224,000 that you've already been paid which excluded the disability lift must have included a serious amount of variation mustn't it?---I don't remember what the, yeah, I can't recall what the variation was.

10 Did you get the disability lift put in?---Yes, from memory it was installed.

When?---I don't know.

When you say from memory it was installed you would know as the builder whether the disability lift was installed while you were doing the construction, surely?---I spoke, it happened, we needed to wait for it to come in um, and that took a lot of time. I can't remember exactly how long. But um, I remember talking to the guy installing it when they were installing it.

20 And when was that?---I have no idea.

Was that in fact in 2014?---Possible.

In, was it April? April, 2014?---Possibly.

Did you pay for it?---Yes, I paid for it, from memory.

From memory?---Yeah, I paid for it.

30 Who did you pay?---Whoever was doing the work.

And who did the work?---I don't remember what they're called.

Sorry?---I can't remember exactly what they're called.

Now, you got paid that didn't you?---Yes.

40 You got paid that on 7 November, 2013 didn't you?---I don't know when but, yeah, I got paid.

Okay. Well, let me take you to 1508?---Okay.

Do you see that, 7 November, 2013, paid?---Yes.

Was the disability lift installed by the time you got paid that?---Not if it was, not if it was installed in 2014.

Well, just from your own memory?---I can't remember.

You can't remember whether you got paid \$45,760 for work that wasn't yet done?---I know I got paid that invoice but, yeah, I can't remember when the lift got installed.

THE COMMISSIONER: Do you mean to say that it was quite possible that you were paid that amount before any of the work was carried out?---It is possible.

10 Why would that occur, why would you be paid for a job that hadn't been done?---A mix up or - - -

A mix up?---Yeah, or maybe a, what's it called - - -

A mix up in what respect?---Hang on, I'm - if I had to do progress payments. I can't remember why it happened. I don't know.

But it doesn't say progress payment. It says "installation - - -?---Yeah.

20 - - - of disability lift"?---Yeah. Maybe a delay with the contractor. I'm not sure. I can't remember

Well, I don't know that a delay by the contractor matters to the question I'm asking. Under what circumstances would you be paid for a job that hadn't been done?---It shouldn't have. It should have, I should have waited to have it installed if it wasn't installed by then before I submitted the invoice.

30 Well, more importantly, how did you know what to charge if the job hadn't been done?---Because I would've already had a price from the supplier and the installer.

MR BRADY: Why send in an invoice in the first place until the job is done?---Sorry?

Why send in the invoice in the first place before the job is actually done?---I can't remember why I sent in that invoice.

40 Did your wife as project manager check this invoice and say well, hold on a second, I've done a quick site inspection and there's no disability lift?
---Probably not.

Did you as project manager say to yourself hold on a second, perhaps I shouldn't send this in because I haven't done the work?---The work was going to get done regardless.

You see, isn't it the project manager's role to ensure that what the builder actually charges the builder has actually done?---It sounds fair.

Well, what happened in this case?---Not that.

Now, can I take you over to 1509. That's in fact the note within the Department for this bill to be paid. Do you see that?---Ah hmm.

And it says at the bottom "Note, payment delayed due to delivery of lift being delayed". Do you see that?---Yeah.

10 What led do you know to this bill that you'd sent in in September being paid in November, 2013?---Sorry, you, you mixed me up with the dates.

Okay. You sent the bill - - -?---Yeah.

- - - on 18 September, 2013, right?---Yeah.

The lift hadn't been done on 18 September, 2013, right?---I'm not sure.

20 You know it hadn't been done by 18 September, 2013 don't you?---No. I'm not certain. 18th of - is that when I sent the last invoice you said?

This is the invoice - can we go back to it, 1508. That's the installation of the disability lift. Do you see that?---Ah hmm.

That's an invoice you sent, right?---Yeah.

That's what you say, you sent that, right?---Yes.

30 You sent it before the lift had been installed didn't you?---If the lift wasn't installed by that date then yes.

Well, do you remember sending the bill before the lift was installed?---No, I don't remember.

You don't have any idea whether you sent this after the lift was installed or before the lift was installed?---Yeah, I do not remember but you said it was installed 2014 so I'm assuming I sent that in before.

40 Okay. We then go over to the next page 1509 and we see that on 4 November, 2013 the payment's suddenly been made, right?---Yeah, is that what that, this is. Yes.

Right. Well, the lift is not installed until April, 2014?---If that's when - - -

Do you understand that?--- - - - it got installed. Yeah.

What happens to lead to suddenly this bill that was being delayed until the lift being – is installed being paid to you before the lift is installed?---I have no idea.

Well, did you ring up and say can I get my payment?---I can't recall. I don't know.

Had you heard about whether or not there were some review of the files within the Department in relation to Triton and SAFF by November, 2013?
10 ---Sorry, what was that?

Had you heard whether or not there was a review of files in relation to SAFF and Triton Projects?---What's a review of files?

THE COMMISSIONER: Did you hear that someone was looking at the files in relation to the projects undertaken by SAFF and Triton?---No, I don't believe I did.

MR BRADY: Okay. All right. In any event, by that stage for the Cessnock job you had been paid, let me just get this back up, it was \$224,000 in round
20 figures plus \$45,000 in round figures, \$269,000 in round figures by that stage, right?---If that's what it shows.

Do you understand that?---Yes.

So at that stage about \$65,000 worth of variation from your initial quote, right?---Yeah.

You understand that?---Yes.
30

But you have no idea really what that variation was?---I don't remember it no.

Okay. Then we go to the next invoice which is at 1510. 21 November, 2013. Do you see that?---Yeah.

Cessnock Courthouse, right?---Ah hmm.

Finalisation of the works \$28,950 plus GST, right?---Mmm.
40

What was that for?---I don't remember what it was for.

No idea?---Yeah.

No idea whether there were materials in there. Is that right?---Yeah, that's right.

No idea whether it was your labour or someone else's labour. No idea. Is that right?---Yeah.

So the total you got paid as Triton for the Cessnock project was – sorry, I can't find my – sorry, just excuse me a moment. I'll get the – there it is. Sorry. The total you got paid as Triton for the Cessnock Courthouse was \$301,725.16. Do you understand that?---Yes.

10 Do you say that as Triton you did \$301,725.16 worth of work on Cessnock Courthouse?---Yes.

Without really today being able to remember what it was you did. Is that right?---Correct.

Without a single note setting out the hours, the materials or the individual amounts for the work that you've done?---You've got the file. I don't know what's in it.

20 Well, do you have a single note?---I don't have a single note in my possession, no.

You've been telling us that you've in fact either lost or thrown away the notes that you made in relation to these, right?---Ah hmm.

You know there is nothing else in the files that show the work that you did, the hours that you performed and the materials you spent it on don't you? ---No. I can't remember what's in the files.

30 In addition to getting paid \$301,725.16 for Triton for Cessnock, SAFF also got paid \$48,695.55. Do you understand that?---Yes.

You got paid, you got paid \$350,000 for this upgrade, didn't you?---That's what it says.

Do you seriously say bearing in mind what we've gone through that you did \$350,000 worth of work on the Cessnock upgrade?---That's what I invoiced, yes.

40 Do you say that you did that work?---I did that work.

THE COMMISSIONER: Mr Chacra, can I ask you did you have anyone working as a subcontractor with you on the Camden Picton Courthouse upgrade?---As a project manager?

No?---In general?

It was just a simple question. You said to us a moment ago that in relation to Cessnock you engaged subcontractors to assist you to do the work. What

I'm asking you is did you engage subcontractors to assist you on the Camden Picton Courthouses?---I don't believe I did, no.

Why did you adopt a different practice on Cessnock than you did on Camden and Picton?---Cessnock was project management, Camden and Picton, ah, sorry. I got them mixed up. Camden and Picton was project management, Cessnock was, ah, required different trades to do different works.

10 MR BRADY: So from that of course that SAFF didn't engage any subcontractors for that 48,000 that it got paid?---For?

Project managing Cessnock?---No. I don't believe that.

That 48,000 was entirely you and your wife's time you say?---Yes.

Because there were no materials spent as a project manager either, was there?---Not building materials, no.

20 Well there was no material spent as a project manager, was there?---Ah, paperwork.

Okay. So apart from paperwork there was no material spent?---No.

You agree with that?---Yeah.

THE COMMISSIONER: Can I just take you back Mr Chacra, to some evidence you gave yesterday. Because I asked this question at a time when you were being asked questions about the Camden Picton Courthouse but
30 actually my question was directed to something else. I asked this question. "Could I just confirm that throughout all of this you're the only person working on behalf of the Triton Group, you're the only person doing this work, you didn't have someone else working alongside you"? Answer "No". That question was perhaps unclear because throughout all of this was meant to refer to the work that you did throughout 2013 but then the next question was "Just you all on your own"? And your answer was "Well I'd get help but it wasn't like I said, I can't remember if there was help from someone. My wife maybe typed stuff up". And then I said "No, no. I'm talking about the building work"? And you said "Yeah. No, it was me".
40 Question "Just you"? "Yeah. It was me"?---No. That's - yeah. I would've been - - -

Do you want to change that answer, do you?---I definitely engaged subcontractors. It's impossible for me to all the work myself.

Why was it that you didn't tell me that when I asked you that question yesterday?---I probably didn't understand what you were saying. I would've confused.

Right. Go on.

MR BRADY: So in addition to the \$301,000 that you got paid as Triton, the \$48,695 you got paid as SAFF was purely for you and your wife's time. Accept that?---Yes.

That's 270 hours of work at \$180 an hour. Understand that?---Yes.

10 At an eight hour day that's 33 days' worth of work that you say that you did in relation to SAFF for this. Is that right? Is that the work you did for SAFF in relation to this, 33 hours of full-time work?---No. If the hours are accurate - - -

Sorry, 33 days of full-time work?---We did the work, I don't know how long it took.

And that's of course in addition to actually doing the job for Triton as well. Right?---Yes.

20

Now by the time you'd been paid your \$301,000 plus your \$48,000 the work at Cessnock under the scope of works has been finished, hasn't it?--- (No Audible Reply).

Did you want me to ask that question again?---Yes.

By the time you've been paid your \$301,000 for Triton and your \$48,000 for SAFF, the work for Cessnock under the scope of works had been finished. Right?---It should've been. If the lift wasn't - I don't know. It should, it should.

30

Well let's leave aside the lift for a moment, but I'll come back to that. But set aside the lift the rest of it had been done. Right?---Yes. It should've been done.

What do you mean it should've been done?---Yes. It would've been. I don't know dates, you're telling me dates that I don't remember.

Well, it's not a question of dates it's a question of when you'd been paid your money?---Yes. It should've been done. It would've done.

40

Including a bill saying finalisation of works. Right?---Yes.

A bill for Triton saying finalisation of works?---Ah hmm.

And a bill for SAFF saying finalisation of works. There can be no doubt by the time you've been paid that there has been a finalisation of works. Right? Is that right?---Yeah. Beside the lift.

So that means that, 223. The works set out under the scope of works should be done. Right?---Did you say the last points of the scope should be done?

All of the scope, set aside the disability lift, let's leave that to one side for the moment. All of the scope should've been done. Right?---Yes.

Because that's what finalisation of works means. Right?---Yeah.

10 Okay. Can we just go to 218. I'm going to suggest some things to you when you have a look at this document if you would?---Yeah.

It's just setting out as at 14 March, 2014, what another person going up and reviewing the material, reviewing Cessnock Courthouse said had been done and hadn't been done. That person is a person by the name of Richard Hemsworth who has 30 years project management experience. The first one as at 14 March, 2014 was the fact that there was no lift. Right? See that?---Yeah.

20 You accept that?---If the photo was taken that day, yes.

Not only was there no lift but there was no work to the switchboard, no wiring and no preparatory work that he could see. Do you accept that?---Yes.

You do. So in those circumstances none of the work to the switchboard, wiring or preparatory work would've then been included in your accounts, would it?---No. It would've, from what I saw.

30 Well why is the work wasn't done?---I don't recall.

It's because you didn't do the work, did you?---No. It is done.

Not only didn't you do the work but you got paid for work you didn't do, didn't you?---It's done.

All right. Let's go to the next one. Supply of a portable ramping system to allow access from verandah FFL into court room FFL. Do you see that?---Yes.

40

Short ramp is lightweight and a housing area for the ramp needs to be determined on site. Do you see that?---Ah hmm.

As at 14 March, firstly, do you accept that was part of the scope of works?--
-The light ramp?---

Yes?---Yeah. I remember that.

As at 14 March, 2014, it wasn't done, was it?---No.

Why not?---From memory we couldn't find anything lightweight.

You charged for it though didn't you?---I don't know if I charged for that.

Well you finalised the works didn't you?---I finalised the scope that we did, yeah.

10 THE COMMISSIONER: Well you said not so long ago in answer to a number of questions when we were taking you to the invoices that you did all of the work that you were asked to do. That was what you said. You said you did it all?---Yeah, but there might have been changes along the way.

Well just a minute, we're talking about work that was in the scope of works and you said you did all of that work?---Yeah.

20 Here you have photographic evidence to the effect that that was not done?---
Yes.

So what's the explanation?---I, for the, for the ramp?

No, for the fact that you charged for it?---Oh, I don't know - - -

Well you charged for something that you didn't do?---Before it was done. No, but it's done now.

30 Who says it's done now?---I - - -

How would you know?---Because I was there when the footing was getting done for the, for the front lift.

No, we're talking about the ramp?---That, that was cancelled. I, I remember I couldn't find anything lightweight.

But you charged for it?---I - - -

40 You've already admitted you charged for it?---No, I don't know if I've charged for it or not.

Well, the transcript will demonstrate this, Mr Chacra?---Okay.

But you have to be given the opportunity to explain. You said a number of times you did everything in the scope of works and you charged accordingly?---From memory.

Now you're saying that you didn't?

MR BRADY: Can you - - -?---No, now I'm saying it could have been taken out of the original scope.

THE COMMISSIONER: You don't know that, you're just speculating?--- Yes. No, I know I didn't get the, the portable ramp.

10 MR AYCHE: Commissioner, my recollection of the evidence is he's referring to two scopes. He, when he was taken to the scope he said that may have been the scope that, of works that he was requested to do but whether it was the final scope that was adopted - - -

THE COMMISSIONER: No, no, no, no. What I was referring to was the evidence he gave on numerous occasions when he was taken to every single invoice that he did all of the work in the scope of works that was, that corresponded to the amount that he charged the Department, was what he said.

20 MR AYCHE: He did say words, my recollection was the effect of his evidence was whatever he charged for he did but my understanding of the evidence is coming from the witnesses mouth is that - - -

THE COMMISSIONER: Well, we'll have to go through this at some stage.

MR AYCHE: Sure.

30 THE COMMISSIONER: But many of his answers are completely irreconcilable and he has to be given the opportunity to explain them. Anyway, go on, Mr Brady.

MR BRADY: So of the \$301,000 that you then charged this would have been on top of that?---No.

Because it was never done?---But I might of ah, with the variation it could have, I could have taken the money allowed for that ramp and used it for something else. I don't recall.

Well, you got paid \$301,000. There's no doubt about that is there?---No.

40 You got paid \$301,000 without having done this particular piece of work, right?---Yes.

This particular work would have to been then on top of the \$301,000 if you were going to have done it, right?---Yes it would have.

Right. Well how much was that going to be worth?---That's something I have to research.

Doesn't this point to the fact that it would have been a really, really good idea to have set out exactly what you did so that someone reviewing it later could work out what you charged for what work?---Yes.

Isn't that the role of a project manager to ensure that a construction company does that so that someone can work out what work has been done and what's been charged for it?---It should.

10 Let's go to the next one. "Rectification of water damaged generally making good to prevent future leaking. Focussed on but not exclusive to the front veranda including making good rainwater drainage in the vicinity of the area, rear corridor of building where persons in custody," um, Mr Thomson, can you move that down, "persons in custody transfer occurs (not transcribable) other leaks." Now, there's no doubt that was within the scope of works, is there?---I can't remember if it was or wasn't.

Actually, remember, I took you to it just a little bit of time ago when we were talking about repairing the roof, remember?---Sorry, no.

20 Can I go to 223. Remember I took you to the third point saying, "Rectification of water damage generally including making good to prevent future leaking"?---Yep.

Okay. So there's no doubt it was within the scope of works as well, right?--
-Of that scope, yes.

Okay. When you say that scope you have some doubt that might be the scope that you're working from?---Yes.

30 You remember though needing to repair the roof in relation to leaks?---
Something with a leak, yes.

So why would you have any doubt that that was the scope you were working from when it indicates repairing in order to check the leaks?---
Because I read something about a downpipe and it's quite easy to miss a downpipe that needed to be replaced.

40 All right. Let me ask you this then, so you're saying that this might have been the scope of works but you might have missed something in the scope of works by an oversight?---Yes.

I see. Isn't that again part of a project manager's job to ensure that nothing within the scope of works is missed, right?---Yes.

To ensure that when someone's charging for the work that they say they've done it's actually done?---Yep.

Okay. Can I go back to 218. All right so, "Rust holes remain in front downpipe," you'd agree that that's - - -?---If they're there, yes.

Okay, yep. Because you didn't change it, do something about the, the downpipe?---I can't remember.

10 "Water, water marks remain on brickwork. Local contractor has been given work order to fix by Brookfields. Brookfields has inspected site and issued maintenance works orders for some works covered by this project." Do you see that?---Ah hmm.

Do you agree with that, that in fact there was still work to be done in relation to that part?---Oh, no. I'd have to see it to agree to it.

All right. And what you have there is, "Ceiling replace, light replace, trim finish, painted okay." So you've obviously done the work in relation to the ceiling?---(not transcribable).

20 Okay, let's go to the next page. "Where water damage occurred make good and include painting and repair," you knew that was within the scope of works didn't you?---Not from memory (not transcribable).

And this was about, a good whack of this was about the leaks wasn't it?---I'm not sure what a good whack of it was.

30 All right. Well you don't have any reason to doubt what's set by Mr Hemsworth that the front of the building wasn't done and the person in custody area seen in the previous comment about it not being done, right?---Yes.

"Painted external façade of building including all associated preparatory works." Do you see that?---Yep.

It says partially done. Would you agree with that?---Well, the façade was done.

40 Okay. So, "The main fascia painted, patchy painting not covering the previous paint, single coat." Was it only done in a single coat?---Oh, I don't remember what it was with or what was done there. I'd have to look at it.

"Not including most windows, doorsteps, eaves, entranceways, rear of building, fencing." Would you agree with that?---No.

You said you did the windows, doors, steps, eaves?---I remember the, the entry, the front entry.

Then these are things that a project manager should check to see that they've been done, right?---They should overlook it, yes.

Right, go down to the interior paint. It says there, "No evidence on any internal painting in any part of the building other than single panel replace in person in custody area"?---Incorrect.

All right?---When, when did this guy - - -

So you – well, I've indicated that to you, 14 March, 2014?---So one year later.

10

Sorry?---Was it a year later?

Well, you tell us?---I'm not sure.

When did you do the work that you say that you've done - - -?---I can't remember the dates.

Sorry?---I don't remember the dates that were - - -

20

Are you saying that if it was a year later that the painting that you had done might now look like it hadn't been done?---No.

Okay. The next one, "Replacing carpet." You knew that was part of the job, right?---If it was in the scope I don't remember.

Well you know doubt had to organise the person to replace the carpet, right?---Huh?

30

Anyway, was the carpet replaced throughout?---If, if it was in the scope yes, it would have been. In my scope.

Not would it have been?---Yep.

Was it?---I can't remember. Yes, I, I think it was.

All right. So he's just got that wrong?---Who?

40

Mr Hemsworth when he says, "Carpet has not been replaced throughout"?-- -I'd have to go look at it. I don't know. I can't remember. Can we go to the next one?

THE COMMISSIONER: Sorry, when you say you'd have to go and look at it, are you disputing what Mr Hemsworth has put on the report?---Possibly, yes.

Well, sorry, why would, why would he say it hadn't been replaced if it had?---Because his opinion could be wrong.

You can't be wrong about whether or not carpet has been replaced. It either has or it hasn't been replaced?---Yes, but you can be wrong.

What, you think Mr Hemsworth is incapable of determining whether the carpet has been replaced or not?---He was maybe looking at the wrong area.

MR BRADY: Can we go to the next one which is provision of an electronic gate system?---Ah hmm.

10 Now, it says "supplied, installed and operational". Do you see that?---Yes.

That was part of the scope of works wasn't it?---Not mine.

Sorry?---No, I didn't do that.

No, you didn't do that did you?---No.

THE COMMISSIONER: It was part of the scope of works though?---Was it? Well, I don't know if it was part of my scope. I'm not sure.
20

It was part of the scope of works that the Department through Mr Andjic had given you for the purposes of this project?---If it was on there, okay.

Right.

MR BRADY: Can I go 223 thanks.

THE COMMISSIONER: While we're doing that, can I just ask you, Mr Andjic (as said), to have a look at the photographs. Cessnock
30 Courthouse has a tiled roof hasn't it?---It's part.

Part tiled?---Yes.

What, so your earlier answer about the roof material being metal that was just in respect to some parts was it?---Yes.

MR BRADY: See the – eight points down, provision of electronic gate system. Refer to preferred subcontractor for co-ordination?---Ah hmm.

40 That's part of the scope of works, right?---Yeah.

Part of what you're charging for, right?---I don't know if I charged for that, no.

So you didn't include within your charges that particular part of the scope of work?---For Triton Group, no.

So that's in addition then to the \$301,000 you charged for the other works?

---Yeah, I didn't charge for the gate.

It was within the scope of works though wasn't it?---In that scope of works?

Right. Can I go back then to 220. So that \$49,000 the subcontractor was paid directly by the Department you say you never charged that within the scope of – within your bills?---No.

So your \$301,000 excluded that payment as well?---Yes.

10

Well, surely when you tendered that amount was included in the tender?---I'll have to look at my scope and my tender.

THE COMMISSIONER: No, but you've told us already that your tender – your practice was to tender according to the scope of works. You've told us that numerous times?---Yes.

20

That you never bothered even costing out your labour, you just tendered according to the scope of works. That's what you've told us?---And I also said that I was taking down my own scope when I was there.

No, answer my question. Is it the case that you always tendered according to the scope of works, you simply tendered on the basis of what the scope of works told you required to be done?---What the inspection told me what needed to be done.

Well, look, that gate item is costed out at \$49,000?---Yes.

30

And so what Mr Brady has said to you effectively is that \$49,000 was therefore not included in the moneys that you were ultimately - - -? ---Charging.

- - - charging. Is that right?---Yeah, I did not charge for the gate. That's right. It's not included.

So you're saying it's not included in that?---No.

40

So in fact, had the gate been done according to the scope of works, your bill would have been \$49,000 more?---I would have charged more. I don't know how much the gate cost.

Well, it's on the – that's what it's costed at?---That's what the Department I think has paid the contractor, yeah.

Well, so doesn't it follow that if you'd done what was on the scope of works your bill would have in fact been \$49,000 more than it already is?

---According to this, yes.

MR BRADY: \$350,000, right?---Sorry?

Is that right?---If that's what we're up to.

Can I just take you if I can to 1502. Do you see that as a Cessnock Courthouse Upgrade SAFF Projects Meeting Minutes?---Yeah.

Dated 1 July, 2013, right?---Yes.

10 Your wife is said to be there?---Ah hmm.

Mr Andjic is said to be there and you're said to be there, right?---Yes.

It's a site inspection. Do you see that?---Yeah.

It includes the gate review doesn't it?---It's got it in there.

But you say you never charged when you charged \$301,000 for the gate?
---No.

20

Right.

THE COMMISSIONER: That actually says that "The gate was installed but there are a few minor issues that needed to be attended to". Do you see that?

---Yes.

Well, that site meeting was on 1 July, 2013?---Okay.

30 You don't remember seeing the gate there and having actually arranged with someone to install it?---Me?

Yes, you?---No, I do not remember that.

MR BRADY: Can I just go back to 220. So the next one is "Make good current driveway that's located between courthouse and police station". Do you see that?---Yes.

40 "Supplied, installed and noted as satisfactory by court staff." Do you see that?---Yes.

"Does not extend to wall of police station however is like-for-like, like-for-like cover." Did it extend to the wall of the police station?---It doesn't appear it does, no.

Was it supposed to?---I don't remember if it was or wasn't.

“Install additional shading system to remaining windows that open into the courtroom.” Do you see that?---Yes.

Was that done?---No, there’s a cross next to it.

Do you accept that that wasn’t done?---Yes.

10 You see, that’s something that’s included in your bill at 1488, “Installed additional shade system as requested”?---Well, maybe I’ve forgotten. I don’t know.

Sorry?---Maybe I’ve forgotten it was done. I can’t recall that item. I don’t remember anything about it.

THE COMMISSIONER: Mr Chacra, look, you can’t possibly give that answer with any honesty having just been shown and accepted that that was not done. Now, it wasn’t done, was it?---But you’re showing me one thing and then - - -

20 No, Mr Chacra, listen. You saw the photograph?---Yeah.

You saw the item on the, on the building report?---Yeah.

You agreed that it hadn’t been done?---Well, there was nothing installed on that side.

Just a minute. I’m just asking you?---Okay.

30 You agreed that it hadn’t been done. Is that right?---Yes.

You’re now being shown an invoice - - -?---Yeah.

- - - where you actually got paid for doing something that wasn’t done. Do you agree with that?---To that side where the photo shows, yes.

What, so you think you might have done it to another side but not to the side on the photograph?---I don’t know. Yes. I don’t – I can’t remember.

40 But it doesn’t stay installed additional shade system on one side. It says “as requested”?---Oh, okay.

So you got paid for something you didn’t do. Is that right?---If that’s what was requested then, yes. I don’t know. I’ve got to go look at it.

MR BRADY: Can I go back to 220. “Provision of four bench seats at the front of the courthouse similar to existing”. Do you see that?---Yeah.

Did you do that?---No.

(not transcribable) “the repair and replacing light fixtures that have been damaged by water predominantly rear corridor of building. One fixture replaced with ceiling repair and repaint new cell. Ceiling colour not matched or ceiling repainted.” Do you accept that?---Not really. I can’t, I can’t remember that.

10 Okay. “Repair uneven and squeaky floor in the monitor box. Floor no longer squeaks. Monitor box has been recarpeted however unevenness of join remains.” Do you accept that?---If it’s there then, yes.

Okay. Let’s go down. So raising the last section of the magistrate’s bench so it’s all one height appears to have good quality. Who did that?---That, that previous one with the floor squeaking and repaired, isn’t the whole courthouse carpeted?

Is that fact that it’s carpeted mean that the floor wouldn’t squeak at all?
---No, it means that the carpet was replaced however that was.

20 That indicates - - -?---The previous question you asked me about the carpet being replaced at that courthouse and I couldn’t remember but there was an item in one of the invoices stating that there was works that need to be done to facilitate the repairs so I can’t remember what it was.

Can we go back up one more. The carpet has not been replaced throughout we suggest to you, do you see that?---Throughout the whole courthouse?

Yes?---Oh, okay.

30 You accept that don’t you, that it wasn’t replaced throughout the whole courthouse?---Yeah, I would accept that.

Go down. The next two appear to have been done?---Okay.

Allocated, “Ease and adjust the door to female staff toilet and patch paint”, do you see that?---Yeah.

40 “Shaving off door, incomplete paint patch, door swings without touching frame”, so partially done, would you agree with that?---No, that was, that would have been done. Okay.

“Ease and adjust the front entry door to corridor, right side of courtroom and patch paint.”?---That should have been done if the carpenters were there working on the doors.

Well, you should have checked that it was done shouldn’t you?---Yeah, I just don’t remember it.

Right. Do you accept that in fact it was still catching and it has evidence of long-term wear at touch points, paint missing on frame?---No, that could have happened afterwards.

Okay. "Clean and clear rear car park stormwater pit including clearing surrounding area," just not done, right?---I'm not sure. I can't remember that.

10 THE COMMISSIONER: We're not asking you whether you can remember it. Look at the photograph, it wasn't done was it?---But this is a year later wasn't it or sometime later, I don't know if something was blown back over it or plants grew around it.

MR BRADY: Okay. Then "Reseal any leaking gutter joints", indicated "Not obvious, no new soldering or gluing with paint overs on gutters or downpipes." Was there any resealing done?---I can't remember.

20 And then "Supplying the stainless steel plate", you've done that haven't you?---That's what it says.

And the last one, sorry go back, so that's the plate that's been fitted?
---Yeah.

All right. Mr Hemsworth came to the conclusion having reviewed the work that was done that the likely value of the work done was \$47,355 by Triton. What do you say to that?---I don't agree with that.

30 Do you agree with the fact that a number of things included within the scope of works weren't done?---Possibly after what you've shown me.

THE COMMISSIONER: Mr Chacra, if you have absolutely no memory of any of these things being done or not done or partially done or done to any particular standard or done within a certain timeframe which seems to be the effect of your evidence how can you possibly disagree with the report that's just been shown to you because to disagree assumes that you are in a position to rebut what Mr Hemsworth has said and so far you've been saying you don't remember anything?---No, I've said I remember certain things but not everything on the scope and the few items I do remember were equal to more than what he's estimated that job to be.

40 MR BRADY: Now SAFF Projects also did a project management job for Cowra Courthouse didn't it?---Yes.

What was done?---I have no, no memory of Cowra Court, I can't remember anything about that.

THE COMMISSIONER: Let me just be clear. You have absolutely no memory of what was done at Cowra Courthouse?---Nothing.

MR BRADY: When you say nothing, nothing was done at Cowra Courthouse - - -?---No.

- - - or you just don't have any memory of what was done?---I just don't have any memory of what was done.

Do you have any memory of what SAFF did in relation to Cowra Courthouse?---I just answered that.

10

Well, there's two separate things there. First one is whether you have any memory of what was actually done at Cowra Courthouse by way of construction, you have no memory of that?---Hmmm?

The second is do you have any memory of what SAFF did?---I know there was project management for SAFF, I just don't remember what was done but I know there was no construction work done by Triton Group.

20

Right, and that's important, there's two different things there. The first is you know there was no construction work actually done at Cowra Courthouse, right?---I can't be sure, I can't be sure.

What you know is SAFF Projects did not actually manage any construction work done, right?---No, you're twisting my words.

Well, I'm asking you - - -?---No---

30

- - - do you know whether or not SAFF Projects actually managed any construction work?---I can't remember anything about that courthouse.

Did you go to the courthouse?---Can I see a photo of the courthouse?

THE COMMISSIONER: Sorry, I just want to clarify something. A moment ago you said you couldn't remember anything about the work that may or may not have been done at the courthouse. Are you saying that it's possible that work was done at the courthouse but you just have no memory of it?---Yes.

40

Right?---At least if we keep going through it then I - - -

So if we go through it then that would jog your memory will it?---Possibly.

MR BRADY: Did you do the tax invoices for SAFF Projects in relation to Cowra?---If there was invoices sent in, yes, I would have done it.

Did you to go Cowra?---Can't - I don't remember.

Did you fly to Orange with your wife on 2 July, 2013 and then drive to Cowra, does that ring a bell?---No, it doesn't, I can't remember.

THE COMMISSIONER: Have you ever been to Cowra on any occasion other than to discharge this contract?---Possibly.

What do you mean possibly?---Possibly, I - - -

10 Well, how many times have you been to Cowra?---I don't know but I might have driven through it, I - - -

Well, I'm not asking whether you drove through it. Do you know how many times you've been to Cowra?---No.

No idea?---No. I've been to a lot of rural areas but I don't know how many I've been to or how many times I've been to each one.

20 Well, what about since 2013, over the last two years?---No, I travelled a lot to the country from 2010 to about 2014 I think it was, 2015, in the beginning.

So when you did all of those trips you went by car?---Ah, sometimes.

What, and sometimes - - -?---Most, most - - -

- - - you flew?---Most of the - well, when it was recreational, yes, I did go by car.

30 And sometimes you flew?---I have flown, yes.

So it's possible that you've flown to Cowra more than once, is that what you're saying?---I don't - I'm saying I don't remember if I've flown to Cowra or not.

At all?---Yeah, at all.

MR BRADY: When you say you did a lot of rural was that when you were doing work for Jacobson's?---No.

40 Now I want to suggest to you that no work, construction work was done at Cowra Courthouse at all in 2013, you agree with that, you wouldn't know one way or the other?---I wouldn't know, I don't know.

One thing's for sure, SAFF Projects didn't manage actual construction work at Cowra Courthouse did they?---It's not sure, I just said I couldn't remember the, the whole thing.

Well you'd remember if you actually managed a project where construction happened at Cowra Courthouse wouldn't you?---No. You keep repeating your questions. Like, no, I wouldn't have to remember.

Can I take you 1622. That's an invoice dated 17 April, 2013. Do you see that?---Yes.

SAFF Projects. Right?---Ah hmm.

10 In relation to Cowra. Do you see it says Cowra site visit?---Yes.

Right. Your wife went on that site visit. Would that be right?---Yes. That's fair to say.

And you've charged for the site visit, the preparation of meeting minutes, the risk register preparation and incidentals. Right?---Yes.

\$3,708 plus GST. Right?---Yes.

20 No doubt you got that details from your wife?---Yes.

And charged her out at \$180 an hour for senior project manager?---\$190, yes.

\$190, an hour for senior project manager. Right. Did you have any difficulties in your mind charging your wife out as a senior project manager at \$190 an hour when she had no project management experience at all?---No.

30 You didn't see that as being dishonest?---Ah, to appear as being dishonest?

Well whether it appears to being dishonest, did you see it as being dishonest?---No.

Not at all?---No.

THE COMMISSIONER: Why not?---As long as the work was done I didn't think it mattered.

40 But the work that was being done was meant to be done by a senior projects manager?---Yes.

That was the work and she wasn't a senior projects manager?---But she was capable of doing that work.

But you just agreed a short time ago that your wife had absolutely no experience doing project management?---Yeah. But preparing minutes and, and risk - - -

But that's not project management, is it, doing minutes?---Well, that's what's on the invoice.

That's not the question. Preparing minutes is not project management, is it?---No.

So she was being paid for something she couldn't do?---Well, she didn't - -

10

Wasn't she?---As a project manager?

Yes?---She, yes.

So that's dishonest, isn't it?---(No Audible Reply).

It's like paying you to be a company director when you're not qualified to be one, isn't it?---In a corporate – I don't come from a corporate world. I don't know.

20

If your wife is being paid for something that she could not do at a rate that reflected someone with extensive experience that is dishonest, isn't it?--- Yes. But she did it.

Thank you.

MR BRADY: Now the fact that you don't remember doing anything with Cowra Courthouse does that mean you didn't spend any time doing any work for SAFF on Cowra?---That means I don't remember.

30

Does it mean that you didn't spend a lot of time?---It means I don't remember.

Can I take you over if I can to 1631. You see that tax invoice dated 12 June, 2013?---Yes.

Okay. It doesn't indicate Cowra next to project manager's costs, but up the top the invoice is CW20132. Do you see that?---Ah hmm.

40

Can I just go back to 1622. See at the top CW20131?---Yeah.

There's no doubt that the invoice in relation to 1631 is for Cowra, is there?-- -Can you go back to the second one?

Yeah, 1631?---It appears that way.

And in fact if I take you to 1589 which is the same invoice but unfortunately the date and invoice number have been blacked out. You can see that it's

handwritten Cowra project manager's cost. Do you see that?---Yes. Is this the same invoice as you showed me previously?

The same invoice I showed you previously is the one I want to suggest to you. There's no doubt that 1631 is for Cowra. Right?---From what you've showed me, I think you're right.

Do you see there the project manager's costs for Cowra Courthouse in addition to the initial bill of some \$3,780 plus GST is \$32,000 plus GST.
10 Do you see that?---Yes.

So how did you come up with that figure?---My answer's going to be the same as previously.

THE COMMISSIONER: What's that?---I don't remember.

Because you plucked it out of the air?---Not necessarily, no. I didn't pluck it out of the air.

20 Well then how would you have constructed that figure?---But I've explained it before.

All right. Tell us again?---From time spent and the work that needed to be done.

MR BRADY: So the time spent there according to \$190 an hour is 168 hours of work. Accept that?---No.

30 Okay. So \$32,000 divided by \$190 - - -?---Yeah. But it doesn't necessarily mean - - -

- - - an hour is on my calculation and let me do it again just to make sure I'm getting it right, 168 hours' worth of work. Accept that?---No.

You don't accept the calculations that I've just done or you don't accept that you did 168 hours of work?---I don't accept the calculations you've just done.

40 Do you want me to show them to you?---Not really.

On the calculator?---No.

I can do that.

THE COMMISSIONER: Well Mr Brady, I think we should actually show it to the witness because we're not going to get anywhere unless he's shown precisely what you've just put to him and we'll take a short morning tea adjournment and resume at 5 past 12.00. Thank you.

MR BRADY: Thank you, your Honour.

SHORT ADJOURNMENT

[11.46am]

THE COMMISSIONER: Yes, Mr Brady?

10 MR BRADY: Yes, thank you, Commissioner. Mr Chacra, can I just get you to look at the screen. See there's a, see there's a calculator there?---
Yes.

Can I get, type in 32,000. Do you see 32,000's been typed in?---Yep.

That was the amount of the bill plus GST, appreciate that?---Ah hmm.

I'll divide that if I can by 190. That's the hourly rate. Do you understand that?---Yes.

20

And that leave a figure, although a bit difficult to see, but 168, or slightly over 168 hours. Do you see that?---Ah hmm.

Do you accept those calculations?---Yes.

Your tax invoice of 12 June, 2013 therefore reflected didn't it 168 hours of work at \$190 an hour, right?---Can I go back down to the, yep, can you just go - okay.

30 Do you accept that?---Yes.

You didn't do 168 hours work as the project manager for the Cowra Courthouse did you?---Well, there might have been added costs, travel or, I, I don't know.

Sorry, there might have been added costs or travel?---Added cost, travelling or what - so, yes.

40 Righto. Well, let's look at that. The travel might have been what, \$1,000? ---Whatever it might have been, yeah.

To get to Cowra?---Yeah.

Okay. So instead of \$32,000 it would be \$31,000. What are the other added costs?---I don't remember.

Well, some idea of what they might have been?---No.

THE COMMISSIONER: Wouldn't they have been included in incidentals? That's what incidentals refers to doesn't it?---Yes.

All right?---But that's what I'm saying, it doesn't, it doesn't specify what incidentals are.

MR BRADY: All right. So - - -?---And he's working out 32,000 to be purely on an hourly rate.

10 Well, let's knock it down to \$31,000 to take into account some travel and how much would the incidentals have been as a maximum?---I don't know.

MR AYACHE: Commissioner, in fairness to the witness, and my friend has done this a number of times. I have held my breath a number of times. He's leading the witness down a path of inquiry based on an assumption of an incidental being \$1,000 when the witness has said I don't know what the incidentals were.

20 THE COMMISSIONER: Well, he just said they might have been travel and so the witness accepted as a ballpark figure \$1,000 might be referable to travel. But look, at the end of the day if you want to re-examine Mr Chacra and get more concrete information out of him I'd be so happy if you could do that but for the time being I don't think Counsel is being unfair. Counsel is just trying to get some idea of what part of the 32,000 was referable to labour costs. That's all we're trying to do.

MR AYACHE: Yes.

30 MR BRADY: So how much for the incidentals maximum, ballpark?---I don't know.

No idea?---No.

Could have been 30,000 for all you know?---Could have been.

40 THE COMMISSIONER: Whichever way you look at it, Mr Chacra, the vast majority of that invoice had to be referable to actual hours of labour didn't it, because if you look at the items all of the items on that invoice refer to people actually applying themselves to the preparation of documents. See that?---Yes.

Right. So that on any view of it what it's really about is billing out labour? ---Yes.

Right.

MR BRADY: You didn't do anywhere near \$30,000-odd in labour as a project manager for Cowra did you?---I can't remember if I charged \$30,000 for labour.

THE COMMISSIONER: Well, no, that's not what we're asking. Let's go back to the original proposition. Assuming that you were working a 40-hour week, that invoice represents something close to four weeks of full-time work doesn't it?---If you base that figure on an hourly rate.

10 Yes?---Yes.

Right. So what is being put to you is on the basis of those assumptions you could not possibly have done four weeks of full-time work on that project management. That's what's being put to you. Do you agree with that or not?---Yeah, I didn't say we did four weeks of full-time work for that project.

20 I'm not saying that you did. I'm asking you to agree or disagree with what is being put to you namely, that you could not have possibly done four weeks of full-time work on that project management?---I can't remember what we did for that project. I said that from the beginning.

All right. So do you, do you say that it is possible that you did four weeks of full-time work on that project management?---I don't know.

Well, it's either possible or it's not possible?---It is possible. I don't know if it was done. I can't remember.

30 So it's possible that you did do that?---It is possible. Anything is possible. You said that earlier.

Oh, so – all right. Well, then, you're not – you're just making that up, you're not suggesting that you could have done that?---No, I'm just giving you the answer that you're demanding to hear.

No, I'm not demanding anything, Mr Chacra. Please don't make that mistake. They're your words. Please be very clear about this. At the end of this inquiry - - -?---Yes.

40 - - - it will be your answers that will be used for the purposes of making submissions. I am not requiring you to answer in any particular way?---But you're limiting me to what I can answer to.

I'm not limiting you to anything, Mr Chacra. You can tell us anything you want to tell us?---But if I, if I tell you I don't remember something you say well, you could find that as me withholding the truth and if I, if I make something up then that's lying so I'm restricted to what I can say. I - - -

No. You're not restricted. A moment ago I put a very, very simple proposition which was making all of the assumptions about the cost of your labour, you could not possibly have done four weeks full-time work and your answer was "No. It's possible, I did do that"?---Anything is possible.

I'm not asking whether anything is possible, I'm asking you is it possible that you did four weeks full-time work on that project management?--- Could be possible.

10 Right. Thank you.

MR BRADY: And it's possible that you did four weeks full-time work on that project and don't remember a single thing from that four weeks of full-time work. Are you saying that that's possible?---I'm saying that SAFF did the four weeks not necessarily myself.

You're saying that SAFF might've done four weeks of full-time work on this project and you don't remember a single thing about what SAFF did?--- Yes. I do not remember.

20

But do you say that that's possible that SAFF might've done four weeks full-time work on this project and you don't remember a single thing about what they did?---Anything is possible.

That invoice is simply a fraud, isn't it?---No.

Do you say that SAFF was entitled to \$32,000 for the work done by SAFF on the Cowra Courthouse project?---It was approved and paid, yes.

30 Do you say - - -

THE COMMISSIONER: Sorry, sorry, that is not an answer to the question. Please Mr Brady, can you put the question again? We know it was paid?

MR BRADY: In fact do you say that SAFF was entitled to \$32,000 for the work it did on Cowra Courthouse?---That's what the invoice says.

40 Do you say that SAFF was entitled to \$32,000 for the work it did on Cowra Courthouse?---That's what the invoice states, yes.

THE COMMISSIONER: Don't worry about what the invoice states listen to the question. Put it again Mr Brady.

MR BRADY: Do you say that SAFF was entitled to \$32,000 for the work it did on Cowra Courthouse?---Yes. That's what the invoice states.

I know that's what the invoice states. Let's make it perfectly clear you say SAFF was entitled to \$32,000 for the work it did on Cowra Courthouse?--- Well I submitted the invoice.

THE COMMISSIONER: You submitted the invoice so you must've done the work. Is that what you're saying?---Yes.

Right.

10 MR BRADY: And of course that was in addition to the \$3,780 that SAFF had already charged for the Cowra Courthouse?---I can't -- yes. If that's what the invoice was what you showed before.

Did SAFF get the project manager job for East Maitland Courthouse?---Yes. I think so.

Did SAFF then project manage East Maitland?---Yes.

20 Who was the -- doing the construction work for East Maitland?---I don't remember.

SAFF was project managing East Maitland Courthouse?---Yes.

You don't remember who the construction company doing the East Maitland work was?---No.

You don't remember who SAFF was project managing?---No. I retract that. Something's just come to me.

30 That Triton actually did - - -?---Yes.

- - - the construction work?---Yes.

Did you suddenly remember that SAFF was project managing Triton doing the construction work on East Maitland?---I think so, yes.

What do you mean you think so?---I'm not a 100 per cent sure, but, yes.

40 So again, this is another one of these cases where you were project managing yourself?---If I was doing the work there on that occasion, yes.

You were project managing yourself?---On occasion.

Sorry?---On occasion.

Well you own SAFF. Right?---Yes.

SAFF was project managing East Maitland. Right?---Yes.

You own Triton?---Yeah.

You were project managing yourself?---I owned the same companies, yes.

It was more than that, wasn't it? SAFF needed to ensure that the work that Triton had done was performed properly. Right?---Yes.

10 The only person within SAFF who had the knowhow and the expertise to determine whether or not Triton had done the work well was you. Right?---To a certain degree.

What do you mean to a certain degree? The only person within SAFF who had the experience and knowledge to know whether Triton had done a good job was you, wasn't it?---If it came down to structural things, yes.

Well isn't that part and parcel of construction?---Yes, but there are also cosmetic repairs.

20 Your wife didn't have any expertise in determining whether or not building work was done well did she?---Not structural works, no.

And in fact didn't have the expertise to determine whether building works structural or otherwise were done well did she?---No. Some things are quite obvious.

You mean she'd have the same ability as someone walking in off the street and saying oh, that looks good?---No.

30 Did she have more ability than that?---Depends who the person walking off the street is.

Yeah, but if the person walking in off the street with actually some building experience they'd be better at it wouldn't they?---Depends how much experience.

Okay. All right. In any event, in project, in SAFF project managing Triton in the work you sent an invoice, 1676, on 7 May, 2013. Do you see that?---Yes.

40 Now, you say obviously that work was done, right?---Yes.

And no doubt that then came from your wife, the work that was done, right?---Yes.

The invoice for that was, sorry, is in exactly the same terms as the invoice for the Cowra project. Do you realise that?---Yes.

I'll go back to 1622?---Ah hmm.

Do you see the only thing that has changed is the fact that that's now the Cowra project with a different date?---Yes.

Every other aspect about that is the same, do you appreciate that?---Yes.

Including exactly the same hours - - -?---Ah hmm.

10 - - - for each matter?---Yep.

Is that just a completely coincidence?---No. Might be more.

What might it be then?---Everything was exactly the same that was required so there was no need to change the invoice.

So the same for example getting time taken and, to get to and to then do a site visit for Cowra as it was for East Maitland?---Correct.

20 Exactly the same number of hours?---Possibly.

Exactly the same number of hours to prepare those meeting minutes. Is that what you're saying?---Yes.

And exactly the same hours to prepare the risk register preparation?---Yep.

And exactly the same incidentals?---Possibly, yes.

30 Well you say possibly, you say it must be?---Ah hmm.

Right?---Yes.

You say this work was done?---Yes.

Excuse me just one moment, Mr Chacra. All right, and you say that that was charged out pursuant to no doubt what your wife was telling you she'd done, right?---Yes.

40 Can I go to 1696. Now, that's a bill on 12 June, 2013. Do you see that?---Yep.

That's a bill on 12 June, 2013 for \$11,800. Do you see that?---Yes.

The project manager's costs there where did that come from?---The time and everything else that's written there.

Okay, well the only thing written there that doesn't appear to be time is incidentals?---Yep.

What are the incidentals that might be associated with the project management job?---I don't remember.

No, not what they were in this particular one but what might be incidentals relating to a project management job?---Can't think of anything right now.

What might you charge out as incidentals on a project management job?---
Can't think right now, I don't know.

10

So again the vast majority of that must be for labour, right?---If you want to assume that.

Well, I'm not assuming anything. Would the vast majority of that be for labour?---I don't know.

What were the, "Paperwork review of works by contractor," mean?---Can't remember.

20

THE COMMISSIONER: No, what does it mean? Looking at that expression what does that mean? When you project manage something and you undertake a paperwork review what does it mean?---Reviewing the paperwork, the documents necessary for the - - -

Well I mean, I can read the English but I'm just asking you what does that entail?---I'm not sure. I don't remember now what I did for that, or what my wife did.

30

MR BRADY: So from that you can't tell us how many hours you are reflecting in \$11,800?---No.

Because the incidentals might have been just something what, up to \$11,800?---Wouldn't have been 11,800. I just don't know how much it is.

Why didn't you in these bills set out the time spent?---No answer. I don't know.

Because if we go back to 1676 - - -?---Ah hmm.

40

- - - we can see can't we that you've actually set out the project manager's costs – set aside the incidentals which only appear to be three units - - -?---
Ah hmm.

- - - you've actually set out the time haven't you?---Yep.

If we go back to the Cowra at 1631, no not 1631, sorry. 1622. See again you've set out the times, right?---Yes.

Why didn't you set out the times in the bill for 1631 for Cowra of \$32,000 and the time, 1696, for the bill for East Maitland?---No specific reason. I can't remember.

Because they were frauds wasn't it?---No.

Because you didn't do the work that led to that figure did you?---We did the work.

10 Why not put it on the bill then?---Don't have to.

THE COMMISSIONER: Because - - -

MR BRADY: Did anyone say to you look, how do you come to \$32,000 for the Cowra Courthouse when in fact no construction was ever done?---I don't recall ever having a conversation with anyone about my invoices.

20 No one said to you how do you come to \$32,000 when you've just done the first stage of the tender documents, reinforced the scope of works, and prepared a risk register update? No one said anything like that to you?---
No.

No?---Don't remember anyone saying that, no.

THE COMMISSIONER: You would remember though if there was a dispute about any of the invoices that you submitted wouldn't you?---There was never a dispute.

30 There was never any dispute?---No.

Thank you.

MR BRADY: And then we go over to 30 July, 2013. Now, that's a finalisation of the project, do you see that?---What?.

Oh, sorry. 1702. Do you see that?---Yeah.

Now, what was that for?---I can only go off what it says.

40 No doubt – what, reviewing the work that had been done?---Yes.

The work that you had done?---Ah hmm.

So you're reviewing your own work, right?---My companies were reviewing, yes.

There is nothing in there that indicates incidentals is there?---No.

So that's obviously completely labour, right?---Not sure.

Well, it must be mustn't it on what you've said before?---No.

What, there might have been incidentals in there that you didn't refer to?

---That I've just included in the finalisation of projects. I don't know.

Well, why put incidentals on other bills and not incidentals in that bill?

10 ---Maybe it was written on the paper I was copying at the time. I'm not sure.

So you wouldn't accept that the \$2,970 is wholly labour focused?---No, I couldn't be certain.

Because that's 15 hours' worth at \$190 an hour isn't it?---If that's what it works out to be.

Would that be 15 hours of you reviewing your own work?---Not necessarily, no.

20

Well, what would it be 15 hours of?---Someone else reviewing my work.

Who?---We already established who that would be.

Your wife?---Yes.

THE COMMISSIONER: And that would consist of her saying have you done the work and you saying to her yes, I have?---No. It can consist of going up there physically. I don't know. I can't remember.

30

MR BRADY: Well, did you spend two days with your wife walking around and saying this is what I've done?---I don't remember what I did, no.

Because in addition to what you got paid for SAFF Projects for doing that, which was \$20,405, you also got paid for Triton didn't you?---If I did the work there. Did I? I'm still not sure. Can I see the TGC work.

Sorry, you can't remember whether you did the work at East Maitland?---I think I did, yes, but I'm not 100 per cent sure if I was the, if I was the contractor doing the works there.

40

Why wouldn't you be sure whether or not you've done East Maitland Courthouse?---It was a long time ago like everything else.

Wouldn't that be something to go on the résumé?---I don't have a résumé. Never had one.

A person who is looking to get further work or future work have a résumé about what they've done?---It's a good idea.

Particularly a builder?---Yes.

To have references so that people who you're giving a quote to can check with others the standard of the work you've done?---Ah hmm.

10 THE COMMISSIONER: Do you remember going to East Maitland Courthouse?---I do.

Well, can you tell us how you got there?---I would have driven there.

You would have driven there?---Yes.

And at least you would have gone there to show your wife the work that you'd done when she was project managing?---I can't be sure.

20 Well, but you said a moment ago that you would have walked around with your wife and shown her the work that you did?---I think I said I couldn't remember if I did or didn't. I've been with her around a courthouse before. I can't remember what I did there.

So you know you went to East Maitland Courthouse?---I believe I did.

Right?---I've, I've - - -

30 If you went to East Maitland Courthouse and you drove there, were you driving there on a number of occasions from home and back each day?---I can't answer - I don't know. Possibly.

Well, do you remember any period of time when you stayed over at East Maitland while you were doing work on the project?---I remember staying away when I was doing projects but I can't remember if it was East Maitland or not. I don't know.

So you can't ever remember staying in East Maitland?---No, I can't remember.

40 Right. And you can't remember doing any construction work at all at East Maitland - - -?---No, I, I think I did.

- - - as part of Triton?---I think I did.

You think you did?---Yes.

Okay. Tell us what you can remember doing?---It's come to me. There was floodlights and the one thing that stands out – is East Maitland the one with the gaol closed opposite the courthouse?

Well, you tell us. Is that what you recall?---I know one of them has that. I don't remember if it was East Maitland or not.

Okay. You remember doing a job that had something to do with floodlights, what else?---An awning out the back, a big awning area.

10

Anything else?---Not from, not from memory. Possibly carpet, I can't remember.

The flood light job?---Yes.

Was that something that you had to subcontract to an electrician?---Yes. Definitely.

And do you know who did that job?---Not off the top of my head, no.

20

Was it someone that you contacted at East Maitland?---I don't know. Possibly. It could be a local or it could be – I don't know.

So you don't know whether it was a local or whether it was someone that you used in Sydney?---Correct.

MR BRADY: Can I take you if I can to 1694. So that's a tax invoice dated 24 May, 2013. Do you see that?---Yes.

30

And that does have the pergola that you talked about?---Yeah.

I think you called it an awning but a pergola?---Yeah. The same.

Has the lighting?---Yes.

The carpet?---Yeah.

And the door seal?---Yes.

40

And then you've actually listed under a variation, haven't you, removed and replaced carpet to Judge's room as requested?---Yeah.

You've actually set that out as a variation?---Ah hmm.

So that we can what variation was included within the contract?---In this case, yes.

All right. And you got paid for that, didn't you?---Yes. I would've got paid for it.

Then over at 1698. It's a second invoice of 12 June, 2013. Do you see that?---Yeah.

For \$31,295?---Ah hmm.

And you've set out the stuff you've done in relation to that. Right?---Yes.

10

The 12th of June to 14 June was a pretty good time, wasn't it, for Triton and SAFF?---What time?

The 12th of June to 14 June, so pretty good days for SAFF and Triton, wasn't it?---Which years?

Sorry?---What year?

20

2013. Have we talked about any other year other than 2013?---I don't know.

All right?---Yes. We've talked about 2014.

Good memory?---Yeah.

So 12 June, you issued a number of bills on behalf of Triton and SAFF, didn't you?---Yes.

30

Do you know how much you issued on behalf of Triton and SAFF for 12 June?---Sorry?

Do you know how much money you issued or how many bills you issued and the amount of money for Triton and SAFF that you – withdraw that. I'll do it again. Do you know the total invoices for 12 June that you issued on behalf of Triton and SAFF?---No.

All right. Did you do some work on Gunnedah Courthouse?---Me personally?

40

Yeah?---Not that I can remember.

Did Triton do some work on Gunnedah Courthouse?---I don't know.

About \$8,000 worth of work?---I don't know. Is there an invoice there?

You have no idea without looking at an invoice whether you did some work on Gunnedah Courthouse?---That's right.

How many courthouses all up did you do work on as Triton?---Do you want me to try to remember?

Sorry?---I'm not sure.

Did SAFF do a project management job for Gunnedah?---Possibly.

10 Do you remember SAFF doing a project management job for Gunnedah?---I remember Gunnedah.

Well what do you remember about Gunnedah?---It rings a bell.

That's it?---That's it.

THE COMMISSIONER: Did you go there?---I don't, I don't think so but I'm not sure.

20 MR BRADY: You didn't go there on numerous occasions then one would assume from that answer?---I don't know. Ah, things were a lot - - -

What you might've been to Gunnedah Courthouse on 10 or 20 occasions and just not remember?---No. I don't – I don't know.

Can I take you to 1730. It's an invoice for 14 June, 2013. Do you see that?-- Yeah.

It's project manager costs?---Ah hmm.

30 Works associated with Gunnedah Courthouse. Underneath that preparation of contract documents. Do you see that?---Yes.

You've charged for that \$32,950, haven't you?---Yes.

Why?---For the work we did which I don't remember.

For the work you did you don't remember?---Yes.

40 You charged \$32,950 and you don't remember a single thing you did for that money?---No.

You agree with that proposition?---Yes.

Mr Chacra, do you suggest seriously that SAFF Projects did work of the value of \$32,950 and you don't remember a single thing about it. Is that what you say?---Yes.

How could that be possible?---Just is.

THE COMMISSIONER: The reason you don't remember a single thing is because nothing was ever done. Isn't that right?---It's not correct, no.

Well I'm just struggling with how you know that the work was done if you can't remember a single thing that you did. Can you explain that to me?---Well you're assuming that the works weren't done.

10 No, no. I'm just asking you a simple question. How can you positively state the work was done when you have absolutely no memory of doing anything? That's what I'm asking. Can you explain that to me?---How could I positively – sorry, can you repeat the question?

How can you positively state that the work was done when you have no memory at all of doing anything? Explain that to me?---Because I see the invoice there.

20 All right. So just because you got paid \$32,950, in your mind that equates to you having done work regardless of whether you have a memory of doing it?---Yes.

Right.

MR BRADY: So that was on 14 June, 2013. You see that?---Ah hmm.

I mentioned to you that 12 to 14 June was a good time for SAFF and Triton. Do you recall me mentioning that to you?---Yes.

30 Do you know how much the total amount of the invoices were that you issued on 12 June, between 12 June and 14 June for SAFF and Triton was?--
-No. I don't.

On 12 June you issued an invoice for \$7,768.75 for SAFF for Cessnock. Do you accept that?---If that's what the date is, yes.

On 14 June you issued a bill for \$26,197.16 for Triton for Cessnock?---
Okay.

40 On 12 June you issued a bill for \$35,200 for SAFF for Cowra. Accept that?---Yes.

On 12 June you issued a bill for \$12,980 on behalf of SAFF for East Maitland. Accept that?---Yes.

On 12 June you issued a bill for \$31,295 for Triton for East Maitland. You accept that?---Yes.

On 14 June you issued a bill for \$36,245 for SAFF for Gunnedah. Do you accept that?---Yes.

And finally, and one bill we haven't come to but we will come to for consultancy for SAFF on 12 June you issued a bill for \$46,842.73. Do you accept that?---Yes.

That's what you issued in a two-day period for SAFF and Triton?---Okay.

10 Right. You say you did all that work?---Not necessarily within those two days but, yes.

You say you did all that work so that you could culminate in issuing bills between 12 June and 14 June for all that work?---Possibly.

What was the consultancy that SAFF did?---I don't remember.

No idea?---No.

20 \$46,842 on 12 June together with a bill for \$3,317.27 on 17 May for consultancy for the Department. You issued those bills didn't you? ---They're there.

Let me show them to you if I can. First 2622. See that is a bill for additional works upgrade program?---No.

Oh, 2622. See additional works upgrade program?---Yeah.

30 For \$3,015.70 plus GST?---Ah hmm.

See that?---Yes.

What was that for?---I don't remember.

And then 2621. Bill of 12 June, additional works upgrade program and incidentals of travel and one times senior PM works based on agreed rate. See that at \$46,842.73 including GST?---Ah hmm.

40 What was that for?---I don't recall.

No idea why SAFF got paid \$46,842.73. Is that what you're saying?---Yes.

Did you actually issue that bill?---Yes, I did.

Well, you must have calculated mustn't you how much it was worth? ---Ah hmm.

Right?---I would have.

And today you have no recollection at all what it was for?---Yes.

So the incidentals within that bill have travel, right?---Ah hmm.

And then senior PM works based on agreed rate?---Ah hmm.

So within the incidentals are in fact hourly rate as well?---In this case.

10 So how much would the travel have been?---I have no idea how long it was.

The vast majority of that bill surely would have been for labour, right?
---Yes.

Could we estimate at least 40,000 of it would have been for labour, right?
---If you'd like.

Well, would you agree with that or not?---No. I don't know the answer.

20 Let's whack it back a bit and say it's 30,000 at least would have to be for
labour, right?---If you like.

Well, would you agree with that?---I don't know. I don't know how much it
is.

Now, you also did some work at Tamworth didn't you?---Yes.

You actually had to tender for that job didn't you?---Yes.

30 You didn't tender for the job at East Maitland did you?---I don't think so,
no.

Didn't have to?---I don't think so.

The job at Tamworth what was that?---That was my first tender.

Sorry, that was your first tender?---Yes.

All right?---Or my first ah, site tender meeting, visit.

40

Sorry, that was your first site visit?---Yes.

When was that?---I have no idea.

Well was it before you got the job for Camden/Picton Courthouse?---The
visit, no. That would have been the first, first time I ever did anything for a
courthouse.

What, Tamworth?---I believe so, yes.

What was it that you did at Tamworth?---Tendered for a safe room.

And you say that was the first job you then did for the Department?---Yes. I remember Tamworth pretty clearly.

10 And I just want to make this perfectly clear if I can, you say that was the first job you did in construction for the Department or the first job you did all up for the Department?---It was the first, it was the first courthouse I ever visited for the Department. It was the first opportunity I had for the Department.

THE COMMISSIONER: Was this before Blacktown?---Um, the visit to the site, yes. For the pre-tender meeting I believe it was before Blacktown.

MR BRADY: How did you get an invitation to the visit to the site?---Um, I got invited through eTender I, I think.

20 Well how did you get invited through eTender if it was the very first time that you did something for the Department?---That's when I had already contacted Mr Andjic.

Sorry, you'd contacted Mr Andjic - - -?---Yep.

- - - and then you got an invitation to go to a site meeting for a tender at Tamworth?---Yes.

30 And you got that directly from Mr Andjic?---Um, I don't know if it was, I can't remember if it was direct. Yeah, I think it was.

Well how did that work?---What do you mean how did that work?

Well when you're on the phone talking to Mr Andjic did he say oh, in fact I've got job coming at Tamworth why don't you come along and tender for it?---No, I don't remember the exact conversation but it happened after I, I spoke to him.

40 Well was it before you then spoke to Amin about the Blacktown Courthouse?---It was the, it was, it was the first time I, yes.

What did you say to Mr Andjic to get an invitation to come to tender for Tamworth?---Well, I'm only going to speak generally.

Yeah?---I introduced myself.

Yep?---Told him what I was about and what I was interested in.

Yep?---And yeah.

And what else?---And if I could assist in any projects, I'm just guessing. I can't remember the exact conversation.

Did he say to you, "You need to go on a pre-qualification list"?---Um, possibly. I don't know.

10 Well did you go on a pre-qualification list?---Um, I'm not sure. I don't know.

Did you make an application to go on a pre-qualification list?---I could have. I can't remember.

Can I take you if I can, well in fact before I do that how long before you put in the tender did you have the site visit at Tamworth for the tender?---What was the timing between the site visit and then the tender?

20 Yes?---I don't know exactly how long it was.

Well don't worry about exactly?---I don't know. I don't know how long it was.

A year?---I don't think it was a year. I don't know.

A month?---Possibly.

30 Can I take you to 1888. It's a letter from you as Triton Group isn't it?---Ah hmm.

For the Tamworth Courthouse safe room development. Do you see that?---Yes.

Tender submission to Mr Andjic?---Ah hmm.

And that's enclosing the tender submission, right?---Yes.

For that safe house?---Ah hmm.

40 The one that you remember doing?---Yes.

Do you see the date of the tender?---Yes.

10 April, 2013?---Yep.

That's the first one you actually remember putting in a tender for, is that right?---Yes I think so.

And the first one you remember doing?---It's the first one I went to the site visit. You keep trying to confuse me. I told you it's the first site visit I ever had to do anything with the courthouses, for the pre-tender meeting.

Because by 10 April, 2013 you have supposedly started project managing the courthouse at Camden and Picton, right?---Possibly, if that's what the date was on there.

10 Well it's the 19th of February that you wrote your fee proposal for Camden and Picton wasn't it?---The 19th of February I wrote the fee proposal, okay.

So by the 10th of Aril you had already been hadn't you – I withdraw that. I think that was accepted on 21 February, 2013 if I recall, it was only a day or so later. Do you remember that?---No, I missed what you were talking - - -

In any event by 10 April, 2013 - - -?---Ah hmm.

- - - you were supposed to have been project manager for Camden and Picton for almost two months, right?---By the 10th of April?
20

Yeah?---If that's what the dates are.

So you're putting in the tender for the Tamworth job after you'd already been working for the Department as project manager for Camden/Picton for that period of time, right?---Possibly.

You've also got the Cessnock job for SAFF on about 27 February, 2013 didn't you?---I don't know.

30 You were supposed to have been project managing the Cessnock job from there through to 10 April, 2013, right?---I don't know dates.

See, it comes down to this doesn't it, the reason why you don't remember all of these things is because you didn't do the work you've claimed to have done, right?---Not at all.

You didn't do the work at Camden and Picton did you?---Yes I did.

40 You didn't even go to a site meeting at Camden and Picton did you?---Yes I did.

And you couldn't remember the name of the company involved in the construction could you?---No I couldn't.

That's because you really had nothing to do with them isn't it?---Incorrect.

It was Mr Andjic who did it all wasn't it?---Incorrect.

You were sending in bills basically based on what he was telling you to send in were you?---No.

All those bills that you've sent in you've said yes I did the work for those, is that right?---Yes.

You just can't remember really the work that you did for them?---Well if you check the cameras at the courthouse well surely you'd see me there.

10 So you're doing a 15 hour site inspection to ensure that the job at East Maitland had been done properly?---I beg your pardon?

Well, you know, the 15 hours that you had for the finalisation of works for SAFF at East Maitland. Shall we check the cameras to see whether or not you were taking your wife around showing her the work you'd done for some 15 hours at East Maitland?---Yes, if I could answer your question.

THE COMMISSIONER: Mr - - -

20 MR BRADY: Now - - -

THE COMMISSIONER: Can I just ask you, Mr Chacra, you indicated some time ago that you set up this Triton and SAFF company structure because you wanted to take advantage of this opportunity that was offered by court upgrade program and you saw it as a lucrative line of work, is that right?---Correct.

And in fact as Mr Brady has pointed out it was a very lucrative line of work wasn't it?---It was.

30 Yep. Can I just ask you was there any work at all ever undertaken by Triton and/or SAFF for the Department of Attorney General and Justice after the last courthouse project with which you were involved in 2013?---I wouldn't, I don't remember dates. I don't know.

Well forget the date. I'm just asking you a simple question?---It's not that simple.

40 All right. I'll break it down. After all of these court upgrade programs that Mr Brady has been referring to in 2013, right, all this time we've been talking about 2013. You understand that don't you?---I understand that, yes.

Because any of the things that were done in 2014 were not really done by your company such as the installation of the lift. That all came later didn't it?---Oh, what?

All of the invoices that you submitted for your company's involvement in the court upgrade program they were all dated 2013 weren't they?---I think so, the ones I've seen. Yeah.

Right. Well, all of the work that you, that your companies did all occurred in 2013 didn't it?---No, that's not what was said here.

10 I'm not asking you what was said here. I'm asking you whether or not it was the case that all or most of the work, the vast majority of the work that your companies did for the court upgrade program was all in 2013?---I, possibly. I don't have (not transcribable) so I don't know.

All right. I'll ask you another question. Apart from all of the projects that Mr Brady has been referring to what other projects either through the Department of Attorney General and Justice, or any other Government tender has the Triton and/or SAFF company undertaken?---There were others.

20 What were they?---I don't remember all of them. Ah, Nyngan is one of them. I'm very familiar with Nyngan.

What did you do at Nyngan?---I can't remember what I did there but I know I did work on the courthouse there under Triton Group. I don't know what year it was either.

So you did do work at the Nyngan Courthouse?---Yes.

30 Do you know whether it was before all of this that we've been discussing or after?---No, I don't know.

You have got no idea?---No idea.

Any other projects that you did, were using Triton and SAFF?---There were others. I just can't remember the, the towns.

Well when you say others do you mean other courthouse upgrades do you?--Ah, yes.

40 All right. So is this the case, that Triton and SAFF did all of its work by way of securing Government work through the court upgrade program?---No.

So all right, what else did it do other than the court upgrade program?---Insurance repairs.

Insurance repairs to what?---To whatever needed repairing, whatever the claims were. It wasn't limited to anything.

Yeah, to what type of buildings?---Oh, commercial and residential.

And this was through the Department of Attorney General and Justice was it?---No.

All right, well through what department? I'm asking?---Um, through the insurance companies. It's not a, it's not a Government department.

10 Well I'm trying to – you have to listen to the question. The question was very specific. What other work has Triton and/or SAFF done through this Government tendering process? You talked about going onto eTender and trying to get into these Government projects?---Ah hmm.

Whether it was Department of Attorney General and Justice or any other Government department what other work has Triton and SAFF done?---I don't remember. I can't remember.

So does that mean that there isn't any?---There isn't any work done?

20 Ah hmm?---Other than the courthouse upgrades?

Yeah?---No, I don't believe there was.

But you can't remember what it is?---Not for, no.

The Nyngan project, was that also organised through Mr Andjic?---It was a courthouse upgrade, yes.

30 Right. All of the work that Triton and SAFF did on courthouses wherever they were, was it all through Mr Andjic?---No.

Well who else was involved?---The, the other gentleman, Amin. I don't know what his surname was. There was another guy.

The person who worked for Mr Andjic?---Yes.

Right?---And then there was - - -

40 MR BRADY: And was that only for the Blacktown Courthouse with Amin?---No, I also tendered for Parramatta Courthouse as well.

Right. And you didn't get that job though did you?---No.

Right, so it was the only work you did other than for Mr Andjic, for Mr Amin in the Blacktown Courthouse?---Possibly, yes.

The amount that you got paid for Tamworth – can I take you to 1992 – do you see that as an invoice of 15 May, 2013?---Yep.

Invoice from Triton Group?---Yes.

It doesn't seem to say Tamworth on there but it's for \$81,048.77. Do you see that?---Yes.

Can I just take you over then to 1859. Do you see there that there's a purchase order for Tamworth Courthouse, \$81,048.77?---Yep.

10 Except that the bill at 1992 is for Tamworth, right?---I think so.

Well what did you do at Tamworth?---The safe room.

And is that the bill for the safe room?---I'm not sure.

Did you have to relocate a security camera, an alarm sensor for the safe room?---That's what it says.

20 Well, did you have to do that though?---I wouldn't have done it personally.

Did you have to organise that?---Can't remember.

Okay. Do you remember whether you removed and relayed new carpet to office?---Yes, that would have been necessary.

Do you remember that happening?---Yes.

30 All right. The \$81,048.77 was exactly the same amount wasn't as the amount for the purchase order, right?---I didn't check. Yeah, if you say so.

Well can I just go back to the purchase order, 1859. Do you see that?---Yep.

Would you just excuse me one moment. In addition to that \$81,048.77 you also then at 2008 charged a further \$10,543.50. Do you see that?---Ah hmm.

Total of a little over \$91,000-odd, right?---Yes.

40 You did a quote for that didn't you?---What, Tamworth?

Yeah?---A tender, yes.

Do you remember what the tender was?---No I don't.

1891. That's your tender, right?---Yep.

\$78,205?---Yep.

Do you see that? What was the additional amount that brings it up to \$91,000-odd?---Additional works.

Yeah, what were they?---I can't recall what they were.

Don't know what they were?---No, I can't remember what they were.

10 All right. So did you do \$91,000 worth of work at the Tamworth Courthouse?---Yes.

All right. You did some work at Spring Street as well didn't you?---Yes I did.

Sorry?---Yes.

Yeah, what'd you do?---It was an office refurb.

20 And what did you do there?---Refurbished the office.

How?---Alter it.

In what way?---Redesign the layout of the office.

How?---It was removing walls, putting up new walls, making the offices furniture. I can't remember exactly what new - - -

How many walls did you have to remove?---I can't remember.

30 We're talking a whole floor, are you talking a couple, or a talking one?---I don't know how many walls.

Can I take you to 1762. That's the work you did at 10 Spring Street?---Yeah.

Is that right?---Yes.

\$84,128?---Ah hmm.

40 What did you do for \$84,128?---I just explained it.

How long did it take you?---I do not remember.

Days, weeks, months?---I have no idea.

THE COMMISSIONER: Did you have someone assisting you on this job or were you doing all the work yourself?---No, I wasn't doing the work myself.

I beg your pardon?---I wasn't doing the work myself.

MR BRADY: Who helped you?---Contractors.

Names?---Couldn't recall.

Can I take you over to 1765. Then a variation of \$31,779. Do you see that?---Yeah.

10

That's for Spring Street as well?---Yeah.

So all up got paid about \$115,000-odd for the Spring Street refurbishment? ---Yes.

What did you do for \$115,000 down at Spring Street?---What I explained earlier.

20

And you say do you that you did work at Spring Street that was valued at some \$115,000?---Yes, I do.

When you worked for Jacobson, you worked physically yourself for Jacobson?---I have.

During 2013 is that what you were doing?---No.

What were you doing?---I believe I was contracting work out.

30

Contracting work out in what way?---I'd, I'd get the work and subcontract it out to someone else.

Right?---But I would have -- I could have been doing it myself as well. I don't know, depends.

And if you're subcontracting it out no doubt you're on site to ensure that it's being done right?---Not necessarily.

40

You'd be on site at least a fair bit of the time making sure it's done right? ---No.

At least be turning up to inspect it surely?---Not necessarily.

During 2013 you got paid about \$144,000 by Jacobson didn't you?---I'm not sure of the figures.

THE COMMISSIONER: Does it sound about right?---I wouldn't know.

MR BRADY: Would you excuse me just one moment while I get them.

THE COMMISSIONER: What year was it that you bought the block, or you bought the house on the block of land that was demolished and subsequently rebuilt?---It was - - -

What year was it that you bought that house?---I think 2014 or 2013. I'm not sure.

10 MR BRADY: I'm just going to show you this if I can. What I want to suggest to you is these are payments made from Jacobson Constructions to Triton Constructions during 2013. Do you see that?---Yes.

Now, you were being paid by Triton – by Jacobson Constructions into your bank account weren't you?---Yeah.

And they would pay you by direct credit when you put in a tax invoice to them no doubt, right?---Yeah, they'd paid whenever.

20 So do you see there that there are regular payments by Triton, sorry, by Jacobson Constructions to Triton Constructions, right?---Yes.

Throughout 2013?---Yes.

For example, between – on 29 January, 2013 there's a payment of \$6,852.50?---Yeah.

31 January, 2013 payment of \$7,980?---Yes.

30 Now, that's obviously for work that you did for them, right?---Yes.

And you'd no doubt give them a tax invoice?---Yes.

Did you set out the hours that were spent doing work?---No I don't think I would have.

The materials that were required?---No, there was no requirement.

Sorry?---There was never a requirement for that.

40 All right. Then we see don't we at 20 February, 2013 about the same time you're getting these first jobs for the Department you're paid by Jacobson Constructions \$11,165 aren't you?---Yes.

And 13 March, 2013 a further \$5,176, right?---Yep.

Then on the 20th of March a week later you're paid \$14,152?---Yep.

A fortnight later on 3 April, 2013 you're paid \$5,940?---Yes.

And you were getting paid all of this at the same time that you are then working on contracts for the Government, right?---Yes.

Splitting your time between doing this work no doubt and what you say you were doing for the Government?---Yes.

Because the 15th of April some, again 12 days later you get paid a further 11,785 from Jacobson Constructions?---Yes.

10

What time were you spending with Jacobson Constructions doing this work?---I have no idea.

All up over the same period of time that you were getting these contracts from the Government you got paid – if you go over the page - \$144,783 from Jacobson's. Do you see that?---Yep.

How much of that did you have to pay out in wages?---I don't know.

20 In materials?---I don't know.

How much was profit?---No idea.

How much did you pay out in wages and materials on the Government projects?---I don't know.

Do you know how much you ultimately ended up getting paid by the Government for these projects?---It's on the paper.

30 Do you know how much it was?---It says 1.3 million.

Just shy of \$1.3 million, right?---Yep.

Did you pay out about \$300,000 wages and materials out of that \$1.3 million?---I think it would have been more.

When you say you think it would have been more on what do you base that?---I just can't remember the figures.

40 Where would you, sorry. When you had to pay for materials or for wages would you pay that from Triton bank account when it was for Triton?---Not necessarily.

Where would you pay it from?---Um, from money I had.

What do mean from money you had?---I'd pay it cash.

Right. Well how often did you pay cash?---Oh, I still do it. Oh, I don't know. There's no, I don't have a regular way of paying. It could be direct debit or cash or - - -

THE COMMISSIONER: Is that, is the cash money that came from your person bank account?---Oh, it – I don't have a specific account for my company. If you check my record you see my money goes all over the place.

10 No, I'm not asking about accounts. What I'm saying is when you paid them cash if it didn't come from the Triton account or the SAFF account did it come from your personal bank account?---I could of.

Right.

MR BRADY: Why?---Why not.

Well you're running a business aren't you?---Yes.

20 You're running a business for a company, right?---Yes.

The company is separate legal entity, isn't it?---I never really understood what that means but yes, I know that too.

Well you're a project manager aren't you?---Yes.

Right. You see, this is the case isn't it, you were involved in a scheme to defraud the Government weren't you?---No.

30 You were sending in tax invoices that were false weren't you?---No.

And got paid for work you never did didn't you?---No.

And made about \$1 million in profit doing it, right?---No, I didn't make that much.

In fact, thank you, I'm just reminded - I tender that schedule of payments made from Jacobson.

40 THE COMMISSIONER: That schedule will be Exhibit Y5.

#EXHIBIT Y5 - SCHEDULE OF PAYMENTS MADE FROM JACOBSON CONSTRUCTIONS

THE COMMISSIONER: And just to be absolutely clear about this Mr Chacra, you were in fact involved in this scheme to defraud the department

of Attorney General and Justice and your wife and Mr Andjic and Ms Hammoud were also part of that scheme, weren't they?---It's not a scheme. I did the work.

Can I ask you in relation to the house that you purchased, it was demolished and another house was built on that site?---It wasn't a complete knockdown, no.

10 All right. But another house was built on that site?---It was, yeah. It was changed.

Right. Can you tell me what was the value of the rebuilt?---Ah, not really, no.

Has been completed? It has been rebuilt?---It has but he hasn't – it's not completed. There's a bit more to do.

20 All right. Well what's the value of the rebuild to date? What have you spent on the rebuild of the house?---Rough figures?

Yeah?---550,000.

That's your best estimate at this stage?---Yes. But it could vary but I'm not sure.

And was that rebuilding work carried out by a firm that you engaged or are you doing it yourself?---Ah, I was the builder.

30 So you were the builder?---Yes.

So the 550,000 represents materials, does it?---It represents outgoing – not necessarily materials. Labour, I don't know - - -

Well, it would represent materials and subcontracting labour?---Yes. It could be 600 it could be – I don't know the amount for the house construction.

40 And lastly, a moment ago you've said to Counsel Assisting that when you submitted an invoice to Jacobson Construction you did not indicate in that invoice the number of hours that you had worked in relation to any given job. Is that what you said?---Yes.

Didn't Jacobson Construction when you submitted an invoice require some breakdown of the number of hours that you spent in relation to a given job? That is they had to bill your wages against the job that they were then doing?---No. That's not how I do it with them.

It's not how you do it with them?---No. And I've got - - -

What so you could just submit an invoice to Jacobson that had, for example, \$11,165 and they would just pay it?---No.

Well then what did you do?---I'd have a purchase order number on there. I'd just say works completed as per purchase order and I put the purchase order number on there.

10 And it would just say purchase order works completed \$11,165?---Ah, if it was the one job, yes. If it was a number of jobs than no.

Well if it was a number of jobs what was your practice then, just to put a different purchase order in for each job?---For each – each job gets invoiced separately.

So you're saying that Jacobson Construction then would have absolutely no capacity to determine how many hours that \$11,165 represented?---No. They should.

20 How?---Because a building supervisor or someone from the company or a scope from the insurance company would've been sent out to them so they'll have an idea of what was going on with it.

When you did jobs for Jacobson Construction and they were on different building sites were you required to sign in and sign out each day?---No.

30 So you attended the site at any time at your convenience and you would just carry out the work when it suited you. Is that what you're saying?---No. It had to suit – as long as I had permission by the owner of the building then, yes.

Yes. But I mean you could go at any time you wanted to go without having to account to anyone for the number of hours you were on site?---That's right.

Anything arising from that Mr Brady?

40 MR BRADY: There isn't. But there's something I've neglected to put which I need to do so - - -

THE COMMISSIONER: Yes.

MR BRADY: - - - if Commission pleases. Did you take money out in cash from the Triton Group bank accounts in 2013, 2014?---Yes.

What for?---No specific reason.

Did you take out about 780-odd thousand dollars in cash?---I don't know the figures but I did take out cash.

Well would it have been around about that sort of money?---I have no idea.

Would it have been in excess of half a million dollars?---I have no idea. You've got my statements.

Did you take money out of cash out of SAFF?---Yes.

10

And what did you do with them?---I used them to build my house, to pay off contractors, use it for my work, give to my wife to deposit in accounts, I don't know, I did a lot of things with it.

Did you help your now sister-in-law our for example with the purchase of her house?---No. Well, no, I didn't help her with the purchase of her house.

Did you help her with anything by giving her some money?---Never.

20 THE COMMISSIONER: Did you lend her any money?---No, I've never lent her, anyone money.

MR BRADY: What about Mr Andjic?---No.

Did you pay him some money for giving you these jobs?---No.

Did you pay him money as part of this scheme?---No.

Didn't give him a cent?---Didn't give him a cent.

30

Didn't give your sister-in-law, Fatima, a cent?---No.

When you were building your house did you pay your subcontractors in cash?---Yes, I have.

And that cash would have come from no doubt money you'd taken out of Triton and out of SAFF?---My money, yes.

40 Did it come out of the money in Triton and SAFF?---It would of, part of it would of, I don't know what money went to where, but yes.

Did your wife have account access to the accounts for SAFF and Triton? ---No, I don't believe – no.

So it was you and you alone?---I believe my name's – I, I'm pretty sure my name is the only thing on my accounts, yes.

Do you know if Fayrouz used the SAFF Projects phone to telephone builders?---She had a phone, I had a phone for SAFF, yes, that she had.

When you were doing project managing for SAFF, was that the phone that was used?---It would have been one of the phones used, not - - -

When you were project managing for Triton and project managing the courthouse upgrade at Camden and Picton, did you use your mobile phone to contact the builders?---All my mobile phones.

10

Sorry?---I've had a number of mobile phones, I don't know which one you're referring to.

Well, which one did you use - - -?---I have no idea.

- - - to contact the builders at Camden and Picton?---I'm not sure. Whatever I had in my possession at the time. I don't know.

20 What was the one that you had in your possession at the time?---I don't remember.

Where was it registered to?---What do you mean?

Well, was it in your personal name or was it in Triton Group?---I have no idea.

You can't give us any assistance at all what mobile phone you were using when you were doing this courthouse upgrade - - -?---No.

30 - - - project management?---Correct.

Do you have a mortgage over your home?---Ah, yes, I believe we do.

How much is it?---I don't know. I don't keep those figures. I'm not sure.

THE COMMISSIONER: Who is the mortgage with?---I believe ah, one of the big banks, I think it's St George.

40 You think it's St George?---I think so, yes.

Well, can you be a little bit more precise? You must be making monthly mortgage repayments, who do you make them to?---I think it's St George. I could send you some - - -

What branch, what branch?---I have no idea what the mortgage is with.

No, but what branch do you bank through at St George?---I don't bank through St George.

Who do you bank through?---Commonwealth.

But you say the mortgage is through St George?---Yes.

MR BRADY: Do you have an offset account?---Me personally? No.

Well, for the mortgage?---Yes.

10 Right. Does the money in the offset account equal the amount of the mortgage?---It should. Close. I don't know exact, I'm not sure.

Right. So the mortgage is there but quite frankly you've got more than enough money to cover that mortgage?---I should hope so, yes.

That is you actually have more money in the offset account than you owe by way of the mortgage?---Oh, no, I don't think that's true.

20 Well, tell us what is the truth?---I think I owe more in the mortgage than what is on the offset account.

How much?---I have no idea. Check it. Surely you have access to that stuff.

Mr Chacra, you're saying you have absolutely no idea how much more your mortgage is than what you have in your offset account?---It may surprise you but I'm telling the truth, I do not know. As long as I'm making money every week I really don't care what the figures are in there.

30 THE COMMISSIONER: Perhaps during the luncheon adjournment you can electronically access your accounts and when we come back at half past 2.00 you can tell us?---I do not have electronic access.

Well, why don't you just make a phone call or make some inquiry or get your solicitor to make some inquiry and we'll get the result sometime after half past 2.00.

Yes, I'll take the luncheon adjournment.

40

LUNCHEON ADJOURNMENT

[1.30pm]