

SPECTORPUB00750
27/02/2014

SPECTOR
pp 00750-00809

PUBLIC
HEARING

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE MEGAN LATHAM

PUBLIC HEARING

OPERATION SPECTOR

Reference: Operation E13/0275

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 27 FEBRUARY 2014

AT 2.01PM

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

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

THE COMMISSIONER: Just before we resume, the Commission is still considering its position with respect to whether or not the remaining witness, Jessica Adouni or Jessica Camilleri will be called. In order to determine finally whether or not we will call Ms Adouni, I have determined to vary the suppression order that currently applies to Ms Adouni's compulsory examination only to the extent that legal representatives having a legitimate interest in this inquiry should be given access to that transcript for the purposes of determining whether or not they wish to make any representations to the Commission. Accordingly that transcript is being
10 copied as we speak and copies will be made available in the course of the next 15 minutes or so, but in the meantime we'll resume with Mr Camilleri's questioning.

Yes, Mr Polin?

**VARIATION ON SUPPRESSION ORDER OF MS ADOUNI'S
COMPULSORY EXAMINATION**

20

<JOSEPH FRANCIS CAMILLERI, on former oath [2.03pm]

MR POLIN: Thank you, Commissioner.

Mr Camilleri, can I show you these documents. These again are lists which you prepared in relation to your loans?---That's right.

30 Pages 269 to 270?---Yes.

When were those lists prepared?---I'm not sure of the date.

And see how they're broken down into categories, first category is headed up Work?---Yes.

The next category was initially headed up Work Related?---Yep.

The next one is Jeff's?---Yep.

40 The next one is Carmen Work?---Yes.

Now, the Work Related has been altered, hasn't it?---Yes.

It's changed from Work Related to Other Related?---That's right.

Why was that?---'Cause I thought -- at the time I thought it was other related.

No, well, at the time you wrote it you thought it was work related?---But I also crossed work out at the same time.

It's written clearly, even it's a photocopy, Mr Camilleri, it's quite clear just even on that photocopy it's written in a different pen and likely at a different time?---Yeah, no, it was at the same time and I crossed it out at the same time.

10 Can you just see the difference in the word "other" and "work", just in the photocopy?---It's the same day. Is there colour here?

Look up at the screen now. It's a different colour pen, Mr Camilleri, isn't it? You're just an out and out liar, aren't you?---It's a, it's a, well, on here I could see black and white, I couldn't remember if I- - -

20 Yeah, I know, and I was telling you even on the photocopy any normal person could see that it's a different pen. Now that you're shown the document on the screen you can show – see not only it's a different pen, it's in a different colour?---Yes.

So you're willing to lie about even that until such time as you got concrete proof put in front of you?---I wasn't lying about it I couldn't tell.

Well you were lying about it. You said you changed - - -?---Sorry.

- - - it at exactly the time you wrote it?---I probably did, yes.

30 So you put down the pen went away and got a different pen?---Well there's black there on the, the NAB, Anthony Courtman's NAB thing.

You were suggesting that you wrote the words "work related" and you thought no, it's not really, and crossed it out and wrote "other related" instead?---That's right.

That's not what you did?---Well that - - -

40 He's written the words "work related" and some, some time later you've crossed it out to write other to make it look as though it's not work related? ---Well I did it, well I understood I did it at the time so.

You're continually lying about all these things until the evidence is put in front of you aren't you?---I am, I am not lying.

I tender that document.

THE COMMISSIONER: Yes. That will be Exhibit 46.

#EXHIBIT 46 - HANDWRITTEN LIST TITLED "WORK"

MR POLIN: Because you want to distance yourself from the contractor's loans in any way being "work related" that's the purpose of that isn't it?
---Yeah, 'cause in my view they were other they weren't work related.

10 Can I just show you this document. Just take your time and have a look through this. I'm just showing you this just for this purpose only, this is - - -

MR SILVER: Commissioner, may I interrupt rudely? In respect of the document on the screen it contains for example account details.

THE COMMISSIONER: I beg your pardon?

MR SILVER: It contains account details of banks which should perhaps be blanked out.

20 THE COMMISSIONER: Yes, all right. I take your point, Mr Silver.

MR POLIN: I think they do get redacted before there's any publication of them.

THE COMMISSIONER: Yes. It will be redacted to remove private details before there's any public, thank you.

MR SILVER: Thank you, Commissioner.

30 MR POLIN: Now this document, so it's not your document but it's a compiled list and it's broken down into three sections RailCorp employees, RailCorp contractors and DFACS employees. Do you see that?
---Yes.

Doing the best you can is that a fair summary of the loans you obtained in the period January 2012 through to February 2013?---12 to 13. Yes.

I tender that document.

40 THE COMMISSIONER: Exhibit 47.

#EXHIBIT 47 - TABLE TITLED "OP SPECTOR- MONEY BORROWED BETWEEN JANUARY 2012 AND FEBRUARY 2013"

MR POLIN: Now, Mr Camilleri, what does your son think about all of this?---He's not very impressed.

You've had conversations with him haven't you?---Yes.

You've had conversations with him about this on the telephone haven't you?

---Oh, if you say I did, yeah, possibly.

I'm not telling you whether you did or you didn't I'm asking you - - -?---I can't remember if I did, I can't remember if I spoke to him on the phone. I know we spoke a lot at home, yes.

10

And at one point in time and in particular on the 9 July 2013 in a telephone conversation your son said to you words to the effect, "She's provided you with false documents", didn't he?---Yeah, that's what he believed, yes.

Sorry?---That's what he, he said to me, yes.

So on the 13, sorry, 9 July 2013 your son told you that your daughter had been providing with you false documents?---Well he believed they were, yes.

20

What did you do about that?---Nothing. I just told him stay out of it.

I take it you respect your son?---Of course I do.

He wasn't involved in any of this mess was he?---Not a bit.

Impartial, be able to give you good sound advice?---Yes.

30 And he was telling you that the documents your daughter was giving you were fake?---Well he thought they were he was just going off saying they're probably fake documents or something like that.

No, no. He was telling you that she's provided you with false documents that's what - - -?---And I said how, how do you know.

Did you say that?---Well I don't know if I said on the phone but in conversations at home I said how would you know they are or not.

40 Okay. Whether you asked him that or not someone you respect who's not involved in any of this, it's at this stage it's not Mr Ross-Smith, it's not Mr Cassar, it's not people you don't really know, this is your son - - -?---Yes.

- - - telling you that Jessica's given you fake documents?---Yes.

What did you do then to go and check?---I didn't do anything.

Why not?---Because I still believed they were genuine documents at the time.

Because Jessica told you they were genuine?---Yes.

Your son was telling you they were fake?---That's right.

How do you reconcile then between two of your children, your daughter says they're genuine, your son says they're fake.

10 Well, my, my son wasn't involved, didn't know the full picture so I just said stay out of it, as far as I was concerned they were genuine documents and I believed that up until now.

You're just going to continue to maintain this line - - -?---Yes.

- - - you're just going to continue to maintain this line - - -?---Yes.

- - - which now is becoming quite absurd, Mr Camilleri?---It may be so but it was my belief.

20 Your son's telling you they're fake documents in July 2013 and you're saying you just ignored him?---Basically.

Because if you'd checked then you'd immediately have confirmed that they were fake wouldn't you?---I, I believed it, at the time I was immersed in, in a lot of stress, what I saw I believed, what I heard I believed.

Yeah. Or you're lying at the moment?---I am not lying.

30 Yeah. Now, Mr McCarthy, you borrowed \$428,000 from him didn't you?
---That's right.

No one was ever told were they?---No, no.

Too old mates that had been working in the rail industry for a long period of time?---Yes.

Who'd regularly had dealings with each other?---Not as a, not regular but we saw each other.

40 Over the years you had both had dealings with each other, one employed by the Government, RailCorp, the other employed by a contractor who undertook major contracts on behalf of - - -?---Yes, yeah.

- - - RailCorp?---Yes.

Nearly half a million dollars - - -?---Yes.

- - - is owed by the RailCorp employee to the contractor employee?---Yes.

Neither of you thought to ever tell anyone about it?---That's right because we saw it as a private loan.

A private loan that would never and could never affect the decisions that would be made in the future by Mr Camilleri?---Yes.

How could that - - -?---Work, work related, yes.

10 But how could that ever be the case?---Well - - -

It could only ever be the case if everyone accepted that Mr Camilleri was absolutely and utterly beyond reproach in every sense of the word, that's correct isn't it?---That's right.

Everyone would be relying upon Mr Camilleri to not provide any favour in any way, shape or form, notwithstanding the fact that he was indebted to the tune of nearly half a million dollars to the employee of a major contractor? ---That's right.

20

Does that sound like the kind of transparency and open system that Mr Probity was trying to put in place at RailCorp?---At the time I just saw it as a personal loan.

Does that sound like the kind of - - -?---No.

- - - transparent and open system that Mr Probity was trying to put in place back at RailCorp?---No.

30 What's the problem with it?---In hindsight the perception.

Why do you need to go back and say in hindsight? Let's deal with at the time. Take yourself back in time, what's wrong with it at the time?---At the time?

Yeah?---In my eyes at the time?

No, no, at the time?---Or now, now - - -

40 Forget this was a personal matter?---Right.

No one cares whether it was a personal matter, it was a loan between an employee of RailCorp and an employee of a major contractor and it was a very big loan wasn't it?---That's right.

You've already agreed that as Mr Probity you would think there's something wrong with that?---I would have said the perception.

The perception?---Yes.

Okay. And the perception is that Mr Camilleri would not be able to make impartial decisions involving Mr McCarthy?---The perception, yes.

That's the perception?---Yes.

How did you deal with that perception?---I didn't deal with that perception.

10 Right. It was improper for you not to deal with that perception isn't it, wasn't it?---I didn't think of it at the time.

It was improper whether you thought of it at the time or not it was improper not to deal with that perception wasn't it?---Oh, you don't want me to use the word hindsight but yes.

Forgetting hindsight, deal with it back then, it was improper at the time wasn't it?---Yeah, probably improper, that's why I lost my job.

20 Yeah. Now you heard the evidence that Mr McCarthy in fact applied for a job as a general manager with Sydney Trains in the latter half of 2012? ---Yes.

Purely from the point of perception one might have perceived that Mr Camilleri might have had some involvement in the recommendation process in relation to that job?---But the reality is it wouldn't be.

I didn't ask about the reality, I asked about the- -?---But it's the same level so we would have been competing for the same job.

30 I was asking about perceptions?---Well, perceptions- - -

Were you applying for the job?---I applied for the General Manager's jobs, yes. Whether it was exactly the same job I'm not, I don't know.

But the perception might be that Mr Camilleri might be able to influence the decisions in some way?---I, I couldn't influence the decisions, it was on the same level as me.

40 But in any event, there had been no disclosure, had there, at that stage, and there never was?---There was no disclosure, no.

I think I've taken you through the evidence of Mr McCarthy in relation to the \$5 million going into your daughter's account?---Yes.

Do you remember at that stage that you were asking Mr McCarthy or you asked him for about \$110,000 in a period of about five days?---I don't know the, the sum, total sum, but yes, I was asking him for money.

Does that sound about right?---Probably, yes.

And so that's – you're asking for about \$110,000 in bank fees to get the \$5 million released from Jessica's account?---Oh, I don't know, was it that five million, I don't know.

10 Who, who was giving you the – because we had the letters which clearly state figures that the banks want to get the money. Who was then giving you the further figures?---Jessica.

Anyone else?---No.

Did the lawyers ever give you- - -?---Um, I've never, no, I don't know if it was an email that might have said something that we had to get something through at one time, whether it was this point or another point.

20 You had told people along the line that you'd spoken to lawyers, hadn't you?---No.

You told Mr Ross-Jones- - -?---Ross-Smith.

Ross-Smith, that he, you spoke to a lawyer in Melbourne. Remember him giving that evidence?---He gave that evidence and I said I didn't.

Yeah. Right. So again we've got a dispute between the evidence?---Yep.

30 So your evidence is that over this entire four, five-year period you never spoke to a single lawyer?---I, I got emails that we saw the other day.

I didn't ask you about emails?---Yes, I'm just trying to think.

The emails are clearly fake, aren't they?---Once, once somebody said they were a lawyer on the phone, whether he was or wasn't, I just assumed he was.

The emails are clearly fake, aren't they?---They're clearly, now they are, yes.

40 Did you create them?---No.

Did Jessica create them?---I don't know. Jessica sent them to me, I don't know who created them.

Who would have created them if they're fake?---I, they were sent to me from Jessica.

Okay?---I don't know.

But you've got no doubt as you sit there now they're all fake?---Yes, now I do, yes.

So you received fake emails from- -?---I didn't know they were fake at the time.

10 A quick look at them at the time- -?---At the time I did not know they were fake at the time. I did question that, the word dipshit and then I got what I thought was a reasonable excuse back.

But it was nonsense coming through in the emails, wasn't it, the English was appalling, the grammar- -?---Well- - -

- - -was appalling?---At the time, as I said, I was immersed in it, I wasn't thinking clearly, I was believing what I was seeing and hearing.

20 Surely in this period of many years you had time to sit down, try and gather your thoughts as to whether you were being scammed, look back through the emails- -?---Well- - -

- - -reflect on them. Surely there must have been one day, one hour that you were able to do that?---I, I didn't do it.

Mmm. If you had done it, if you'd done it you immediately would have started to see that it was all fake, wouldn't you?---If I didn't have all the other emotional stress on me, possibly.

30 Well, what other emotional stress?---Well, just, it was just a stressful period at the time, I had busy at work.

What other emotional stress?---I just had a lot of stress on me at the time.

For four years?---Yes.

Surely there's a day or two in the four years that you could sit down to yourself and reflect for a moment without being emotionally stressed? ---Well, actually when I sat down I didn't really want to think about it.

40 You're pumping in millions of dollars, surely you would want to think about it?---I thought about it day and night but if I could get a chance that I couldn't, that's what I would have- - -

You're wanting to bring it to an end, wouldn't you?---Of course I did.

And wouldn't you be looking for a way to bring it to an end?---That's why I kept borrowing the money.

And the way to do it would be to be looking at the documents that you've been given, and heavens above, there aren't that many of them, are there?
---Not really, no.

Just having a quick flick through those documents to see whether it all fitted into place. It would have taken you five minutes, ten tops?---I didn't do it.

I know. Or did you?---I didn't do it.

10 I think I may have asked you for abundant caution the, you had the, the conversation with Mr McCarthy where he said you read out over the phone the court decision?---Yes.

He believed it was clearly a court decision referring to findings and decisions made by the court?---Yes.

Where's that document?---I don't recall that.

20 It's the kind of document you would recall however isn't it?---Yes, it would be.

You heard the intercepted telephone conversation from yesterday didn't you?---Yes.

Where your daughter was giving you the instruction to burn, burn, burn?
---Yes.

30 And you recall at one point you agree with her that that's what you were going to do?---But I didn't.

Well that's what you say?---Yes.

Could it be the case that there's a forged judgement from a court - - -?---No, I - - -

- - - that ended up in the barbecue?---No. I've never seen that document.

How do we know that?---I know that but I'm just telling the truth, I - - -

40 Okay. Have you talked to Jessica about the document she burnt?---No, I don't know any documents that she burnt?

Well she would have burnt some there's no doubt about it?---I don't know that, you have to ask her.

Well exercise a bit of common sense, you heard the telephone conversation that everyone else heard, she's telling you burn stuff as a matter of urgency isn't she?---Yes.

'Cause she's not round at your place?---That's right.
I assume anything she had at her place would have been burnt?---That's an assumption but I don't know if that's a fact.

But a fair assumption isn't it?---Yes.

Yeah. Now ultimately Jessica was dealing with Mr McCarthy wasn't she?
---Yes.

10

Directly?---That's right.

Your line had always been in terms of this work and non work whether it was something you should report, you're saying it's just a loan between friends essentially. Is that correct?---Yes, yes.

The fact is that most of the people you borrowed money from were not your friends were they?---So I've now realised, yes.

20

When you say so you've now realised - - -?---I mean that's your definition of friends, they were work colleagues I asked as friends that I knew them.

Do you reckon Mr Vavayis was ever your friend?---He wasn't an enemy.
But no, he's not, not close friend at all he's more of a work friend - - -

Well not a close friend?---A work colleague, yes.

He'd sound as though he was, he felt he was bullied by you didn't it?---Well I didn't realise that 'til he said his statement here.

30

Well there's no way he would have ever thought that Mr Vavayis was a close friend of yours would he?---I never said close friend I said friend, yeah.

Okay. Let's take close- - -?---Yeah, okay, yeah, that's fine, okay he's a work colleague.

He's never a friend. Tanya Johnson she was shocked because she said that she was never close to you?---That's right.

40

Mr Rochecouste. Again - - -?---That one surprised me, but yes, okay.

Never a friend, he said he never socialised with you?---That's right.

The only one I think who's really called themselves a friend was Mr McCarthy?---That's right.

Mr Rogers, he certainly wasn't a friend?---No, I suppose, yeah.

Well all these people. You're saying they're friends, personal loan just a matter between friends?---Yeah.

Other than Mr McCarthy and we'll come back to him. Have you heard from anyone who called you a friend?---No, not a soul.

And they're not people who are giving evidence particularly dumping on you now are they?---No.

10

They're just giving truthful evidence as to how they saw the relationship at the time?---That's right.

How did you come away from the conversation you had with Mr Rogers when you asked him to lend you some money?---I accept, I accepted that he didn't want to lend me money and I don't have any grudge against him for it, that was fine. I mean I was upset I didn't get the money but I understood his position and I, and I appreciated that was it, thanks for considering it.

20 You heard his evidence didn't you?---Yes.

His evidence was as soon as you had asked for the money and he'd had a moment to reflect on it he said to you, "Joe, you've compromised both me and you." That's what he said to you, didn't he?---I, I remember him saying it, I don't think he said it upfront, he said it at the end when he said he wouldn't give me the money, I said okay.

That's right?---I, I appreciate your position and I, I said thank you.

30 You I think pressured him into checking whether he had money in his bank account and I think he may have wanted to speak to his wife?---Yeah, I don't know, yeah.

He came back having reflected on it for some moments and said he was not lending you the money and even though he was not lending you the money he said to you in no uncertain terms that the fact you had asked for the money had compromised both himself and yourself?---Yeah, he said he thought it did, yes.

40 Yeah. Well, he didn't say he thought, I think his words were, "Joe, you have compromised both me and you."?---Oh, if I recall the conversation I think he said I, I think you've compromised our position and I said that's fine if that's your view, leave it at that.

How do you consider that where a contractor was saying to you fairly and squarely the fact of asking for a loan compromised you both?---Yeah, well, yeah, that's what he thought, yes.

Well, you're the champion of probity at RailCorp?---Yeah.

How did you feel when a contractor had squarely put it back at you and said you'd comprised you both?---Actually probably to be honest I didn't think much of it because I was more focussed on where I was going to get the money.

10 So is it the case you just went on at this time oblivious to what was happening around you just focussing on collecting as much money as you possibly could?---Trying to fix my problem so I could pay everybody back.

To fix your - well, you're hardly going to fix your probably paying everyone back by borrowing more money are you?---No, no, borrowing money to resolve my daughter's issues so that what I believed funds were coming would be released so then I could pay people back.

20 So essentially at this period of time you focussed on getting as much money as you possibly could?---No, a sum of money that I was asked for at the time.

You had very little regard for what anyone was telling you at the time?---Oh, I wasn't listening.

And you had very little regard for the story that you were being told as to why the money was needed?---Oh regard, I mean I believe what was told to me.

30 But you were, you were not questioning it all?---Well, I was questioning it as I was going along and I was getting reasonable answers back.

Oh, you weren't getting reasonable answers back, sir?---Well, in my mind at the time.

In your mind nothing, you never got a reasonable answer back from your daughter if this is all true at all?---Well, I believed I did.

40 You told her the document's a fake, she just said no it's not, how's that a reasonable answer to your inquiry?---Oh, well, that's, I, I thought so at the time.

Your son tells you the documents are a fake, you got to your daughter who's given them to you who says no, they're not so you dismissed your son? ---Yes.

How is that a reasonable inquiry?---Oh, well, that's, that's what I believed.

How is it a reasonable inquiry?---That's what I believed, it's not a reasonable inquiry but that's what I did and I believed.

So you were not making reasonable inquiries were you?---No, I was - probably not.

Now Mr Rogers then went on, didn't he, he gave this evidence, after he told you that he wouldn't lend you the money and he told you that you'd both been compromised our response walking out of the room was, "This conversation never happened." Remember him giving that evidence?---I remember him saying that.

10

You hear that sort of thing in the movies don't you, this conversation never happened?---Yes.

What did that mean?---Well, I'm, I'm not sure if I said that but if Andrew said I did I'll take his word I did, that was basically keep it private between us because I was embarrassed.

That is not, it's not keep it private between us?---Well, that's what I would have meant by it if I said that.

20

Well, the words are this conversation never happened so in other words you were saying to him not just to keep it quiet but to pretend that it never happened?---Well, that wasn't my intention.

How can it be anything other than your intention, it's pretty clear English isn't it?---Yeah.

30

You'd said to other - - -?---I said I don't, I don't recall him, I don't recall saying it, I know the majority of the people I would have said to them can you keep it private because I was embarrassed about borrowing money so I'm not sure.

You told people no doubt t keep it private and they've given evidence of that but this quite different?---Yes, I know.

Saying the words "This conversation never happened," is saying something quite specific and clear isn't it?---Yeah, but in my mind again the intent of that was to keep it private.

40

And you told Mr Rogers as well didn't you that part of the attempts to get the money was that you suggested that on resolution you would be getting millions, enough to retire on?---That's right, that's what I understood.

So did you understand in this whole process of helping your daughter it was going to lead to this massive windfall whereby you could retire?---If, if it was true, yes. If, if it was a large amount of money she said she would help me out and I knew at the time there that my time was limited at RailCorp because they were trying to clean the cupboard out.

Why would you think you would be one of the ones in the cupboards that got cleaned out?---'Cause I had 37 years' service.

So the longer the service- - -?---The less likely of you getting the job.

So- - -?---At that senior level.

10 You were part of the whole thing by this stage?---No, I wasn't.

Well, you- - -?---I wasn't part of anything, it was about helping my daughter resolve her issue and if there happened to be money that come out of that, she would, I'd pay everybody back and then she said, "Dad, I'll, I'll help you retire."

Well, when you- - -?---Which I probably didn't need the money if I got my own money back anyway.

20 I referred you to that email with, "Where's my \$5 million coming through?"
---Yeah, 'cause she said that was mine to pay people back.

But you didn't need five million to pay people back?---No, and the rest was mine.

Yeah. So you're a beneficiary in this whole- - -?---It wasn't the- - -
- - -scheme, you- - -?---That's not the reason I started to help her.

30 It may not have been the reason you started to help her but at some point in time what happened was, all your priorities shifted, didn't they?---No.

You were helping her, if your story's true, to pay off a debt that was supposedly owed to a mobile phone company?---Yes, and fraudulent activities.

40 And then at some point in time you moved from just being someone who was helping their daughter with legal fees to someone who is going to become a beneficiary of a large amount of money as a result of this legal process?---Well, a father of someone who's going to get a large amount of money.

No, no, someone who is going to get a large- - -?---Well, she said she would help me out eventually, yes.

You told Mr Rogers that you would get millions, enough for you to retire?
---That's right.

You were the person who was going to be a beneficiary. She may have been as well?---Eventually, yeah.

So do you see how your position has moved?---Yeah, but my intention was still the same of helping my daughter resolve this issue.

And helping yourself obtain the windfall?---I wasn't helping myself to retain it, that was just an outcome.

10 Just an outcome, just, just happened that on the side you might have got- - -?
---It wasn't my- - -

- - -enough money- - -?---It wasn't my priority of why I helped her.

- - -to retire at the age of 50?---I'm older than 50.

But you were 50 back then I take it when you- - -?---A year ago I was 53.

53. Okay. Retire at 53. Pretty good outcome for you?---Yes.

20

Mr Furfaro, you heard his evidence?---Yes.

He told you as soon as you made the loan that you'd breached the Code of Conduct or indeed he even agreed that between the two of you you probably breached it?---No.

He wasn't just putting you in, he put himself in as well?---Well, I don't think that was the conversation, the conversation was he was concerned that we're on a fine line of the Code of Conduct.

30

Yeah, well, he wasn't pointing the finger at you, that's the point I was making, he was accepting his responsibilities and was saying that he believed that the two of you may have been breaching the Code of Conduct?
---May have been, yes.

Yeah. How did you deal with that as an integrity and probity award-winner at RailCorp?---Because- - -

40 Just ignored it?---I didn't ignore it, I, I, I went over the Code of Conduct and I didn't, didn't relate it to personal loans between people at work.

Now, is there any difference between the positions of the contractors generally and the employees and Mr McCarthy?---I'm sorry, in what sense?

Do you see there's a difference in the loans- - -?---No.

- - -that you obtained from them and the loans- - -?---At the time, no, I just saw them as personal loans between friends, but now I know that it was a conflict.

What about in the repayment of money, Mr McCarthy seems to have – he’s had the rails running on getting in on the cash, hasn’t he?---He’s taken me to task over it, yes.

10 How is it Mr McCarthy, the one who’s the good friend, why is he the one who seems to have got the money?---He’s got the money?

Yeah?---He’s, he’s fought for the money, he’s come, he’s taken me legally for it.

Has he?---Yes.

Is that all a bit of a sham as well?---No, no, it’s been- - -

20 Why haven’t you, why haven’t you included all the others?---I have where I can. I’ve paid a few people off this list.

Well, you’ve sold your house?---Yes.

And how did Mr McCarthy get his hands on the proceeds, the net proceeds of the sale of the house after paying back the mortgage?---He put a caveat, he put a caveat on the house and garnished the fees.

30 How does Mr McCarthy get a caveat on your house?---’Cause he said he had interest in the house.

How does he have an interest in your house?---Because I owed him money.

You don’t owe him money on the house though?---But he put a caveat on it.

You can’t just, did you - - -?---I got a legal document that said I had a caveat on the house.

40 Did you get some legal advice on it to say that you - - -?---Yes, I had, I had a lawyer, the, the person processing my house said yeah, yeah, you’ve got a caveat on it you have to pay it.

And did the lawyer tell you that you could immediately give notice to Mr McCarthy to take the caveat off?---No.

Did the lawyer tell you that that gave Mr McCarthy a period of time in which he could make an application to the Supreme Court to extend the caveat?---No.

And did he tell you that Mr McCarthy never had a caveatable interest in your house and could never have extended the caveat on your house?---No. I had a, I had a garnish order.

THE COMMISSIONER: Mr Camilleri, when do you say this caveat was placed on the title to your house?---The - I think two or three days before the settlement.

Before what settlement?---The settlement of the house.

10

Well give us the date?---I can't remember the date, it was two or three weeks ago, I can't remember the date.

So the first time you became aware that there was a caveat on the house was two or three days prior to settlement?---Yes.

Is that when it was actually put on as far as you know?---Yes. And he had a judgement against me as well.

20

MR POLIN: He may have had a judgement against you but a judgement against someone doesn't give that person a caveatable interest in someone's house?---Well that - - -

It sounds like you got some pretty bad legal advice?---It sounds like it. But at that time I, I didn't, I wasn't going to argue 'cause I owed him money and I had intentions of paying him (not transcribable) anyway so I just said yeah, let him have that but don't have my wife's share you can only have my share of the funds.

30

Now when you say there's a garnishee order - - -?---Yes. You put that on the real estate agent for the deposit. That's when I first got aware that he was being involved in, in trying to get the money from the sale of the house, he put a garnishing order on the, the, the um, the agent, the agent rang us up and said did you know that was on I said no, I said I do owe this person money and then the next thing you know there's a caveat put on the house, I got something in the mail to say there's a caveat and then I said to, I think he was trying to get the whole amount of money and I said to the, to my legal, my lawyer I said to him he can have my share because I owe him the money and he's also putting a bankruptcy order on me as well at the same time.

40

And that's been withdrawn hasn't it?---No, I didn't know that 'til I turned up to the court case and it was withdrawn, I didn't know to the day I got there.

Well that would seem unusual because he didn't get that much money did he?---Yeah, I know - - -

How much did he get?---55 something.

55. Out of 428?---Plus we'd already paid him back about 60 I think, Jessica gave him back 60 or something.

Where did she get that from?---59, 60.

Where did Jessica get 59 or 60 from?---I don't know it was some time ago.

10 Where did she get it from is the question?---I don't know.

Surely you asked her?---No. She was paying him back.

Did it come out of the cash box?---I don't know.

Did it come out of one of the bank accounts?---I don't know. She said she had it there and she said she paid him.

20 What, she had a lazy \$60,000 there?---It wasn't in one hit it was over a few months.

You're not suggesting she's paid \$60,000 out of her wages - - -?---No, I'm not suggesting that at all.

- - - over a few months?---No, not suggesting at all.

She's not working at the moment is she?---Not now, no. She was then I think.

30 But you're not suggesting \$60,000 came out of her wage?---No, no.

Where did it come from, sir?---She said she had it, I don't know where it came from.

Did you question her about where she suddenly got \$60,000 from?---She said she had the money.

Why did that money go to Mr McCarthy and not someone else?---Because that's what she owed.

40

Well no you - - -?---I borrowed from everybody else she didn't.

Are you saying that she borrowed more money direct from him?---Part of that 428 she borrowed probably 80 of it direct from him.

So she's stumped up with \$60,000?---Yeah.

How much does she owe you on you story?---I don't know, one, one and a half million.

Why didn't you get the 60?---Because I prefer everybody else to be paid before me.

Yeah. But why didn't you, you've got 100 people that you owe money to?
---That's right.

10 Why didn't some of those 100 people get their money back?---Some of them did get their money back.

Not out of the 60, that went to Mr McCarthy?---No, that's, no, that was right.

What I'm getting at here, it appears that Mr McCarthy and yourself, there's a bit of preferential treatment even when it comes down to paying back the money?---No, there's no preferential treatment, he was, he took legal action against me.

20

I don't care what legal action he took against you, what about some of these poor people that borrowed money from your sister?---Yes.

Well, what about giving them the money back rather than Mr McCarthy? What would these people ever hope to gain out of this, that - some of these poor employees of DFACS?---That's right.

Why not give them the money?---Well, my sister said she was looking after them and I said fine, I said when I get a chance I'll pay you back.

30

No, no, why the \$60,000 that mysteriously suddenly appeared what, in Jessica's bedside drawer?---I don't know where she got it from.

Are you telling the truth?---Yes, I'm telling the truth.

What's, what's Jessica involved in that would suddenly mean that she would, obviously quite suddenly, get - - -?---It wasn't sudden, it was over several months but anyway.

40 What would she be involved in whereby over several months she would suddenly come into \$60,000 in cash, was it in cash she had?---I don't know how she paid him, it went into his account, transferred, I don't know how it was done.

What's, what's she doing?---I don't know.

Well, don't you ask her?---She said she had the money, some of the money she, she had she said I'll give it back to Kevin, she didn't use it or something, I don't know, you'll have to ask her, I don't know.

You don't seem to care less?---I did care less.

You've put millions of dollars into this and you just nonchalantly answer all these questions, \$60,000 suddenly appears on the table and you don't seem to care less as to where it came from?---I did care less.

10

This person if your story is true who extracted millions out of you over a period of years suddenly without any explanation gets her hands on \$60,000 and you couldn't care less where she got it from?---I did care less and she said that she could get money.

It's either that or you know where she's getting the money from - - -?---I don't know.

20

- - - and you don't want to tell us for some reason where she's getting the money from?---I do not know or did not know where she got that money from, I don't know.

You're even smiling about it now, sir?---I'm not, I'm not smiling at all.

Are you involved - - -?---No, I'm not.

- - - with her in how she's getting the money?---No, I'm not.

30

Doesn't it upset you at all?---It upsets me greatly.

Well, you know, we've heard these stories of this bloke who was turning up at people's offices in tears, his life was in ruins because he had to pay - - -? ---That's right and I - - -

- - - he had to pay some bank charges to a bank - - -?---Yeah.

- - - by close of business?---Yeah.

40

Otherwise the whole thing would fall over, that's what we've been hearing? ---Yeah.

Through two days now of questioning you don't seem really even interested in what happened?---I am interested and I'm on antidepressants as well so that's helped me calm my nerves.

Well, wouldn't it be of some considerable interest to you as to where your daughter might suddenly find \$60,000?---It wasn't all in one hit.

Whether its in one hit or over the space of a couple of months as you've said wouldn't it be of some interest to you as to where your daughter would find \$60,000 so quickly?---Yeah, yes, and I asked her and she said she had some of it there, that she didn't spend all the fees, that she was keeping some in reserve, something like that she said to me but exactly how you'd have to ask her, I don't know.

10 Was she suggesting to you that she was stashing the money that you'd been collecting somewhere?---No, she had some funds there that she could use.

You lent some money to Bill Mair didn't you?---That's right.

Did Mair any interest in your house?---He put a caveat on it.

20 Right. And what happened to Mr Mair's caveat?---The, through the process it got, somehow it got lifted, the other party, I think Kevin's party, got involved because as far as I was concerned that was the only caveat on the, that was the only caveat on the house and I said to my lawyer, he said to me, he did advise me then, he said that you could actually challenge this or take, it'll - and I said will that delay the sale, he said yes, I said well, don't, don't challenge it because I need the sale to go through before the bank - - -

THE COMMISSIONER: Did you have a conversation with Mr McCarthy about the fact that he'd placed this caveat on your title?---I haven't spoken to Kevin for months.

For months?---Yeah, months, that's right.

30 So there wasn't an agreement between you that- - -?---No.

- - -you would forward to him some part of the proceeds of sale?
---There was no, no agreement, but originally I said to him if I ever got into a position and I had to sell my house I would give you some from that.

Well, when did you say that to him?---Oh, the original loans, when the original loans were taken out with him.

So when you- - -?---If things got bad.

40 When you borrowed the \$428,000- - -?---Yes.

- - -you said to him at that time, despite the fact that you believed this story that the, that your daughter was telling you, that the money would all come back- - -?---Yeah.

- - -you actually said to him then- - -?---Yeah, he asked me- - -

- - -that if it all turned bad you would sell your house and repay him in that way?---That's right. He, he, he said, "What's your plan B?"

MR POLIN: When- - -?---And I had to have a plan B.

When did your house settle?---I can't remember the date.

It was this year?---Yeah, ah, yes.

10 Last year?---This year.

When this year. This year hasn't gone for very long?---Two weeks ago. I can't remember the date I'm sorry, I don't, because it got pushed back. It was supposed to be on 10 February and I think it got pushed back to 14 February, somewhere around that, that period.

So the settlement date was 14 February?---I think. It was originally the 10th and then because of the caveats and whatever it got pushed back to the 14th, I think from memory.

20

Now, when you say because of the caveats, I just want to get a clear understanding of this. Mr Mair had placed a caveat on your house? ---That's right.

And that remained on your house?---That's right.

You got some legal advice in relation to Mr Mair's caveat?---Yeah, my, my, the lawyer that was doing the house dealing said to me that, he said, "You know you've got a caveat on the house?" And I said- - -

30

Because as of 29 January this year- - -?---Ah hmm.

- - -Mr Mair's caveat was the only caveat registered on the- - -?---That's right.

- - -title to your house?---That's right.

That's right?---Yeah.

40 So Mr Mair's there?---Yeah.

Has he got any money, did you give him some money?---Yes.

Out of the sale of the house?---Not yet, no.

When you say not yet, no?---No, I haven't yet.

So tell me if this is what happened. Did Mr McCarthy put on a caveat at the same time Mr Mair's caveat- - -?---No, he was after.

Okay. So you got some legal advice saying that you could have Mr Mair's caveat removed?---That's right.

10 So what I just went through with you about being the legal position on caveats and you said you knew nothing about it was in fact exactly what was explained to you by the solicitor?---It was, well, I did know about it, sorry. What I said was in Kevin's case I didn't know what was going on because he seemed to have a legitimate caveat.

Oh, a legitimate caveat as opposed to Mr Mair's illegitimate caveat?
---Well, I was told, I was told he had, he didn't, and I was happy to leave them, leave them on there but for some reason they, the advice I got back was that they were told, the lawyers said that they contacted Bill Mair's lawyer and said you have to lift that caveat.

20 Yeah. I went through the process- - -?---I was quite happy to pay the, like, to let it go through.

I went through the process, didn't I, of explaining- - -?---Yeah.

30 - - -to you how caveats are removed and that in fact neither Mr Mair or Mr McCarthy had a caveatable interest in your house?---I was told because he had a judgement on me that he, the caveat was, was, was a legitimate caveat where the other one had no judgement on, he just went down the local branch and put a caveat on the house, and he said, you can't do that, you have to do it through the legal – Kevin, sorry, not only put that on through the bankruptcy process he put an administrator in charge as well.

And so what was done then- - -?---So that was all done behind the scenes.

So what was done in this two or three-week period of time in selling your house was to come to some sort of arrangement where poor old Mr Mair's caveat was given the boot, Mr McCarthy's caveat was put on, Mr Mair gets no money, Mr McCarthy gets the money?---I had nothing- - -

40 Happy days all round?---I, I didn't even know what was happening behind the scenes.

But is that essentially what happened?---That's, that's what happened, yes.

Yes. So Mr McCarthy's caveat was taken off because there was no caveatable interest?---No, I don't, don't think it was ever taken off.

It's got to be taken off to sell the house?---Oh, he would have then, yes.

You said that they gave – you gave him a notice- - -?---Yes.

- - -to take it off?---Ah- - -

And if you don't apply to the court within the time specified in the notice
- - -?---I don't know what happened behind the scenes.

- - -the caveat gets taken off?---Okay. Well, that would have all happened I
guess behind the scenes.

10

And then- - -?---That's what probably the delay was.

- - -knowing that, when Mr McCarthy put his caveat on you would have
known you could have done exactly the same thing- - -?---No, no, sorry,
sorry um, Mr Mair's caveat got lifted by, through the, once Kevin's caveat
came or Mr McCarthy's caveat came on board, Bill's was still there and
then behind the scenes, right- - -

20

Your lawyer got Mr Mair's lifted?---The, I think the administrator got the,
got it lifted.

You see, you do realise there's - - -?---Right, they got it lifted, I had no
party to it, I don't know what happened.

30

The, the way I told you was the way it happens, you only have to give the
person notice and they've got a period, I think it may be 14 days in which to
make an application to the Supreme Court to extend the caveat and if they
don't make that application the caveat lapses?---I'm sorry, all I know is that
Mr Mair went to his local magistrate or counsel, whatever it is, put it, put it
on without any legal advice, okay. My lawyer when he said, when I told
him I got it in the mail, had a look at that and said, you know you can fight
this, that this isn't right, I said will that delay the sale of the house, he goes
yes, I said, well, don't worry about it 'cause I owe him that money, I said let
it go. In the meantime when we closer to the date all of a sudden there was
a garnishing order put onto to, onto um, the real estate agent for the, for the
deposit, there was an administrator put in charge of the house, the sale of the
property and there was also a caveat turned up in the mail. And then I said
look, sort this out, I said I owe, I owe both of those money and then they
said well, I'm pretty sure my lawyer said that they will have to talk to Bill
40 Mair's lawyer to get the caveat lifted so then they can then proceed with,
with - - -

And what happened is the property got sold, Mr McCarthy got some money,
Mr Mair got nothing?---And I wouldn't have done it that way, if I got all the
money I would have tried to spread it amongst people.

Right?---But unfortunately it was taken away from me.

Mmm, your good mate Mr McCarthy won out in the deal?---Yeah, well - - -

Are you sure this wasn't just a, an arrangement you entered into to make sure that your good money got money back ahead of - - -?---No, it wasn't and I don't class him as a good mate any longer, he put me through a lot of stress.

But that, that - you, you put him through a lot of stress?---Yeah and he also put me through it as well, yes.

10

He put you through stress?---Yeah, through, through, I didn't need to deal with the bankruptcy at the same time as trying to resolve my other issues. But anyway, that's fair enough, I, I, I owed the man money and he, he went out of his way to get it back.

20

But if it wasn't all some sort of scheme or arrangement that you've entered into to benefit Mr McCarthy why would he withdraw the bankruptcy application?---You'd have to ask Mr McCarthy, I don't know, I did not, was not aware of it till the day I turned up to the court up the road, the Supreme Court and said where is this listing and they said it's not on the system.

And so - - -?---And no one advised me, I hadn't been advised by his legal people all the way along this process, they seem to have just done things behind the scenes.

Or is it the case that you'd always told Mr McCarthy that he was going to get his money back haven't you?---I told every individual they're going to get their money back.

30

Yeah, but you had plan A and you had plan B with Mr McCarthy didn't you?---I had plan B with everybody else too.

You didn't have plan B with anyone else, you didn't tell everyone - - -?
---Yes.

- - - you're going to sell your house, you - - -?---No, I told them - - -

40

And you told Mr McCarthy that you'd pay him back out of your superannuation didn't you?---Yeah, and I told other people as well.

He doesn't need to bankrupt you now does he, because the balance of his money will come back from his mate out of his superannuation?---And so will the other people.

Well, why, again I asked you, does Mr McCarthy get his money now and the other people don't?---He grabbed his money, he took it off me. If it was given to me I - - -

You could have easily said, no, no, no, fair's fair, I'm not going to allow this - - -?---I couldn't 'cause I had to sell the house because I was so far behind on my mortgage.

There's a limit to what you could have done, the house was gone, there's a certain amount of money left over, is that correct?---No.

All you - no, no, when you were selling the house?---When I was selling the house there was X amount of money left over, that's right.

10

Yeah?---And I'd already worked out who was going to get what.

Why continue with that plan so that those people - - -?---Because he took - - -

He got what?---He took 55 of it.

He can't take any of it, you had to sign something to agree for him to take it?---Well, my, my understanding was I didn't have a choice.

20

Of course you've got a choice, it's your money?---Well, I'm sorry, that was my understanding, no one told me I had any choice but to do that and if I was to fight it it would delay the sale, if I delayed the sale the people may have pulled out on me, if they pulled out on me then the bank would have stepped in and taken the house and then I'd been in a lot, a lot more - - -

And your lawyer would have told you that if the sale was delayed by Mr McCarthy mucking around and improperly insisting that he get money from the sale of your house he would have had to have paid all the people that may have lost out, that's what your lawyer would have told you?---No, no, he didn't tell me that.

30

What sort of lawyer have you got?---He didn't tell me that.

What sort of lawyer have you got?---He didn't tell me, we didn't go down that discussion.

Well why didn't - - -?---I just said okay I thought I was - because of the judgement and everything else I had no choice but to pay him so I said let him take that money.

40

They've been other people who have commenced proceedings against you haven't there?---People - yes, I think so, yes.

Well what about them, they've got their proceedings, other who have got judgments I think against you?---No, no, not that I'm aware of, no.

What about them, how do you deal with them, why not give them the money?---Again I'm going, again all I can stress to is I was under the understanding that he was entitled to it so he took it. He put an administrator in charge of the house, the property sale wasn't mine any longer the way I read the documents so.

10 So you didn't think at any stage it would be important to step in and at least inject a bit of fairness back into it and give some money back to some people who - - -?---My - - -

- - - haven't got \$60,000 for example from Jessica?---With my wife's share we've, we've tried to pay a few people back, yes.

Even the money from Jessica? Why didn't you step in there and say hey not fair this, this - - -?---Because we had a judgement on us that we had to pay.

Who cares?---Well it's - - -

20 You don't have anything do you?---We had a judgement on us both of us.

You have a judgement, you don't have any assets do you?---Not now I don't.

Well what's - you'd hardly be - - -?---Yeah, but I'm trying to be fair to pay people back here.

You'd hardly be scared about a judgement would you if you don't have anything?---Well - - -

30 What are going to do, get a judgement against nothing?---I don't know where it would have ended up, I've never been in this position before.

So what you'd want to do is be fair amongst the 100 or so people or more 200 it might be?---No, it's nowhere near that much but anyway.

It's at least 100 isn't it?---I don't think it's that many, anyway.

40 Well there's 60 odd from RailCorp - - -?---30 odd here and there. Anyway, okay. Go on.

Whatever the number?---Yeah. Yes, and I want to be fair and it's difficult how to be fair about that.

How can you say that you've been fair by Mr McCarthy over the last few weeks getting \$60,000 in cash and then - - -?---The last few weeks, that was six months ago.

It's even worse then, getting 60,000 six months ago then getting another 55,000 a few weeks ago. How is that fair to anyone else on this list?---Well I'm not saying it's fair I'm saying that's what happened. He put a judgement against me - - -

I thought you said you were going to try and be fair?---Yeah. He put a judgement against me so I thought I had no - - -

10 So?---Well I didn't, I don't know the law, I thought I had no obligation and then he put, he put a garnishing order against me for the, for the deposit and he put the, the caveat through and put an administrator in charge of my house, okay and my, my, my focus was selling the house so I could fix the bank up and move on, start to move on, get one debt out of my mind.

Yeah. Get one debt out of your mind?---My house.

Why the person again - - -?---The house debt.

20 Why the person again that you would get out of your mind start paying him off would be the only person who calls yourself, calls you a friend?---I wasn't, I wasn't talking about Kevin I said the debt I was talking about was the house debt.

Forget about what you were talking about then why would the one person who'd be the beneficiary of what, \$115,000 that happened to be floating around over the last six months, why would the one person who got all of that money be Mr McCarthy?---He was the one who at that time had the - - -

30 I understand what he's done, sir?---Well that's why - - -

But why is he the one who got it, why didn't you give it to someone else? ---Because I thought I had no other choice but to give it to him from a legal perspective.

Well but you were seeing a lawyer about all of this?---The, the - with the sale of the house, yes, with the judgement, yes.

So you're suggesting that all these people should have gone and got judgements against you?---No.

40 That they would have got some sort of preferential treatment if they had? ---Maybe so. I don't know, I honestly thought I was, I had no other choice but had to do that.

You've been very selective in who you've paid I must say. We know of three people. One you've, two you've paid?---Yeah, it was - - -

Mr McCarthy. We know you've paid Mr Rochecouste?---Yeah, not all of it, yes.

I know that. He didn't even ask for it did he?---He did, weeks leading up to it.

Yeah, yeah, but - - -?---His wife got on the phone and - - -

- - - not specifically just out of the blue money was put into his - - -?---It wasn't out of the blue I told him when I sold my house as soon as the money was available I'll give you something from it.

10

And then out of the blue within a day of him giving evidence or a few days in giving evidence - - -?---Yeah, okay, yeah.

- - - or a few days of giving evidence within a day of starting this hearing he gets paid a bit of his money?---Yeah.

But the same time another witness who's going to give evidence that week gets offered some of their money?---That's right.

20 Mr McCarthy gets looked after. Just start working your way down the list, you don't have to go far. It's the - what are these other people?---Some of these people have been paid some money. Nigel Howard has. You want me to go through - Neil Hunt's finished.

What about the little ones? You heard Mr Vavayis, he lent you \$2,000? ---He's been paid.

I understand that, but you heard his evidence, didn't you, that \$2,000 was a very big thing to him?---Yes.

30

It was a lot of money, it was important, he was desperate to get it back? ---Yes.

Well, did you think maybe going through some of smaller ones- - -? ---Of course I did.

- - -the people that were owed small amounts- - -?---Of course I did.

40 - - -that might have been- - -?---That was my plan until it got garnished by Kevin.

Mmm. And- - -?---It was my plan. I made a list of those people and I started from the bottom up knowing that they're probably the ones that could least afford it and I, and I would have taken probably a good 15, 18 people off the list.

And did you get some legal advice as to whether what Mr McCarthy was doing required you to give him the money ahead of other people?---No, I

didn't, no, all I, all, like I said, all I was focussed on was selling my house, I believed that he had the right to take it because he put an administrator in charge of my house, which I didn't even know about- - -

And see because if Mr- - -?--- - -so I had, I had no, sorry, I had no, I thought I had no control over the sale of my house once you put an administrator in there.

10 If Mr McCarthy had continued with his bankruptcy petition- - -?---Yes, which I thought he was.

Yeah. As soon as the administrator or a trustee in bankruptcy was appointed, Mr McCarthy would have to pay back certainly the 55,000 or pay it to the trustee, so he'd lose that, and he'd probably lose the 60 as well, wouldn't he?---I don't know.

Are you aware of preferential payments and payments made to people?
---No.

20 Did you have some discussions with Mr McCarthy about that?---No, I didn't, I haven't spoken to him for months.

Right. Have you thought maybe – well, how do you propose to pay off the money now?---Hopefully get a job again and start paying people and I've got a substantial superannuation that will cover probably the majority of what I owe these people and over time I'll pay them back.

30 Because if, if you had been declared bankrupt or indeed if you were declared bankrupt, Mr McCarthy would have to pay the money to the trustee and it would then be split up amongst all those people, wouldn't it?---I don't know, is that the law? I don't know.

Mmm. That would be a bit fairer, wouldn't it?---Yep.

Mr McCarthy doesn't want that to happen, does he?---I didn't know that.

Mmm. Again it just, it looks not good, does it?---Yeah, it may not look good, I'm telling you what happened and I wasn't pleased it happened.

40 But it just seems that all these things I've been asking you about, none of them look terribly good from your- - -?---They may not look it but they are the truth.

Mmm. Now, just, just finally, sir, I want, want to give you one last opportunity, just going through this, because I want it clear in your mind what I'm suggesting to you the truth of the matter is?---Yep.

That it may be more than this, but certainly by the end of 2012 you were fully aware that any stories you were being told by your daughter about why money was needed, the stories were all fabricated?---Do you want me to answer that?

Yeah, that's what I'm suggesting to you?---No, no, I don't.

That the documents she was providing to you at that time in support of her stories were all fake?---Two thousand and- - -

10

The end of 2012?---No, I didn't believe that.

And that on any rational viewing of this, any person in your position would have seen the story as fabricated and the documents as fake?---I didn't see that.

20

And whether you've got yourself in beyond your depth or whether you're actually involved in it, at least from that time onwards and probably earlier, you actively sought money from people on the basis that you were giving them what you believed to be a fabricated story?---I don't believe it was a fabricated story.

And to highlight what I'm putting to you, the fact that it's in fact correct, is that your sworn evidence is that it's not until the early part of December last year that you first started to think her story was not believable?---I said I challenged it all the way along.

30

But that's when you first- - -?---I had moments but I, I generally believed it was right all the way, that's why I kept trying to support her.

You said in December last year was the first time you came to a realisation that the story hadn't been true and that's when she told you that she had had a gambling issue?---Sometime slightly before that I think.

And you say that notwithstanding the telephone calls we heard yesterday?
---Yes.

40

You say that the day after those telephone calls you still had no inkling that the story she was telling you was fake?---Yes.

She's asking you to illegally burn documents in the face of an ICAC inquiry yet the story she tells you was the truth?---Yes.

And you honestly expect anyone to believe that?---Yes.

And that story was this, and tell me whether I don't get this right, because I want to suggest to you that this story is just such sheer unadulterated

nonsense that no person at all could ever at any time believe that any of it was true. Do you understand that?---Yes.

The story started off in 2008 with Jessica's wallet and her identity being stolen?---Something like that, yes.

But there were several mobile phones that had been purchased in her name and charges incurred on those phones. Initially there was bills of about \$15,000 which you paid?---Yes.

10

It then came to light that in fact there were more mobile phones- - ?---Yes.

- - -that had been stolen and more debts incurred. Is that all correct so far? ---Yes.

That's when case 1 started involving the mobile phones?---Yes.

You're able to give no specifics about that case?---That's right.

20

As a result of her identity also being stolen, somehow properties, property or properties were purchased overseas in her name. As a result of that, case number 2 was started?---Yes.

You're able to give us no specifics about that case?---That's right.

In relation to both these cases, ASIO is somehow mysteriously involved? ---Yes.

30

You're unable to explain to us, and indeed on her story she never explained to you how ASIO was mysteriously involved?---That's right.

As a result of that, people along the way have been asked to keep the utmost secrecy in terms of these loans because there's some sort of suppression order made by ASIO?---Something like that, yes.

All right so far?---Yeah.

Good and believable?---(No Audible Reply)

40

In the early stages Jessica had signed an agreement. You can't tell us who the agreement was with, between, but inferentially that agreement had to include the National Australia Bank, the ANZ Bank, the Commonwealth Bank and Westpac. None of them it would appear had been parties involved at that stage in case 1 or case 2?---Yep.

Is that correct?---Yep.

That agreement somehow mysteriously projected what was going to happen into the future and it said that if by chance moneys from case 1 or 2 ever found their way into either the National Australia Bank, the ANZ, The Commonwealth Bank or Westpac, that those banks would not release funds from those cases unless bank charges were paid in cash at the time the money were released?---That's right.

10 That those banks were in fact specifically prohibited from deducting any charges that they may have from the moneys that they held and were about to release?---Yep.

All fine so far?---Yes.

You're fine with that agreement between- - -?---No, no.

- - -these banks who, O.K.?---The story, yes.

But the story's right?---The story's right.

20 This is the story you're still believing?---During, while I was going through it.

And I'm accurately describing it?---While, while I was going through it, yes.

Jessica then is demanding from you money to pay legal fees for case 1 and case 2?---Yes.

30 By early 2012 you've advanced her about \$1 million in legal fees for those cases?---Something like that, yes.

Despite putting up \$1 million towards her legal fees, she refuses, this is Jessica, refuses to ever let you attend any court hearings?---That's right.

She refuses to tell you indeed the courts that the proceedings are being heard in?---Yes.

40 When you specifically ask for details of case 1 or case 2 she specifically refuses to give you any details of either case?---That's right.

The funding nonetheless continues?---Yeah.

Some time in mid 2012 the cases have been resolved?---That's what I was told, yes.

That is they've been brought to a conclusion whether by decision from a judge or by some form of settlement?---Yes.

In both the cases there's been a determination that Jessica is to receive money?---That's right.

By at least December 2012 there's an undisclosed amount of money in Jessica's name in a Commonwealth Bank account. The Commonwealth Bank requires some fees paid to release the moneys?---Yes.

You attempt to pay the fees and on doing so they tell you there are further fees payable?---Yes.

10

That process continues repetitively?---Yes.

Till eventually you get frustrated and give up?---Yes.

There's then an amount of \$175,000 in a Westpac Bank account in Jessica's name as a result of one or both of the cases?---Yes.

Westpac requires an amount of fees to be paid to release the money?---Yes.

20

You attempt to pay the fees?---Yes.

Westpac refuse to release the money because they say they are more fees payable, again you offer more fees and they say more fees are payable and this process is repeatedly continued until you get frustrated and stop?---Yes.

There's there - this is all at the same time, \$975,000 in an ANZ Bank account, they require I think it's \$107,000 to be paid by way of fees?---Yes.

30

You go down to the ANZ Bank or your daughter does with a solicitor and security guards to pay the \$107,000?---Yes.

The ANZ Bank refuses to give you the money, they want more fees. You get more fees?---Yeah.

They then want more fees?---Yeah.

That process then continues repetitively until eventually you get frustrated and stop. Jessica then, what would appear from out of nowhere, inherits an estate which includes a large amount of cash?---Yes.

40

In fact \$535,000 in cash?---Yes.

Not, not a bank account that someone has with \$535,000 in it, it's cash that someone may have been keeping under their bed or in a safety deposit box, correct?---Yes.

She inherits that cash from a friend who she'd been caring for for a particular period of time?---Yes.

She's a 23 year old girl?---Yes.

Her aunty knows nothing about her niece having inherited over half a million from a friend for whom she's caring?---Yes.

Is the story right so far?---Yes.

10 Somehow and for some unthinkable reason Jessica decides to put the \$535,000 in a safety deposit box at the National Australia Bank. It goes in with some rings and chians, maybe possibly part of the inheritance. It just so happens that the National Australia Bank have been given some of the funds from one or both of the cases that Jessica has been involved in. The funds aren't held in an account but the National Australia Bank in fact is holding a cheque in the sum of \$250,000 made payable in favour of Jessica. It would not appear that there would be fees payable in handing over a cheque but - sorry straight so far?---Yes.

20 The National Australia Bank also hold documentation involving ASIO in the safety deposit box, not sure how it got there. For some reason the National Australia Bank, they want to side with the other major banks, make sure they don't miss out on the fees and they ask for \$80,000 to open the safety deposit box?---Yes.

Correct?---Yes.

30 They think well, while we're at it we may as well adopt the same sort of behaviour as the other banks and then they arrive to get it we'll just tell them that there's additional fees. Is that what happened?---Yes, yes.

You then front up with the additional fees and are told there are additional fees. So you're right, the banks are all the same. This process repeats itself like with the other three major banks?---Yes.

And eventually you get frustrated and give up?---Yes.

40 You decide that there are bigger fish to look for rather than the million and a half dollars roughly held by those banks as I've just described?---That's right.

At this same point in time the Commonwealth Bank are holding in excess of \$90 million in two accounts in Jessica's name?---That's right.

In keeping with their banking practices they are also demanding large amounts of money for this money to be released?---Yes.

Those large amounts of money are tendered by you to the bank, surprise surprise, the money's not released. Again the process continues repetitively and the bank refuses to release the money?---Yeah.

For some unapparent reason during the course of December 2012 the Commonwealth Bank relent, they decide they're going to release five million of the \$90 million-odd, is that correct?---Yes.

10 That money's released into Jessica's personal account?---Yes.

It may well be shortly after another five million was also released. Is that correct?---Yes.

No problem so far?---No.

Jessica on 30 December, 2012 transfers the \$5 million, the first \$5 million into your account?---Yes.

20 And produces a receipt for it?---Yes.

What in fact in practical terms happens on that day was that Jessica transferred \$5 into your account and the receipt for the \$5 matches the receipt for the \$5 million. Is the story correct so far?---Yes.

At or about this time you show documentation in relation to some of these transactions to various people, Mr Ross-Smith for example?---Yes.

30 He clearly indicates to you that the document from the Commonwealth Bank involving the \$90 million is a fake?---Yes.

Your answer to testing that is asking Jessica whether it's a fake. She says it's not so it's not?---Yeah.

Mr Cassar is showed not only that document but the ANZ document and he very quickly is able to say in both, in relation to both the documents that they're fake and he tells you that. Sorry right so far?---Yes.

40 Notwithstanding notice from at least those two people you don't bother to even look a little more closely at the documents that have been called fakes? ---That's right.

Your way of checking is to go back to the person who could be the only person other than yourself attempting to perpetrate a fraud and ask that person whether indeed the documents are fake?---Yes.

That person surprisingly says no, they're not. We're up to December 2012. Do you honestly believe that there would be a single person on this planet who could possibly at that point in time have ever believed that story?

---I did.

The only one?---Probably. Oh, well, I did.

And as I suggested to you before you're not an unintelligent man are you?

---Oh, I didn't think I was.

At the time that you believed this story you were one of the executives of this State's rail system?---That's right.

10

You're paid more than \$300,000 a year to do your job?---Yeah.

You're highly respected by people within RailCorp?---Yes.

You've achieved awards in terms of what you'd been able to achieve with your work at RailCorp?---Yes.

Do you think anyone will accept that you are the only person on this planet who possibly would have believed that story?---Would anyone accept if it was anyone else beside myself?

20

Yeah. Do you think that anyone else would believe that you and the position you were in as an intelligent person at RailCorp is telling the truth? ---Well I am telling the truth.

That, that you - - -?---Whether they want to believe it or not I can't say but I was honestly telling the truth, I was immersed in it and I believed it, I was entangled in it and I just believed it, I just wanted it to end and it just went on forever.

30

And just to wrap it up if you move forward then six months and you add these pieces to the story, your son is coming to you telling you that the documents that other people have already told you are fake, he also says they're fake?---Yeah.

You've got the upmost respect for your son who hasn't been involved at all in getting, in getting you into this mess?---That's right.

Yet you dismissed what he says out of hand?---Yeah.

40

We then at or about the time hear telephone calls between you and your daughter. Do you recall that?---Yes.

And in those telephone calls we know that you say to your daughter these words, "Jess, you're the one they are going to arrest as much as me, mate, we are both going down the gurgler"?---Yes.

You said those words to her?---That's right. And that was with reference to all the money.

You then said to her this, "And that's what you do to steal, it's stealing this money to fucking keep you so you live like a queen over there"?---And that was - - -

10 That's after she's told you that she's not going to get into trouble because she's going to flee the country and go and go and live in Lebanon so that no-one can touch her. That's the context - - -?---That's what she said in an emotional conversation, yes.

You also said to her at one point, "Oh well because I don't lie any more, Jessica because enough's enough"?---Yeah.

And the context of that was she was wanting you to lie and you'd previously lied but you decided you weren't going to lie anymore?---That was about telling people we needed more money.

20 Well telling people you needed more money, of course you needed more money you still needed more money didn't you?---Yeah, but - - -

In addition to that at that time you had a conversation where she clearly directed you to burn documents that may have been important in terms of an ICAC investigation, didn't she?---She, she's - - -

And your response was, "Yep, we're doing it now. Just put everything there I'll burn it all." That was your response wasn't it?---Yeah, but I didn't do it.

30 I didn't ask you whether you did it your response to her was that you would do it. Your anticipation at that time could have been nothing other than your daughter had already or was about to burn documents she had that may have been relevant to an ICAC inquiry. That's right isn't it?---That's right.

You did nothing about that or nothing to stop it did you?---I told her well, no, I didn't, no.

40 Putting aside whether the documents were or weren't burnt - - -?---No, I didn't say, I - - -

- - - how on earth at that time could you ever have possibly believed the story of someone who was telling you to go and burn the evidence?---Well I didn't.

Your evidence on oath was that from that point in time after the burn, burn, burn we went from August through to the beginning of December and you still believed the story?---That's right.

You believed the story from someone who was asking you to burn the story?---Well she was telling me to burn papers which I didn't know what she was talking about.

The papers I take it were the ANZ letters, the Commonwealth Bank letters?
---They were all taken from my house.

Well they're clearly documents that we don't have?---Well I don't – those documents - - -

10 We don't have the document that Mr Ross-Smith's talked about?---Because I don't – it doesn't exist.

Well it's been burnt?---I think no, he's got – unfortunately Mark's got it wrong.

Sir, whether they were burnt or not she's asking you to burn all the papers, she's saying don't even give a second thought which one it is, if it's a piece of paper burn it?---Yeah.

20 We don't need to play the conversation again do we?---No.

How on earth could you be believing the story where she's telling you it's scorched earth, the whole thing's got to go. How?---Well, I don't know how but I did. I was blinded I did.

And you say that because you know that if you, you either admit to it or someone decides it, don't they whether you're telling the truth?---Sorry?

30 Because if you admit to what I'm asking you to admit to you're admitting that you obtained money from people on the basis of the story you knew to be incorrect?---Well I didn't.

I know that. That's what I'm asking you to admit aren't I?---That you're asking me to but I'm not admitting it?

Yeah, yeah. I asked your sister to admit it and she admitted it. I'm asking you to admit it as well and you won't admit it?---That's right. 'Cause I don't – it's not the truth.

40 And you don't believe that I've been able to demonstrate that your answers so far are just fairly false?---When, when you look at it in hindsight through there, no, my answers aren't false I believed it all the way along while I was
- - -

Well nothing's changed, the story hasn't changed has it? The story's just been related back to you as to what happened?---Yeah.

Nothing's changed?---Yes.

You're saying the story now is totally unbelievable?---No, I'm just saying there's more facts now about the gambling.

Are you saying the story that I just related to you is totally unbelievable?
---When you look at it the way you presented it, yes, but while I was living it it didn't feel like that.

10 But as I presented that as a factual account of what was happening you don't dispute they were, that was the story that was being - - -?---That's right.

- - - given to you?---That's right.

And you don't dispute that as you sit in the witness-box now it is probably one of the most far fetched and fanciful stories you've ever heard? I'm asking you as you hear it now?---No, no. When you, when you put it in all context like that it, some of it seems unbelievable.

20 Some of it?---Yeah. But I don't know all the facts about how banks operate so.

Which parts seem believable?---To me that banks do charge you fees, solicitors do charge you a lot of money, you know so those sort of things I believed, yeah.

The bank will charge you a fee, they'll tell you what the fee is?---Yeah.

Are you going to pay the fee?---Yeah. Yeah.

30 That's not what happened?---No. But I believed her story at the time.

And well just the – going through the sale of your house you've understood that there's the proceeds of something and people have been paid out of the proceeds?---Yeah.

40 Yet the one thing that people regularly brought up with you was why couldn't the banks deduct their fees from the enormous amounts of money they were holding, that was regularly brought up with you wasn't it?
---That's right. And I regularly asked that question.

And you were regularly told that there was an agreement which had been signed prohibiting that?---That's right.

And you asked for a copy of that agreement?---I don't know if I asked for a copy but I - - -

Surely you would have?---I don't think I did.

You were never given a copy?---I was never given a copy of anything.

And being someone in charge of major contracts at RailCorp that would have struck you as the most ridiculous sounding agreement you'd ever heard of?---I, I said it was a stupid agreement and she blamed her solicitor at the time.

How many banks could have been partied to the agreement?---Don't know. Like she said - - -

10

Every single bank in the country --- - - - she said it was the original, I don't think it was said that each bank was part of the agreement she said the - - -

Well there had to be?---No, she said the original outcome of whatever the court case was that was the agreement signed into.

But the banks had to be partied to the, to the agreement didn't they, just - - - ?---Well I - - -

20

In terms of your experience with agreements in RailCorp, sir - - -?---In, in, in hindsight, yes, now.

The banks were the ones who were being told don't release the money or it's a result of this agreement, they're not allowed to release the money until they get the fees, they had to be partied to the agreement?---Well I guess so.

So this agreement would have probably included every bank and every financial institution in the country, probably in the world?---I don't know.

30

Logically it had to didn't it?---Well I guess so, I don't know.

Well, what if your daughter had taken the proceeds from her inheritance, the hundred and, \$535,000 and had put that let's say St George Bank?---Yeah.

They would have had to have been party to the agreement or the money would have come out?---I didn't, I didn't see it as an agreement for each bank, I thought it was some sort of court agreement that you can't release it and then that's - - -

40

You can't release it? Who's releasing it? Just answer that?---The banks.

The banks. They had to be party to the agreement?---Okay, I can see it now but I didn't see it at the time.

The Bank of Melbourne?---No, I didn't see it at the time.

The Bank of Adelaide?---Yeah, fine.

Everyone?---You can say whatever.

What do you mean you didn't see it at the time, if you can- -?---I did not see it at the time.

If you can see it now, how is it that you couldn't see it at the time?
---Because maybe I was blinded to it, I just didn't see it.

10 Excuse me. Could the witness just finally be shown Exhibit 5?

THE COMMISSIONER: Yes.

MR POLIN: If you look at the second page, this is where you're asked to provide the list of- -?---Yes.

- - -people that lent you money?---Yes.

So you work down a bit past halfway?---Yes.

20 There's poor old Glen McGinley?---Yes.

Anything wrong with his?---Yeah, it's now 583, yeah.

What do you mean now?---Well, at the time, I don't think, I don't, yeah, it was 51, that's, he asked me to put 51 down.

Sorry?---He asked me to put 51 down.

30 You'd let Mr – Mr McGinley, sorry, had lent you over \$500,000?
---Five hundred, that's right.

Are you saying that Mr McGinley asked you to lie to Mr McCarthy and tell him that it was only 51,000?---Yes. Well, he said he didn't want- - -

To Mr Campbell, sorry?---He said he didn't want them to know the size of the money he lent me. He didn't think it was their business.

40 Or did you not want them to know the size of the money?---No, no, that's
- - -

It would stand out a mile if there was a half a million dollars on that list, wouldn't there, amongst all the three and \$5,000 loans?---Well, that's, that, you asked me and I've told you.

THE COMMISSIONER: In fact it was \$583,000 that Mr McGinley lent you, wasn't it?---Yeah, that's right.

So he's received, according to you or according to this list, 51 and a half?

---No, he hasn't received.

MR POLIN: No, no.

THE WITNESS: No, this is what I owed him.

THE COMMISSIONER: Well, at the top of the list it says, "Also please find below a list of work colleagues we have been paid back in full."

10 MR POLIN: That's at the bottom.

THE WITNESS: At the bottom, Commissioner.

THE COMMISSIONER: Sorry, all right, I misunderstood.

MR POLIN: So what you're doing is misrepresenting that rather than 583, which was the truth, that Mr McGinley was only owed 51,500?---That's right. And that came out later and it's another reason I got sacked.

20 And, and, and you're saying are you that Mr McGinley was a party to that misrepresentation?---Well, first of all they didn't even want to go on the list.

Are you saying, sir, that Mr McGinley was a party to that misrepresentation to Mr Campbell?---He asked me not to put the full amount, so yes, he was a party to it.

Is that the truth?---Yes.

30 Why on earth would he not want the full amount down?---'Cause he didn't want, he thought it was a personal issue, he didn't want people to know.

Well, he wanted them to know 51 and a half thousand dollars worth, why wouldn't he want them to know the full extent of it? In fact that's the highest, no second-highest figure?---Yeah, I guess he was embarrassed about it.

Or you didn't want them to know?---No.

40 You've also maintained, have you not, that throughout this whole thing you've never spoken to a lawyer that Jessica was using in relation to any of these cases?---That's, that's right. I think on one occasion or two occasions on the phone or something somebody for a very short period. I think I mentioned that before.

No, you didn't mention it before, sir?---I did, I mentioned- - -

What you mentioned before is you had the emails?---No, and I also said a phone call.

No, you didn't, sir. I specifically asked you just a little while ago about whether you - - ?---I'm sure I said, I'm sure I said a phone call.

The transcript will reflect it so- - ?---Yeah.

I've got no doubt in my mind but I've been wrong before, that I asked you whether you ever spoke to a lawyer?---Right. And I said there was a – sorry.

10

And you said that you had contact by email. And I said, "I'm not asking you about contact by email," I said, "I'm asking you whether you've actually spoken to a lawyer." And you said, "No, I have not."---No, but I did- - -

20

Is that correct, is that your recollection of the evidence?---No, no, the recollection of the evidence was that I said I had emails and I think I also spoke to somebody once on the phone. And then you re-asked me the question and I said, no, I hadn't spoken to any lawyers, like, you know, face-to-face or anything like that.

And is it only because I pick up a piece of paper that you can see I've got something coming where you previously said- - ?---No, no, it's not.

- - -you've been asked whether you'd spoken to Jessica's legal representatives and you now say that you'd had some phone calls? ---One phone call for a very short period off somebody which said they were a lawyer, whether they were or not I don't know. That was very early in the piece, otherwise I've not spoken to any lawyers.

30

So you had spoken to a lawyer?---To someone claiming to be a lawyer on the other end of the, on the other side of phone for about- - -

THE COMMISSIONER: When you had the conversation with this person did you accept that they were a lawyer?---Yeah, well, yeah, I was told he was a lawyer, yes.

40

Well, who told you?---Jessica was with him and said, here, he's here, and said, yeah, yeah, you need to give him that money, this is so-and-so, the lawyer's name at the time. I said, okay, all right.

And that was the extent of the conversation?---That was the extent, yes. And that was very early in the piece.

MR POLIN: So you had the lawyer on the phone?---A lawyer.

Who gave you the phone?---Jessica.

She said here's the lawyer, talk to him?---Yes.

And there was someone on the phone and he said I'm the lawyer?
---I'm so-and-so, yes.

You make sure you give her the money?---He said, "We need the money to resolve this issue."

10 Right. Did you then say at that point, hold on?---He cut me off, gave me back to Jessica, said he had to go.

Did you get the number, check on the phone?---No, it was on Jessica's phone.

Yeah. Did you get the number. He's cut you off, you're holding a phone?
---No, I had Jess, no, sorry, he cut me off in a sense he said, "Here you all, I'll give you back to Jessica."

20 Yeah?---It was Jessica's phone so- - -

Yeah. Did you then say, "Jessica, can I please have the number- - -?---
Yeah, of course I did.

- - -of the lawyer- - -?---Of course I did.

- - -and I'll give him a ring later on when he's got time?---Yes, course I did, and I never got the number.

30 She refused to give you the number?---Yes. And I got, I got numbers in, along the way of I think that Petros person and I tried, I got many texts from that person, from that number, I tried to ring it and it never answered, occasionally would respond back to the text messages.

And did you ever attempt to find out through the telecommunication providers who owned that number?---No, I just didn't think of it.

I asked you this before, but does your daughter have some sort of control over you?---I don't believe so, no.

40 When I asked you last time your response wasn't that, it was, "Gee, you're not the first person who's asked me that."?---That's right.

That was your response, wasn't it?---That's right.

Why when she's, you're clearly funding a case for her, she clearly on your version is refusing to even tell you what court the matter's in?---That's right.

Why don't you just take it a bit further and say, no, no, I need to know, I've got to find out?---I tried.

I've borrowed money?---I tried.

Millions of dollars?---I wasn't strong enough, I tried.

10 What do you mean you weren't strong enough?---I didn't win.

It's a pretty simple sort of request one would have thought?---Yep, yes.

It clearly shows, does it not, that your daughter's exercising some sort of control over you?---Well- - -

Either that, and it's up to you to tell us, it's either that or what it shows is that you're not telling the truth and you're somehow involved with her - - -?---No.

20 - - -in whatever it was she was doing with this \$4 million?---Well, if they're the only two choices you're giving me then she has control over me because I've been telling you the truth the whole way along- - -

Right?--- - - -as far as believing the story.

There are no further questions at this stage, there are just some documents.

30 THE COMMISSIONER: I just, I just have one question. Mr Camilleri, Exhibit 46 which is the list of loans that are handwritten by you as I understand it?---That's right.

On the second page of that exhibit, if you'd like to have a look at it on the screen, there's a name halfway down "Jeff's" with a circle and arrows pointing down to a list of names - - -?---Yes.

And then there's a further name "Carmen work" with a circle around it - - -? ---Yes.

40 - - - and arrows pointing down to a list of names?---Yes.

Do I take it that the list of names and the amounts against them under the word "Jeff's" constitute amounts of money that a person named Jeff has borrowed on your behalf in, in giving the same account to those people that you have given all along?---Yes.

And who is the person Jeff?---He's the financial advisor, a broker.

He's a financial advisor?----Yeah, he's a broker.

He's a broker?---Yeah, somebody, yeah.

He's a broker, what, that you asked for, you asked him to obtain money for you?---No, I asked him, him personally could he help me and - - -

What, and he personally went out and, and sought loans from all these people on your behalf?---Yes.

10 And did you give him the same story that you've given us?---Yes, yes.

My calculations tell me that Jeff borrowed a total of \$583,000 from those various people?---Yes.

Was any of that money repaid?---No.

No. And then if you look at the names under "Carmen" which I assume relate to your sister's workplace - - -?---Yes.

20 - - - there's a total of 140,000?---That's right.

Is that right?---Yes.

Did any of those people get repaid?---My sister said I think on evidence she's paid back 90,000 of that.

But that's come from her not from you?---That's right, yes.

30 A moment ago when Counsel Assisting asked you what had changed between the time at which you were told this story by your daughter and your evidence now to the effect that you can see how the accounts are unbelievable, your answer was well, I have more facts now about gambling. What did you mean by that?---I was told that the - can I say what was said at the compulsory?

Well, I don't, I'm just asking you what you meant by that answer?---That I believe that gambling's been involved which I didn't know about at the time.

40 Well, where do you get that belief from?---Two, two things, Jessica told me and also I was told at the compulsory investigation.

Well, why would you believe what she tells you?---Well, because I guess she, she, she says she's been called out I guess and she's saying that, dad, yeah, some it went to gambling.

Some of it went to gambling?---That's what she told me, the words were some of it and then when I was at the compulsory hearing again they said

did you know your daughter has a massive gambling problem and I said no, I did not till she told me she had a problem.

Well, this is, this a person who on your own evidence has told you lie after lie after lie since 2008, you accept that now don't you?---Yes.

So why would you believe her when she says that some of it went to gambling?---Because it was supported by the - - -

10 It wasn't supported by anything?---Well, I was told at the Commission that she has a gambling problem.

No, it was suggested to you that she may have?---Well, I, I took it as though they knew she had.

Well, then - - -?---That they'd, they'd done an investigation that she knew, they knew she had.

20 Let me come back to this. The reason that you're now giving that you say you now accept that all of this story was a lie goes to your acceptance of her explanation to you of a so-called gambling addiction?---Yes.

Right?---Yes.

30 Well, that's an explanation for where some of the money has gone but it doesn't say anything about why you're believing or sorry, it doesn't say anything about why you're disbelieving the story now as opposed to when it was first given to you?---Because when it was given to me it was given to me piece by piece and I was living through it and I didn't see the whole picture. Now I've been pointed out the whole picture.

So she gives you one piece of information, oh, I've got a gambling problem and suddenly the scales fall from the eyes and you accept that all of this was, was a scam?---Yeah, because I believe my daughter and she told me that so - - -

What would it have taken for you to disbelieve her?---Oh, I don't know anymore.

40 Mr Chee, do you have any questions?

MR CHEE: Yes, I do, Commissioner.

MR POLIN: Could I just, there's one question I forgot to ask.

THE COMMISSIONER: Yes.

MR POLIN: Could I just before, I just need to ask you this. So when was the last time you actively sought a loan from someone using your daughter's story as a pretext to get, getting a loan?---I can't remember.

Think back?---I can't remember honestly, months.

This year?---That I sought it?

Yeah?---No.

10

That you firstly?---For that story probably late last year.

When late last year?---I, I don't know.

Well, what are you calling late last year, is it Christmas Day?---No, I don't know, I don't know. I honestly don't know.

Just see if you can be a little more precise?---November, December, somewhere around there.

20

November, December?---I think, I, I don't know.

You've obviously been in contact with Jessica. When was the last time you spoke to her?---On the phone last night.

And where is she?---She's in a hospital.

30

When was the last time that you're aware Jessica sought money from people based upon this particular story?---I don't know who she's asked when, last, the last would have been probably around the same period, November, December that I was aware. I think.

Right. So is that someone has come to you and informed you that she's been asking for money or you were with her when she's asked for money? ---No, someone, someone told me that she was looking for some money. I don't think they gave it to her but someone's told me.

40

So you're aware that someone told you that she's looking for money at that time but the last time that you have actively sought money on the basis of this story was November, December last year?---Yes, I think so.

Yes, thank you.

THE COMMISSIONER: Yes, Mr Chee.

MR CHEE: Mr Camilleri, what level of formal education do you have? ---Ah, I finished in year 10 in '75, I did an apprenticeship and then I did a certificate/diploma in mechanical engineering.

So you left school at around 15 years of age, is that right?---That's right.

Do you have any legal training at all?---No.

And apart from the times that you referred to today you haven't been involved in any other court process or tribunal or commission?---Um, only in the Labour Council if you want to call that - - -

10 Sorry, what, what happens in the Labour Council?---That's the Industrial Labour Council, that's the only - - -

Right. So would it be fair to say that in terms of your legal understanding you have a lay person's legal understanding?---Yes, yes.

And you are of the view that it is possible that you might go to gaol over an unpaid debt?---Yes.

20 Are you familiar with what court documents look like?---No.

And in terms of your dealings with lawyers again apart from lawyers at the, the dealings that you've referred to today you're not familiar with the workings of lawyers and their correspondence - - -?---No.

- - - and how they - - -?---No.

30 - - - would write to clients. What about your understanding of ASIO, what's your understanding of ASIO, what does ASIO do?---They're a, they protect our borders and our interests overseas, it's like a security commission, investigators.

And in your mind it's possible that they could be involved in identity theft matters?---I thought that was the case, yes.

THE COMMISSIONER: Well, you thought that was the case, do you no longer think it's the case?---Well, I, I don't know, yeah, I believe that's the case, yes. Sorry.

40 MR CHEE: What about training in spelling, grammar and language, what training do you have?---Year 10.

Year 10. Right. And when you go looking at documents it's not your primary objective to identify spelling mistakes or errors in syntax?---No.

You're essentially an engineer, isn't that right?---That's right.

It's been put to you that it's implausible that the story which we've heard it wouldn't be accepted by anyone, no reasonable person would have accepted that story but you accept the story don't you?---Yes, I did.

Have you heard of something called a Nigerian scam?---Yes, I have through the courts here, yes.

It's a type of advanced being fraud isn't it?---That's right.

10 And you're aware that this type of activity is wide spread and it's - - -?---
Yes.

And it even occurs in Australia?---That's right, read it in the papers, yes.

Could I take you to the telephone intercept that we heard yesterday in particular the phone call that occurred on 29 August for, these are references for one of which she asks you or demands that you burn evidence, does she normally use that tone of voice with you?---No.

20 What about others?---Sorry?

Does she use the same tone of voice with other people?---No.

You've also given evidence that she can be particular persuasive at times?
---That's right.

Is that one example of her being persuasive?---That's aggressively persuasive, yes, but she can do it in a nice way too.

30 In the course of these loan arrangements did she approach you in that same manner for, for you to have, to seek loans?

THE COMMISSIONER: Well, Mr Chee, a moment ago he said that his daughter doesn't normally speak to him in that tone of voice, so I'm not quite sure what you're asking him now. I mean you isolated the phone call of one, one, one instance which was unusual of her using as Mr Camilleri says an aggressively persuasive tone. Are you suggesting that she spoke to him like that on every occasion that she asked for money?

40 MR CHEE: I'm not suggesting that, I, I would be putting to him that she did exert some form of influence over him.

THE COMMISSIONER: All right, go on. But I don't know where this is leading but anyway keep going.

THE WITNESS: Well some of the time she would be like that but - - -

MR CHEE: The phone call that occurred on 15 July which also part of Exhibit 40 she seems to be even more aggressive in tone?---Yes, totally out of character, yes.

In fact she went so far as to make a threat against you?---That's right.

THE COMMISSIONER: Did you say totally out of character?---Yes.

10 MR CHEE: Would you say that it was a manipulative relationship that existed?---Not really, no. I guess when you look back it probably looks that way but I didn't think it was when I was in it.

Were you blinded at the time?---I think I was totally blinded.

What's your current financial situation?---I'm unemployed, I have no savings, I have no home and now I have no reputation. I'm broke.

I have no further questions.

20 THE COMMISSIONER: Mr Silver anything?

MR POLIN: There was just, just one matter, Commissioner, if I might?

I think you suggested a moment ago that it was in fact ICAC who led you to believe that your daughter had a gambling problem?---No, I said previous to that my daughter mentioned it and then you mentioned it at the ICAC.

Well they didn't mention it?---Yes, they did.

30 Weren't you asked this, "As you're sitting there now do you believe the information that your daughter provided you?" to which you said, "I did believe it, I do believe it. She's told me recently she had a gambling issue and some sort of funds went in that direction which I wasn't aware of"?
---That's right.

40 Then you were just asked, "What does she say about her gambling issue?" to which you answered, "That she had a big gambling issue, that's as far as she said", then you were asked "What sort of gambling?" answer, "She was seeking some help. What sort gambling? She said, just said the casino." It was never suggested to you - - -?---Well I - - -

- - - by anyone from ICAC at the compulsory examination that your daughter had a gambling problem?---Well I apologise I thought they did say it.

All the information about that came from you?---Okay you got the transcripts out, I, I, in my mind I thought it was raised by, by ICAC as well.

Which again leads back to the Commissioner's question why on earth would you be believing it when your daughter says she's got a gambling problem?
---Well why would she tell me that, lies?

Oh she's told you on any view on it the biggest pack of lies that anyone's heard over a period of four years?---But, but it seemed to fit because there's no money coming back so obviously the money's gone somewhere else before, besides what she's been telling me and that, that seemed plausible, it must have gone to gambling then.

10

She might have a drug problem, be sounded, it sounds better if you say it's gambling though doesn't it?---Well - - -

She might be involved in the drug industry in some way?---Well I don't know that.

But it sounds better if you just say it's gambling?---I don't know. I'm telling you what I was told.

20 But you again you just blindly believe whatever she tells you. Is that right?
---Well blindly, yes.

THE COMMISSIONER: Is it possible that she's actually sent all of this money into an overseas account?---Anything's possible but I'm not aware of it.

Well can't you see this is the point, she could have told you anything and you would have believed it?---Yeah.

30 MR POLIN: In fact she told you at one stage didn't she that she was going to skip the country to avoid any liability, go and live in Lebanon where you describe she'd been living like a queen?---Oh well she was, she was just an emotional reaction at the time, she just said that - - -

Was it?---She never did it so she just said it.

Do you know that she doesn't have a very large bank account over in Lebanon where - - -?---I wouldn't have a clue. I don't believe she does, I wouldn't have a clue, how would I know?

40

THE COMMISSIONER: Yes.

MR EURELL: Mr Camilleri, I act for Mar Ross-Smith. You gave some evidence a bit earlier in relation to some questions about Mr Mark Ross-Smith - - -?---Yes.

- - - seeing different versions of the Commonwealth Bank document, do you remember that?---Yes, yeah.

And you gave some evidence that Mark got it wrong?---Yeah.

Do you make room for the possibility that it's in fact you who's got it wrong, that in fact there were multiple versions of the Commonwealth Bank documents?---I only know of one document and that's the one that was tabled here.

And is it possible that you've just forgotten the other document?
---Anything's possible but I only know of the one document.

10

You don't suggest do you that Mr Ross-Smith has given false evidence to the Commission?---By no means, no.

Thank you, Commissioner.

THE COMMISSIONER: Could I just – it's Mr Eurell is it?

MR EURELL: It is, I beg your pardon.

20 THE COMMISSIONER: Yes. I'll just identify you for the transcript, Mr Eurell, thank you.

MR EURELL: Thank you.

THE COMMISSIONER: Anyone else have any questions? No. Thank you, Mr Camilleri, you can step down, you're excused?---Thank you.

THE WITNESS EXCUSED

[3.57pm]

30

I'll take a short adjournment and I'll just give the legal representatives an opportunity to confer with Counsel Assisting in the light of the transcript that's been provided to them and then I'll resume briefly at 10 past 4.00. Thank you.

SHORT ADJOURNMENT

[3.58pm]

40 THE COMMISSIONER: I understand that none of the legal representatives require Ms, I've forgotten her name, Ms Camilleri to be called. In those circumstances I think there is probably some utility in tendering a redacted version of the transcript of her evidence at the compulsory examination. Is that the position, Mr Polin?

MR POLIN: Yes, it is, Commissioner. I'm not sure we've got that version ready to tender at the moment.

THE COMMISSIONER: All right.

MR POLIN: Is that correct?

THE COMMISSIONER: All right. Well- - -

MR POLIN: Yes, we don't have a copy in a format ready to hand up. If we can- - -

10

THE COMMISSIONER: Well, that's all right. If we could, if we could formally mark it and then perhaps the version that is ultimately received could be made available on the Website- - -

MR POLIN: Yes, Commissioner. We hand up a copy that hasn't been redacted.

THE COMMISSIONER: That will be Exhibit 48.

20

**#EXHIBIT 48 - TRANSCRIPT OF COMPULSORY EXAMINATION
OF JESSICA CAMILLERI (DATED 12 DECEMBER 2013)
CONDUCTED AT ICAC**

THE COMMISSIONER: Could I ask the legal representatives who have a copy of that transcript pursuant to the variation of the suppression order that I made to hand it back, because the version that will ultimately go onto the Website will not accord in every respect with the version that's been provided. Thank you.

30

Now, Mr Polin, were there some other documents that you wish to tender?

MR POLIN: There are, Commissioner.

Could I tender what was MFI 3 with some additional pages which were parts of the L3C contract, there was just, we were checking that there was no confidential information in those parts.

40 THE COMMISSIONER: Yes. All right. Well, then that will be Exhibit 49.

**#EXHIBIT 49 - MFI 3 PAGES WITH ADDITIONAL PAGES PART
OF L3C CONTRACT**

THE COMMISSIONER: Yes.

MR POLIN: Could I tender pages 2666 and 2667 which are, it's a document related to the Benchmarking contract and Mr Camilleri's conflict of interest disclosure.

THE COMMISSIONER: Exhibit 50.

#EXHIBIT 50 - COPY REGISTER TENDER EVALUATION

10

MR POLIN: Could I tender what's described as the Initial Investigation Report dated 6 February, 2001. It's a report performed by Anthony Woods of Henry Davis York. It's pages 285 to 298.

THE COMMISSIONER: Exhibit 51.

#EXHIBIT 51 - INITIAL INVESTIGATION REPORT DATED 6 FEBRUARY 2013 CONDUCTED BY HENRY DAVIS YORK

20

MR POLIN: Could I tender actually part of a letter from the Commonwealth Bank to the Commission dated 28 November, 2013, it's pages 396 and 397. It doesn't include the spreadsheets referred to in paragraph 4 of that letter.

THE COMMISSIONER: Exhibit 52.

30

#EXHIBIT 52 - LETTER TO ICAC FROM CBA RESPONDING TO NOTICE CBA DATED 28 NOVEMBER 2013

MR POLIN: I believe that's the end of the tenders, Commissioner.

THE COMMISSIONER: Thank you.

Yes, sorry.

40

MR KATSOOLIS: Commissioner, is it possible in relation to the – to seek access to the redacted version of Exhibit 48 prior to its publication?

THE COMMISSIONER: Well, is there a particular reason why you need to make that application?

MR KATSOOLIS: The, the – only given the concerns of, of the, of the, of my client in relation to certain information that was provided in the private hearing.

THE COMMISSIONER: Well, can I, can I just suggest that you have discussion with Counsel Assisting in relation to that?

MR KATSOOLIS: Thank you, Commissioner.

10 THE COMMISSIONER: And you can satisfy yourself when you see that redacted version.

MR KATSOOLIS: Thank you, Commissioner.

MR SILVER: And, Commissioner.

THE COMMISSIONER: Yes, Mr Silver, I'm sorry?

20 MR SILVER: In terms of the tendering of documents, we are not quite ready to make a decision precisely- - -

THE COMMISSIONER: No, that's all right, I was coming to that, Mr Silver. What I was proposing to do was to ask counsel generally what further time they might need in order to determine whether they wish to add anything to the evidence and in addition what further time they would need to prepare submissions in relation to the matter because we can deal with that at some convenience time. Does that suit your purposes, Mr Silver?

30 MR SILVER: Yes, thank you. We can – in terms of timing we can make a decision about tendering documents very quickly and in regards to submissions we would submit that it might be appropriate that we have sight of Counsel Assisting's submissions first and then to have two weeks after that to make the submissions.

THE COMMISSIONER: Yes. When you say you could make a decision about whether you need to tender material in a very short space of time, what- - -

40 MR SILVER: By 10.00am tomorrow morning.

THE COMMISSIONER: All right. Well then do I take it that if we're not advised by 10.00am tomorrow morning that you need to tender any material then there won't be a need to convene tomorrow morning, save to set a timetable for submissions if that's- - -

MR SILVER: Correct. And I can communicate with Mr Polin by say 9.30 tomorrow?

THE COMMISSIONER: All right. Well, then in view of the outstanding matters could I suggest that we adjourn to 10.00am tomorrow morning and we can make those arrangements after everyone's had an opportunity to consider their position overnight. Mr Eurell?

MR EURELL: Commissioner, just one matter. Document, a handwritten document with page numbers 269 to 270 which appears to be a handwritten ledger contains bank account details.

10 THE COMMISSIONER: Yes, I've already made, I've already made it clear that for the purposes of the publication of any of that material those bank account details are to be prohibited from publication so there's a suppression order in relation to any personal account information.

MR EURELL: Thank you.

THE COMMISSIONER: Anything else? No. All right. Well, I'll adjourn to 10.00am. Thank you.

20

**AT 4.27PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.27PM]**