

VESTAPUB00408  
29/07/2011

VESTA  
pp 00408-00478

PUBLIC  
HEARING

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE DAVID IPP AO QC

PUBLIC HEARING

OPERATION VESTA

Reference: Operation E10/1246

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 29 JULY 2011

AT 10.07AM

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: Mr Newlinds.

MR NEWLINDS: May I re-call Mrs Kazal please, Commissioner.

THE COMMISSIONER: Mrs Kazal, would you take the witness box please. Would you swear Mrs Kazal in again please.

<AGNIESZKA KAZAL, re-sworn

[10.07am]

10

THE COMMISSIONER: Mr Newlinds.

MR NEWLINDS: Mrs Kazal, remember the other day I asked you some questions and you gave some answers about banking some money into an ANZ Bank one day?---That's correct.

Now, I'm sure you can't remember by reference to your own memory what date that happened, is that reasonable?---Yes. That's correct.

20

Are you able to tell us what month of what year it happened?---It would've, it could be either June or July 2007. I'm pretty confident.

Why are you confident about that?---Because as mentioned before I was made redundant in June 2007 and I had a few weeks off work and that's why I associated the fact with that timeframe.

Right. And is it the position that from June 2007 Charif was not working and was not earning any income himself?---Possibly.

30

THE COMMISSIONER: What do you mean possibly? Does that mean yes or no or you don't know or you do know and you're not sure, I don't know what that means?---I'm not sure if he was not employed on permanent basis, he wasn't going to work from 9.00 to 5.00 but I know that he was involved in the business, that joint venture so he was busy. He's got meetings but it wasn't a work from 9.00 to 5.00.

Was he not working for AWT?---I'm not sure.

40

Why do you say he wasn't working?---He wasn't working in the sense that he didn't have employment from 9.00 to 5.00, it wasn't a regular job.

Sorry, Mr Newlinds. Wasn't he the Operations Manager of AWT at the time?---I'm not sure.

Do you know?---No, I don't know.

You have no idea whether he was employed or not?---No, I have an idea and like I said before - - -

You don't know whether he was the Operations Manager of AWT or not? ---No, I don't know.

So you don't know whether he was employed or not?---I am aware of the fact that he was busy working but whether that was as Operations Manager for AWT at that time I'm not sure.

10

Yes, Mr Newlinds.

MR NEWLINDS: Well is this a true statement, from June 2007, I'm sorry, I withdraw that. As at September 2007 - - -?---September, yep

- - - would this have been a true statement, from June 2007, Charif has not worked and has not earned any income?---Yes, it could be.

20 Could be. Well is it true or not?---That's, yeah, that's, yeah, I think that's true.

So - - -?---My best recollection it's true.

All right. And would this be reasonable then, well, when in June 2007 did Charif stop working and stop earning any income? Can you tell us?---I don't remember at this stage.

You see you weren't Charif's wife in June 2007 were you?---No.

30 You were his girlfriend weren't you?---Yes.

And your relationship was in an early stage wasn't it?---We were living together already.

Were you?---Yes.

As at June 2007?---Yes.

40 All right. The first time you met his children was in July 2007 wasn't it? ---That's correct.

And July 2007 was shortly before Charif moved in with you on a permanent basis. Correct?---Yes.

Does it follow from you agreeing with those propositions that Charif moved in with you shortly after July 2007?---That's on permanent basis. But he was residing with me even before that.

On a non-permanent basis?---Yes.

So he wasn't residing with you?---Sorry, I do not - - -

Well he used to sleep over from time to time didn't he? Didn't he?---Yeah, he would stay with me.

But not all the time?---Yeah, not on permanent basis.

10 Well not all the time?---That's correct.

Not every night?---Not every night.

Not most nights?---Possibly half nights. It was certainly a serious relationship.

And as at June 2007 you had not met his children?---That's correct.

20 And is this the position, by September 2007 you were supporting Charif financially?---Yes. There was a period of time. I do not remember the dates, but there was a period of time when I was supporting him financially, yes.

And when, just remind me, do you say you had met Mr David prior to the occasion at the AWT office that you've given evidence about?---Yes.

When?---I do not remember.

30 What circumstances? Was it a party? Was it in the street? Where was it?  
---It would have been on the street possibly and - - -

It would have been on the street?---Yes.

MR BEECH-JONES: Commissioner, could she just finish? She's being cut off from giving a full answer.

40 MR NEWLINDS: All right. It would have been on the street possibly. Is there anything else you wanted to say?---I want to say that I was introduced to Mr David on a few occasions.

All right. Well let's go through one of those occasions. Where was it?  
---One time I was driving with Charif in Macquarie Street, I remember and Mr David I think was walking past.

Ah hmm?---And we stopped and said hello.

What through the window of the car?---Yeah, I think I was sitting inside the car, yes.

All right. So you were introduced through the window of a car?---Yeah, that's one of the times.

Was that the first occasion?---I'm not sure. I don't remember the exact day when I met, I met Mr David for the first time.

10 What's another occasion that you met him prior to that day in the office?  
---It would have been just in Circular Quay or in The Rocks. I really don't know, but I know I was familiar with him. In fact I know I was introduced to him a few times because I remember saying to someone that I don't even think he recognises me because you know, I was introduced a few times to the same person.

All right. Well on the day at the AWT office do you think he recognised you? Did he say hello Agnes?---I would not, I don't remember.

20 But this is the position isn't it, as at the time of this meeting with Mr David at the AWT office your status was that you were Mr Charif Kazal's girlfriend?---Yes, I was his partner.

And you hadn't been his girlfriend for very long had you?---It was a year. But I had known him for a long time. But girlfriend and boyfriend in the sense that we were very close together, spending a lot of time together for a year. We actually got engaged that year. We actually got engaged in July 2007.

You sure about that?---Yes.

30 Well, isn't this the position. As at September 2007 you described your relationship with Charif as follows. "Charif and I have been in a relationship for the past approximately 12 months. Charif moved in with me at my then home in the city in or about the end of July 2007. Prior to that time for a period of one year he was living at a home at Beverly Hills, however, Beverley Park, however, we spend some of the time at the home that I used to live in."?---Yes, all correct.

40 All right. Now, you swore an affidavit in the Federal Magistrate's Court in September 2007 concerning a dispute Charif was having about child support. Do you remember that?---Yes.

And I've just read to you the first paragraph of that affidavit?---Yes.

You understand that don't you?---Yes.

There's no mention in that affidavit at all of you and Charif becoming engaged in July 2007 is there?---No.

And the reason there's no mention in that affidavit that you got engaged in July 2007 is that you didn't get engaged in July 2007, correct?---No.

'Cause what you are seeking to do in the very first couple of paragraphs of that affidavit was to tell the court about the state of your relationship with Charif and the history of that relationship weren't you?---Yes.

10 And you've neglected, if you're telling the truth now, to tell the court that in fact that you had got engaged in July, is that the position?---The position is that I do not, I cannot recall now how relevant that was.

Well, may I show you a document - - -?---My second point is, if I may, that that was a private engagement that Charif and I only attended and I can prove that it happened at that month if you require proof.

It was a private engagement?---Yeah, there wasn't an engagement party.

No, no, no, what's a private engagement?---Two people together.

20 Agreeing secretly to get married?---Not secretly.

Well, so it's a public engagement?---Mr Newlinds, we were, as you know now, involved in a matter with Charif's ex-wife and there are reasons why we did not want certain people, meaning her and her family to know every single thing about our relationship. I consider an engagement where a partner proposes to another person in privacy, something intimate, something that does not have to be included in an affidavit. I explained my relationship with Charif very well in that affidavit.

30 Well, you didn't because the most fundamental thing about your relationship as at September 2007, if you are to be believed today, is that you were Charif's fiancée?---Yeah, but that depends how you, how important it is for you - - -

You couldn't possibly explain your relationship with Charif as at September 2007 without mentioning the fact that you were engaged to be married to him could you?---Yes. Sorry, could you please repeat the question?

40 You couldn't possibly give an accurate description of your relationship with Charif as at September 2007 without pointing out the fact that you were engaged to be married to him?---To me, my engagement to Charif did not change anything in terms of our relationship.

All right. Well, as at June 2007, that is the date you got the money you say from Mr David - - -?---Yes.

- - - you were, without being rude about it, no more and no less than Charif's girlfriend weren't you?---Yes.

And that was the basis that you had been introduced to Mr David on the few occasions you had briefly met him, correct?---Possibly.

When you say possibly - - -?---I do not remember that words that would've been used, whether it was a partner or a girlfriend or just Agnes, I cannot say that Charif said I'm his girlfriend. That's why I said possibly.

10 Now, can I just ask you to cast your mind back as best you can to the envelope you were given and the conversation you say you had with Mr David the day you went to the bank?---Yes.

You said on the last occasion that you thought the envelope had the name Kelly written on it?---Yes.

And you also thought it had some numbers written on it?---I remember writing on it.

20 You wrote something on it?---No, I remember writing.

Thank you. And is it right that the other day when I was asking you questions you said that you thought you remembered the name Kelly being written on it?---Yes.

And you also thought you remembered some numbers being written on it? ---I remember something written on it so I'm assuming it was numbers.

30 And are you also assuming it was the name Kelly?---Yes, but I remember that more than the rest of the information on the envelope. And like I said, I don't even remember Andrew, I just remember Kelly.

Were you given or was there in the envelope when it was finally opened, a plastic credit card of any sort?---I don't remember. I don't think so.

Well, let's think about it. If there was, obviously it would have been someone else's, it wasn't yours. Correct?---Yes.

And it obviously wasn't being given to you to keep?---Yes.

40 And so it would follow that if you had been given something like that you would have had to have given it back to Mr David?---Yes.

And you're confident you didn't give anything back to Mr David? ---Confident.

So it would follow, would it not, that you're also confident that there was no plastic credit-type card given to you?---Yes.

Can I ask you this question. How did you know which bank to go to?  
---I'm assuming it was written on the envelope.

But you can't remember?---No.

Had you had any dealings with the ANZ Bank before that day?---Yeah, I think I had an account there already, my own private account.

At ANZ as well?---Yes.

10

Had you gone to the particular branch you think you went to before that day?---Excuse me?

Had you gone to the particular branch of the ANZ Bank- - ?---Yes.

- - -before that day?---Yes, I would have.

20

Well, you say that, but on the other occasion I was asking you questions you couldn't remember where the branch was, could you?---Yes, because there were I think two branches that I would normally go to, both of them in Circular Quay, between Circular Quay and Martin Place in Pitt Street.

And it was one of those you think?---Yes.

And at which of those particular branches do you think you had an account?  
---Pitt Street.

30

Well, they're both in Pitt Street you've just explained?---Excuse me. The one closer to Circular Quay- - -

All right---?- - -than to Martin Place.

And is that not there any more?---I know that there was, it relocated just next door but I'm not sure at that time if I, I think I first set up my account, it was somewhere else, but I don't remember even the location at the moment.

Do you still have an account with that- - ?---Yes.

40

- - -bank at that branch?---Yes.

Well, where is it?---Now it's in Pitt Street.

Which number?---I don't know.

Near which cross street?---It's opposite the post office in Pitt Street. Opposite the Marriot Hotel in Pitt Street.

Which side of the road as you're going- - -?---Circular Quay.

But as you're going down Pitt Street towards Circular Quay is it on the left or the right?---It's on the left.

Opposite the Marriot Hotel you think?---Not directly opposite but just close to it.

10 And I just want to clarify one last thing. Do you think that if you had been given some form of receipt by the person at the bank- - -?---Ah hmm.

- - -representing the deposit, do you think you would have given that document back to Mr David or asked Charif to give it back to Mr David?  
---I can tell you that I don't remember giving it to anyone.

Well, I know that, we went through that last time?---And I can tell you what normally what I would do in this type of situation.

20 Tell me?---I would normally take the receipt, put it in my wallet and next time I see the person I would probably give it to them, unless they asked me for it. And if they don't or if it's a significant amount of time, if no, if I don't meet them and ask for that receipt I will probably just even either just put it away or though it out.

When you say what you would normally do in this situation, you're making that up, aren't you?---No.

30 Because you've never been in this situation before or since this occasion?  
---No, a situation where someone asks me to bank money. I am in that situation from time to time.

THE COMMISSIONER: The people who you don't work for- - -?---Ah  
hmm.

- - -and you're not friendly with- - -?---Yes.

- - -ask you to bank money for them?---Yes, but like I said before- - -

40 Is that, is that something that frequently happens to you?---No.

Has it ever happened to you?---No, I don't think so. I'm just saying that normally if I'm asked to deposit money for anyone, doesn't matter if it's a colleague or if it's family, that's what I would normally do. I would just put it in my wallet and either give it to the person or give it to them if they ask me for it and after a while I'll just probably throw it out.

MR NEWLINDS: If it was a work colleague - - -?---Yeah.

- - - who asked you to deposit some work money - - -?---Ah hmm.

- - - you would not wait for them to ask for the receipt, you would give them the receipt wouldn't you?---Yeah, if it was someone that I see on a regular basis, probably.

All right. So that covers work people and that covers family doesn't it? Yes?---It depends.

10 Well - - -?---Everything depends on the amount, of what it is.

Now you knew at the time that Charif had an ongoing or some sort of ongoing business relationship with Mr David didn't you?---Yes.

So you knew that if you gave the receipt if you had one to your, to Charif he was quite capable of passing it on to Mr David?---Yes.

And you're confident you did not do that aren't you?---I do not remember doing that, no.

20

I think you're confident you didn't do it aren't you? That you did not give the receipt to Charif?---Yes, I'm confident I do not recall a situation where I gave it to Charif or to Mr David or anyone in fact.

And that's because you're making this story up isn't it?---No.

Because if it was true - - -?---Ah hmm.

30 - - - you would have obtained some form of receipt from the bank and you would have given that back either to Mr David or given it to Charif and asked him to pass it on to Mr David?---I would have received, agree with the first that I would get a receipt, but not necessarily I would have given it to anyone.

And do you have any memory of at some later date going through your purse and discarding such a receipt?---No. I just don't remember what I've done with the receipt.

40 You can't even remember if there was a receipt can you?---No. I just assume there was because of the nature of the event.

THE COMMISSIONER: What I don't understand - - -?---Yes.

- - - is a man who is almost a stranger to you - - -?---Ah hmm.

- - - gives you money to deposit, aren't you really anxious to give him a receipt to prove that you have deposited all the money that he asked for and haven't taken for yourself?---I didn't think of that way and it was not a man

that was complete stranger. I heard of this man every day. Charif would tell me - - -

You'd only met him a few times?---Yes, but Charif would be telling me. It was a time when Charif was very excited about a project that he was doing. So he would be telling me about Mr David, about the David family. It was not that he was a complete stranger. Even personally he maybe wasn't well known to me, but I knew of him quite well.

10 Mr Newlinds.

MR NEWLINDS: Would you have said in September 2007 that Charif was unemployed during June 2007?---Excuse me could you please repeat?

Would you have described Charif as unemployed during June 2007?---I think so.

Then can you explain to me why it was that you were visiting him at the office of AWT - - -?---Ah hmm.

20

- - - where the last time you gave evidence you said he still had an office within their office?---Yeah, he had some space for him, yes.

But he was unemployed?---Yes.

So he wasn't working for AWT?---I'm of a view, I'm not sure, like I said before, but I'm of a view that he wasn't.

Yes, thank you.

30

THE COMMISSIONER: Thank you. Just a moment please, sorry.

MR NEWLINDS: Oh yes, is this the position, from some time in 2006 were you employed by one of the Kazal companies?---In 2006?

Yes?---No.

40 On 7, sorry on 4, what's that date, would you say that throughout 2006 Charif Kazal was partly working with AWT and partly working with Kazal Brothers Pty Limited?---I'm not sure, I don't remember now what arrangement he had in place. I know he was sort of working part time, but I wouldn't remember exactly which company for.

Now, prior to the time when you say you banked the money had Charif worked for AWT or one of the Kazal companies and stopped?---I'm not sure if it would've happened exactly in June or July but there was an event when, yeah, he had arguments with Karl.

So he then stops working for whoever he worked for before, yes?---I'm not, I'm not sure if he stopped immediately or if he stopped before, I don't remember the exact circumstances, I'm sorry.

Well, was he working for AWT or any of the Kazal companies at the time you say you received and banked the money from Mr David?---I don't even remember the exact date when I've done this so I wouldn't be able to tell you.

10 But you don't need to place it by reference to date?---Ah hmm.

Just place it by reference to that event. Was he working for that company when - - -?---Yes, he had some connection, yes.

All right. Or is it the position that he wasn't working there but he was allowed to use some office space?---I think he was working to some extent.

For AWT?---I'm not sure if AWT but somehow with his brothers.

20 And was he receiving money for that?---Money was very tough at that stage so - - -

You said in your affidavit to the Federal Magistrate's Court that he was unemployed and receiving no income didn't you?---Yes. Yes.

And was that true?---Possibly.

What do you mean possibly, was it true or not?---What dates then I'll tell you. Could you please specify?

30

As at September 2007 you said did you not that from June 2007 Charif had not worked and had not earned any income?---Yeah, that's correct.

Right. Now, I'm asking you to place when Charif stopped working and ceased earning any income by reference to the day that Mr David apparently asked you to bank this money?---It was around the same time, I wouldn't be able to tell you if it was just before or after but it was all happening at the same time.

40 Did Charif tell you what the falling out with his brother was that caused him to cease working?---There were arguments, there were a lot of arguments at that time.

What were they about?---I think partially about Charif's, getting involved with, wanting to do some work for, with Rodric David and I don't think that his brother was happy about that. We had a lot of problems, financial problems at that stage. There were problems with the Family Court and Karl was not happy about that either so all sorts of issues.

And Karl wasn't happy about you being around was he?---I don't recall that.

Can you remember the time, the first time that Charif went away to Dubai for a week with Mr David and others?---I think so, yes.

You didn't go did you?---No.

So do you remember him leaving and coming back?---Yes.

10

And he was away for about a week?---Yes.

Was that before or after he stopped working for AWT?---I really do not remember. I would not know. I wasn't involved in Charif's work, it wasn't that, it was, he stopped working over one day, one event, there were discussions, there were arguments, it was all a very stressful time.

20

THE COMMISSIONER: But you were confident enough to make an affidavit in the Federal Court and tell the court when, that he was unemployed and wasn't earning any money - - -?---Ah hmm.

- - - so why are you not able to say when this happened?---Because it was now a long time ago and I believe I was making that affidavit as, as when it was happening.

But was Charif sacked?---Sorry?

Was he sacked, was he fired?---I believe so.

30

You believe so. Did he tell you that?---Because I was not there.

Did he tell you that?---(NO AUDIBLE REPLY)

Your answer's yes?---Yes.

He was fired by his brothers?---Yes.

Which brother?---I believe by Karl but I'm not certain.

40

That's what he told you?---Yes.

And he was fired by him and he had to leave the offices?---Yes. But also it was not just one event, there was one major fight- - -

Yes, but he was fired. When you're fired you're fired once usually?---Yes.

So you know that he was fired?---Yes.

And then had to leave the offices?---(NO AUDIBLE REPLY)

Is that right?---Yeah, I would think so.

He wasn't allowed to go back because he wasn't - -?---I don't know if he wasn't allowed because they're still family. They were not the best, you know, on best terms but they would still see each other.

10 And would he earn money once he was fired, did he earn money from them?  
---I believe that he didn't and I'm certain that there was a period of time, a few months when Charif wasn't earning any money. Right now I do not remember exactly.

And he wasn't earning any money because he wasn't working for the family?---Yes, that's correct.

And that means he wasn't working for AWT. Is that right?---I'm not sure if it was AWT, he just was not working for the family.

20 Well, AWT is a family company?---That's correct.

So he wasn't working for AWT?---I believe he wasn't.

And he wasn't working for Kazal Brothers?---Yeah, I believe he wasn't.

So what was he doing?---He was really concentrating on the business with Rodric David and going overseas. That was supposed to be his own big project.

30 And was he working full-time on that?---No.

So what was he doing when he wasn't working on that?---I'm not sure.

But you were his girlfriend, you were living with him almost?---Yeah. Yeah, he was going to meetings, he was keeping himself busy, that was a big project.

What, there was a big project, he was keeping himself busy on the project?  
---Yes.

40

Doing what?---Organising meetings in, in the UAE, I believe talking to Rodric, for a number of weeks, if not months, that was, that was the main thing on the agenda, plus we had a court case and it was quite, we had a lot of events happening at that stage and that was keeping Charif very busy as well.

MR NEWLINDS: You said on the last occasion that you gave evidence here- -?---Yes.

- - -that on the day that you put the money in the bank- - -?---Ah hmm.

- - -you had arranged to go and see Charif at work, at his work, didn't you?  
---Yes.

Well, are we to take it from that evidence- - -?---Ah hmm.

10 - - -that you were intending to convey that as of that day he was still  
working for AWT?---I, sorry, could you please repeat?

Well, should we take it from the fact that what you described you were  
doing- - -?---Ah hmm.

- - -was going to see Charif at his work, that as at that day he was still  
working for AWT?---I would rather say that- - -

20 Please would you answer the question---?- - -that at that stage he still had  
space in AWT. I'm not sure if he was working there every day.

You have- - -?---He would still use that space, that's correct.

And you had a key to the AWT office on this day?---Yes.

When had you been given that?---Months before. I sort of always had it.

Right. Was, were you ever asked to give it back?---I don't recall.

30 And why were you, what were the circumstances under which you were  
given a key to your boyfriend's work?---Because it was a family business  
I'm assuming and I was close to them, I would visit Charif a few times. I  
just had access to it.

You'd visit him a few times?---Yes.

But if he was there you didn't need a key?---That's correct.

40 So the only reason for you to have a key was so that you could visit the  
office when Charif wasn't there?---I honestly don't recall the circumstances  
when I was given the key.

Are you sure you had a key?---Yeah, I'm sure.

THE COMMISSIONER: I can't understand - - -?---I always had it.

I can't understand why you had a key?---Well, even at this stage I can tell  
you that there's more people who have access to that office than people  
working in it.

But you weren't working in it?---Yeah.

So why do you have - - -?---But that's exactly my point. I'm saying that at even at this stage there's more people who have access to the office than people who actually work there.

But there, is a full-time receptionist there?---No.

10 Are there people who work there during the day?---At the moment there's only - - -

No, in September 2007?---Oh, yeah.

And then when you deposit - - -?---It was more busy back then in the office, there were more people then.

And so how many people were employed there?---I don't know exactly.

20 About?---I would have, I know there was a receptionist and there would probably, I haven't been there many times but there would be two, three people there if, like most of the time.

This is at about the time you deposited the money?---Yes.

So why did you, if there were people working there why did you need a key to get in?---I don't know.

30 Well, it sounds very strange to me?---It could have been, it could have been an event when I was there, I just don't remember.

Did you need a key?---I don't think I needed a key.

So why did you get one?---Maybe there was an event where I have required it before.

Yes, Mr Newlinds.

40 MR NEWLINDS: The fact that after you had the conversation with Mr David you went down to the bank and put the money in it and that's what you remember happening?---Yes, I remember that it would have been on that day or shortly after.

Oh, so it might not have been that day?---Yeah, I said that I'm not a hundred per cent sure. I don't remember what happened after I left the office.

All right. Might I just ask the witness to identify her affidavit in the Federal Magistrate's Court. It's sworn 10 July, sorry, 10 September, 2007 and was

filed on, on that day. Just, can you just confirm for me that that is a photocopy of the affidavit - - -?---Yes.

- - - you swore and that I've been asking you some questions about?---Yes.

I might tender that as a separate exhibit please, Commissioner.

THE COMMISSIONER: Yes. The affidavit of Agnes Bocianowska, is that how one - - -?---Yes, that's correct.

10

- - - dated 10 September, 2007 is Exhibit 5.

**#EXHIBIT 5 - AFFIDAVIT OF MS AGNES BOCIANOWSKA  
SWORN 10 SEPTEMBER 2007**

MR NEWLINDS: No further questions, thank you.

20 THE COMMISSIONER: Mrs Kazal, I have a couple of questions that I'd like to ask you?---Yes.

Do you mind just bearing with me for a moment, please. Do you know what account you deposited the money into?---No.

You knew it was, it was a Kelly account?---I remember the word Kelly.

But you don't know the first name of the person into whose money you deposited the account?---I don't remember it, no.

30

Did you know it then?---What do you mean?

When you deposited the money did you know the name, all the names of the person into whose account you were depositing the money?---Well, I'm assuming it was written there or if it wasn't - - -

Well, I don't know why you're assuming it because you've told us that you can only remember the name Kelly?---Yeah, that's right.

40 So where did you get the other names from?---It would have been written on the envelope or it would have been, I just don't remember it.

You say it would have been written on the envelope but you'd told us that only Kelly was written on the envelope?---No, I said I just remember the word Kelly and I don't remember was else was on the envelope, if it was - I wouldn't be able to tell you just to give you an idea, it was A. Kelly or Andrew Kelly or just Kelly, I'm not, I don't remember.

Well, people have different kinds of accounts at a bank?---Yes.

They have an ordinary credit account, they have a savings account?---Yes.

They have a credit card account?---Yes.

How did you know what account to deposit the money in?---I wasn't told this.

10 But how did - what did you say to the bank when you went there?---I remember that it would have been enough information on the envelope to make the deposit because I don't remember having a conversation about it.

Well what was on the envelope that was enough to let you know what account to deposit the money in?---I don't remember. I was given an envelope with writing on it and the only word that I remember is Kelly. And I remember taking it to the, to the teller, presenting the envelope. And I don't remember the, I don't remember any questions being asked about what account it is. So that's why I'm assuming that it was written there.

20

So you presented the envelope to the teller?---Yes.

Open or closed?---I don't remember if I opened it or if the teller opened it.

But you didn't count it?---No. I don't remember counting the money.

But you - - -?---I'm pretty confident I did not count the money.

30 So someone gives you what seems to be quite a lot of money. Is that right?--Yes.

Asks you to deposit it?---Yes.

And you don't check to see whether the teller is depositing the right amount of money?---Oh, I would have been looking at him doing that, but I don't remember myself counting the money.

How do you know that the teller deposited the right amount of money?  
---Just by - - -

40

Noted the correct amount of money that was being deposited is what I'm getting at?---I believe that I would have looked at the teller counting the money and him putting it there. I don't remember checking it, no.

Did you not think that it was pretty careless of you to do that, just in regard to someone else's money?---Now that I think about it. I hope I (not transcribable) something else, but back then I considered this just a simple request, can you take this to the bank for me? Yes, I can. And I took it.

How much money was involved?---I don't remember. I never counted this money. I, I really do not - - -

Didn't you regard this as an extraordinary event?---I didn't think so.

Why couldn't Mr David go and deposit the money himself?---I don't know.

10 Did you ask him?---No. He just said that he's running late and if I can do him a favour.

Why did he want Mr Kazal to deposit the money?---Excuse me?

Why did he want Mr Kazal to deposit the money?---Why didn't he want?

No, why did he want? I take it that's why he came to the office?

20 MR KORN: Your Honour, how would she know why he came to the office? I'm sorry, Commissioner, how would she know what's in his mind?

THE COMMISSIONER: Are you acting for her now?

MR KORN: No, but with respect - - -

THE COMMISSIONER: What standing do you have?

MR KORN: Well that seems an unfair question to anybody, Commissioner.

30 THE COMMISSIONER: Well I don't think it is Mr Korn. And if you want to take on a brief (not transcribable) for everybody to hear, I think that's inappropriate.

MR KORN: No, I accept that. I accept that. But that does seem to be an unfair question.

MR BEECH-JONES: (not transcribable) Commissioner, as a person affected, as the primary person affected I have a right to object to any questions of any witness if there is a proper basis.

40 THE COMMISSIONER: I don't agree.

MR BEECH-JONES: Well (not transcribable) otherwise - - -

THE COMMISSIONER: I will not allow you to (not transcribable)

MR BEECH-JONES: I haven't taken an objection, but I - - -

THE COMMISSIONER: Well then please sit down Mr Beech-Jones. No need to make gratuitous comments. When Mr David came into the bank he had with him this envelope.

MR KORN: I'm sorry, did you say the bank?

THE WITNESS: Mr Commissioner, the office.

10 THE COMMISSIONER: Yes, to Mr Kazal's office?---Well I'm assuming he would have had it.

I don't understand that answer, I thought you said he had it with him?---Yes.

So why are you saying you're assuming?---Just the way Mr Commissioner asked the question. Sorry, I got a bit confused.

MR KORN: (not transcribable)

20 THE COMMISSIONER: I beg your pardon? Did you say something Mr Korn?

MR KORN: I did.

THE COMMISSIONER: What did you say?

MR KORN: I thought it was a poor question.

THE COMMISSIONER: Would you mind standing up Mr Korn.

30 MR KORN: Certainly.

THE COMMISSIONER: Firstly, if you have objections to make, please make them as I expect members of the bar to make them and standing and advance any objections in the proper professional way, not by sitting down and calling out words.

MR KORN: I didn't - - -

40 THE COMMISSIONER: Did you not - - -

MR KORN: I didn't (not transcribable).

THE COMMISSIONER: Are you saying you didn't do that?

MR KORN: I didn't call out a word at all, I was speaking to myself, making an observation to myself in very hushed tones.

THE COMMISSIONER: Well, I certainly heard you say something.

MR KORN: That's right. And I've told you what I said.

THE COMMISSIONER: Well, do you mind not speaking to yourself?

MR KORN: I'll try, thank you.

THE COMMISSIONER: In this hearing room, if you want to speak to yourself outside the hearing room you're free to do so.

10

MR KORN: I'll do my very best, Commissioner.

THE COMMISSIONER: I can assure you, Mr Korn, that I will not be put off my duty by unnecessary interruptions in an attempt to disturb me.

MR KORN: I completely and utterly reject the proposition that that's what I was about doing, completely.

THE COMMISSIONER: You are doing that?

20

MR KORN: Well, I completely, I completely the proposition that your Honour, that you're suggesting that that's what I'm about doing.

THE COMMISSIONER: Well, you've successfully caused me to forget the question that I was asking, you disturbed my train of thought by you speaking to yourself sitting down in sufficient loud terms to enable me to hear that you are saying something which is in the nature of an objection to my question without actually putting it. I regard that as rude and inappropriate from Counsel and certainly not something that I have previously experienced in my career. Maybe this is something that happens in other courts but it's not going to happen here again, Mr Korn, otherwise I will withdraw your leave to appear. Do you understand that?

30

MR KORN: I understand.

THE COMMISSIONER: Yes, thank you, you may be seated. Now, let me start again. I was asking you why did you assume that Mr David had the envelope with him. Despite Mr Korn's musings and Mr Beech-Jones' apparent objections - - -

40

MR BEECH-JONES: I didn't make an objection.

THE COMMISSIONER: You didn't make an objection to that, Mr Beech-Jones?

MR BEECH-JONES: I didn't make objection to anything, I just simply (not transcribable) the position about my client's involvement in the inquiry.

THE COMMISSIONER: Yes, well, thank you for that. Now, I was asking you why you assumed that he had the envelope with him and why you didn't know that he had the envelope with him?---And I answered that I just, the first question that Mr Commissioner asked was not completely clear, I misunderstood it.

Well, how did you misunderstand it?---I don't, could you please go back to the first question then.

10 Why did you assume that Mr David had the envelope with him?---Excuse me, to the previous question, Mr Commissioner, because - - -

Forget the previous question and start again?---Ah hmm.

Why did you assume that Mr David had the envelope with him?---Because he gave it to me.

So you knew you had the envelope with you?---Yes.

20 And did he not tell you what he was there for?---No. He just asked for Charif.

With the envelope with him?---Yes.

So when he was there it wasn't your understanding he was there to give Charif the envelope and ask him to deposit the money?---No.

30 He was there to see Charif then on something else was he?---I don't know what he was seeing Charif about. He came to see Charif, that's all I knew.

Now Charif wasn't employed there at the time was he?---That's correct.

But you felt free enough to go and sit behind the receptionist's desk?---Yes.

Why did you do that?---Because I was familiar with the office, it was my family, now family, but then was, sorry, wasn't family, just to make it clear, but I was familiar with people who worked there and that's what Charif told me to do.

40 What, he told you to do what?---To meet him in the office.

No, I'm asking you why you went and sat behind the receptionist's desk? ---Because it was free, I went inside the office, I waited and I sat down, that's the chair that I took.

So, so you're, you were there with your, you were there on your own - - -?  
---Yes.

- - - in the office in which your, from which your boyfriend has been fired?  
---Yeah, like I said, I don't remember if it was, if he was fired just, if he was fired already or if it was just after that event but yeah, around that time.

You felt free enough to go and sit behind the receptionist desk?---Yes.

There were other chairs in the reception?---Yes.

You didn't choose to sit in those?---No.

10

Why not? Why did you choose to sit behind the receptionist desk as if you were an employee?---Maybe because I would have went inside the office, I don't - - -

I beg your pardon? I'm sorry, I didn't hear that?---Maybe I would have went inside the office and walked past Charif's space and that leads to reception.

20

So he couldn't have been fired by then?---I don't know.

Well, if he was, if you expected to find him in his office how could he have been fired?---I'm assuming he wasn't but I'm not sure. Like I said, Charif, he had a, he stopped working for AWT but I am pretty confident that he went back to the office on a few occasions. He wasn't banned from the office.

And you said that Charif was very excited about the project?---Yes.

30

Why was he excited?---That was supposed to be the big opportunity, something for him to do on his own.

He was going to get quite a lot out of this, was he?---Hope, he was hoping for it.

Make a lot of money?---Yes.

Did he have a share in the project then?---I don't believe so, I don't believe that it was formal at that stage at all.

40

But if it became formal he would have a share in the project?---I don't know.

So why would, you knew why he was excited about that?---Yeah.

He was excited because he was going to make a lot of money?---That's correct.

So he was going to make a lot of money either because he had a share or they were going to pay him - - -?---Yeah.

- - - a lot of money?---That's correct.

And he told you this?---Yes.

Many times?---Yeah.

10 This was at about the time the money was paid in?---Before that and after that as well.

Before that, so that was before he went off to the first trip to Dubai he told you this?---Yes, he would have, I, I think so, yes.

Well, when I asked about what he was doing when he was unemployed you said that one of the things he was doing and the impression I got was that the main he was doing was doing work preparing for this project, is that right?---Charif was attending a lot of meetings. I would not be - - -

20

Do you mind just answering the question?---Yes, yes.

Is my impression right or wrong that the effect of your evidence was that during the time that Charif was unemployed he was spending most of his time working on this project?---A significant amount of time, yes.

And that was before he went to Dubai?---I believe so.

30 You say - I beg your pardon?---Mr Commissioner, I don't, I do not remember the exact dates, it was all happening at the same time.

I know you don't remember the exact dates?---But I know that Charif was going to a lot of meetings and I always assumed that they had something to do with this particular project.

That's before the first trip to Dubai?---He was always phone, always - - -

Before the first trip to Dubai?---Yeah, I think so, yeah.

40 He was always on the phone about the project?---I think so, yeah, he was - - -

How do you know that?---I do not know a hundred per cent, but I think so.

Why do you think so?---As much as I remember, he was because I remember talking to me about it. He was excited. And he, he was going to do everything he can to make it work.

Yes. Ms Hogan-Doran.

MS HOGAN-DORAN: Mrs Kazal, my name is Hogan-Doran, I appear for Mr David?---Yes.

You said in your evidence on Wednesday, you agreed with the Commissioner that it's your story that the man who you hardly knew came into an office where you were not employed, handed you an envelope, asked you to deposit it for somebody else and you agreed?---Yes.

10

That's rubbish isn't it?---No.

And you say that you made no note of how much money there is, that you didn't, that you didn't obtain it, you didn't get a receipt, there was no record, written record of the amount of money, but you were quite happy to take this and to deposit it?---Yes.

Right. And that you went and you deposited it and you have no recollection of what actually happened when you deposited it?---Yes.

20

All right. I want you to focus on the depositing. It's the case isn't it that at about lunchtime on 18 June, you deposited \$5,000 in \$50 notes at the ANZ branch at Pitt Street?---I don't remember what notes they were. And I don't remember the time.

You've got no reason to doubt that you did that at about lunchtime?---I do have reason to doubt it.

30

If there was a record that has been produced to this Commission that shows that that deposit occurred about lunchtime you've got no reason to dispute that do you?---I'm not fully understand the question, but if there was, so do you say if there was a receipt showing that it was around lunchtime I would have no reason to dispute that. Is that the question?

That is my question?---Yes. The answer is yes, I would not have a reason to dispute that.

40

All right. And to the extent you say you have a recollection of having made that deposit, you accept then don't you that it is highly unlikely that you received that money after lunchtime?---It is possible, yes.

You say it's possible that you received the money at a time after that it was deposited?---Oh no, I didn't realise your question referred to the previous statement, that it was at lunchtime. Sorry, I got a bit confused.

All right. I'll start that again. This Commission should have no doubt that you were the person that deposited the money?---Yeah.

That's correct isn't it?---That's, yep.

And this Commission should have no doubt that you received that money from somebody some time that morning on 18 June. That's correct isn't it? ---I didn't say the time exactly, but I'm leaning towards morning on lunch.

All right. Assuming morning or lunch would you agree with me at least up until prior to about 12.55pm?---No, I would say 2 o'clock.

10

2 o'clock?---Lunchtime, yeah, up to 2.00.

Right. So you think it's possible you received the money between 1 o'clock and 2 o'clock?---It's possible.

You just don't know?---Yeah, I just don't know.

Because you've got no idea?---I don't remember.

20 You told the Commissioner that when you were in the AWT offices that you entered it having already rung a bell?---Yes.

Why didn't you just use your key?---Because it takes more time to take it out. And even, like it's a common thing to do, you ring the bell first and no one answers, then you look for your key and open the door. That's what I would have done.

Wouldn't it have taken - - -?---Even now - - -

30 - - - more time for somebody to come and react to your, your entreaty that they open the door for you?---No.

You said to the Commission that you sat in the reception area?---Yes.

It's the case isn't it that in order to get to the reception area you have to go down the corridor, around the corridor, into the office and then through another door through to the reception area?---Yeah, that's correct.

40 All right. So you say you took all those steps rather than sitting in the general reception area, that is the waiting area?---Because I think I would have walked past Charif's space just automatically.

Isn't it the position that you can see Charif's space easily from the reception area?---No.

You can see it from the reception desk?---From behind reception desk you can't see it and from, and from the main reception area you can't see it. You have to walk inside the office to see it.

You didn't mention to the Commissioner that the circumstance in which, I'll start that again. You didn't mention to the Commissioner that you were subsequently employed by Parkview did you?---I didn't, no.

And indeed you were employed by Parkview from about September 2007?  
---That's correct.

Right. And you continued at Parkview for some time after that?---Yes.

10

And it's been that experience isn't it that you came to learn that the Davids family was, as you said, a good family?---No.

And it's from that experience that you came to become extremely familiar with Mr David?---No.

And it's not the case is it that you had any real knowledge on a firsthand basis of Mr David prior to June 2007?---I have met Mr David and I knew about him.

20

And where do you say that you'd met Mr David, you say you met him in the street?---Yes.

Right. And you never met him socially though did you?---I don't recall at this stage.

And you never went to dinner with him?---No.

And you never spent any time with his family?---No.

30

Everything you knew about Mr David you'd learnt from Charif?---That's correct.

All right. And everything you knew from Mr David, sorry, that you knew from Charif was that he was excited, that is, Charif was excited about a venture with Mr David?---There was even more, he was just telling me about Mr David and about the family, he was excited he gets to work with them.

40

And he was excited in the sense he was speaking to you about this on a daily basis after his trip?---Yes. Yes.

Right. And he was reporting to you, I'll start that again. You knew he was excited to discuss with you his venture with Mr David?---Yes, he was excited that he's doing this and he will be telling me about this, yes.

And you knew at the time that it was something about which if you were to discuss it with Charif it would be of interest to him?---Sorry, I'm not - - -

Wouldn't it have been interesting to Charif to know that Mr David had come to visit the office that morning?---Yes, (not transcribable).

You agree with me?---Yes.

Right. And wouldn't it been of interest for Charif to know that Mr David had asked you to do him a favour?---Potentially, yes.

Potentially?---Yes.

10

And yet you didn't mention to Charif - - -?---No, I didn't.

- - - that Mr David had come to the office?---No, I didn't. No, I didn't.

And you didn't mention to Charif that Mr David has asked you to do him a favour?---No.

And you didn't mention to Charif that you had done this favour you say?---I did not mention it.

20

And the reason you didn't mention any of those things, I suggest to you, is because none of those things in fact occurred?---That's not true.

And that Mr David was not visiting the AWT offices on that day?---He was.

And that he didn't ask you to deposit any money and he didn't ask you to take an envelope and deposit it at the ANZ Bank?---He asked me all of this, yes.

30

Well, I suggest to you that you're concocting this story for the purposes of assisting your husband in this Commission's inquiry?---I disagree.

No other questions.

THE COMMISSIONER: Mr Newlinds.

MR NEWLINDS: Just one question please, Commissioner. Have I got this right? You're inside the office sitting behind the reception desk, yes?---Yes.

40

And as far as you can tell no one else is there?---Yes.

And then Mr David walks in?---Yes.

How does he get through the front door?---I let him in through the buzzer.

Where's the buzzer?---At the reception area.

Had you sat at the reception area before this day?---I would've.

In what circumstances had you sat at the receptionist's desk of this office before that day?---I was just familiar with the office, just, I would've met other employees there before, just even waiting for Charif a couple of times.

So you say you let Mr David in by pressing the buzzer?---Yes.

Did you know who you were letting in?---Yes.

10 How did you know that, is there a camera or can you see through the glass?  
No, you can see through the glass.

Yes, thank you?---Thank you.

THE COMMISSIONER: Yes, you're excused?---Thank you.

**THE WITNESS EXCUSED**

**[11.10am]**

20 MR NEWLINDS: I was going to call Rodric David, that's what I want to do. I think Ms Hogan-Doran, do you want to have a word with him first?

THE COMMISSIONER: We'll adjourn for five minutes.

MR NEWLINDS: Thank you.

**SHORT ADJOURNMENT**

**[11.10am]**

30 MR NEWLINDS: May I call Rodric David.

THE COMMISSIONER: Won't you take a seat, Mr David. Ms Hogan-Doran, you wish me to make a section 38 order?

MS HOGAN-DORAN: I do.

40 THE COMMISSIONER: Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by Mr David and all documents produced by him during the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection and accordingly there is no need for him to make objection in respect of any particular answer given or document produced.

**PURSUANT TO SECTION 38 OF THE INDEPENDENT  
COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT  
ALL ANSWERS GIVEN BY MR DAVID AND ALL DOCUMENTS**

**PRODUCED BY HIM DURING THE COURSE OF HIS EVIDENCE  
AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING  
BEEN GIVEN OR PRODUCED ON OBJECTION AND  
ACCORDINGLY THERE IS NO NEED FOR HIM TO MAKE  
OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER  
GIVEN OR DOCUMENT PRODUCED**

10 THE COMMISSIONER: Mr David, do you wish to give your evidence  
under oath or do you wish to affirm the truth of your evidence?

MR DAVID: Oath, Commissioner.

THE COMMISSIONER: Would you swear Mr David in, please.

MR NEWLINDS: In 2007 you were a director of one of the Parkview companies, is that right?---Correct.

10 Which particular company or companies were you a director of as at the middle of 2007?---To the best of my recollection, Parkview Ceberus, Parkview Group, Parkview Sydney Developments, Parkview Constructions, Parkview Developments, Parkview Property and there may be a few other SPVs.

Special purpose vehicles?---Correct.

That is companies established for one-off building jobs?---Development.

Development jobs. And is each of the companies you've just mentioned a proprietary limited company?---Yes.

20 And did the Parkview Group of Companies have an office somewhere in the CBD of Sydney?---In, in Walsh Bay.

All right. And how many employees roughly work in the office part of the business?---Approximately 30 to the best of my recollection.

And I don't know whether people like this still exist but were there delivery boys/girls employed?---We had a team of support staff such as delivery personnel.

30 And were the people whose job description included going to banks and putting money in the bank and taking money out?---We had a CFO.

All right. And if the CFO wanted to transact some business with a bank that involved going to the bank such as depositing some money would he or she necessarily do that or were there people who could be delegated that task? ---I don't believe we would be depositing money, it's not a cash business.

40 What about withdrawing money?---I doubt we would have ever withdrawn money, we would have generated remittance advices and written cheques.

All right.

THE COMMISSIONER: But depositing cheques, who does that?---It would have been a junior staff member going to the bank to deposit cheques.

Someone, someone reasonably junior whose job it was to go down and do the banking either each day or each week?---Yes.

All right. And when you say it was a, not a cash business, without getting into much detail, are we talking of a company that was involved in large-scale developments?---Yes, and construction.

Developments, construction and then selling the finished product either off the plan or when finished?---Correct.

10 Broken up between different companies or between sections of the same company?---Correct.

And this business had been built up by your father, is that correct?---No.

Had this business been built by you?---Yes.

And - - -?---And, and other, other directors of the company.

20 Right. Who were the other directors of the company? Mr Touma we've met?---Mr Touma was one of the founders of the company initially with me - - -

Yeah?--- - - - and some years later, potentially two or three, we asked Mr Tabet to join the company.

Emile Tabet?---Yes.

30 And was your father involved?---We invited my father to come on board as chairman and he then provided some financial support for us to do development activity.

Did your have a shareholding either directly or through companies that he controlled?---Yes, he did.

40 And dealing with the Parkview Group of Companies as a group, can you roughly tell us how the shares were allocated as at the middle of 2007? ---I can't. We had recently gone through a consolidation of all the balance sheets into a primary balance sheet and roughly I held about 30 per cent of the equity. Mr Touma would have held approximately 21 per cent of the equity, Mr Tabet approximately four and the balance held by companies associated with my father.

So that makes your father the majority, does it? I'm just trying to do the maths in my head?---Yes, I would have.

All right. So when you say you invited him in he at, at that time he invested, may we take it, a large amount of money - - -?---Yes.

- - - to provide working capital?---Yes.

And when did you first meet Charif Kazal?---To the best of my recollection it would have been early 2006.

And in what circumstances did you first meet him?---I was invited into a meeting with my father in my father's office to meet two gentleman, Karl and Charif Kazal who my father had met at a recent function for the Australia Lebanon Chamber of Commerce.

10 All right. And where was your father's office? Was that in the Parkview office or elsewhere?---Yes, in the Parkview office.

He had an office at the Parkview office?---Yes, he did.

Because your father had other business interests at the time of course? ---Broadly, yes.

And he had some holdings or some leasehold holdings at the Darling Harbour precinct did he not?---I don't believe so, no.

20

In any event your father introduced them to you?---Yes.

And was that just a general introduction and chat?---Yes.

When did you next have dealings with Mr Charif Kazal? Did you get to know him socially over a period of time?---Not at that stage, no. 2006, I don't want to be evasive to the question, but in middle 2006 I had a major illness for one of my children and so for a period of six months in the middle of 2006 I took a leave of absence from the company whilst my child  
30 was in hospital. I do recall however, towards the end of 2006 that Charif Kazal presented to the constructions division an opportunity for us to consider tendering on a project for Emirates Airlines, which became the Wolgan Valley Resort.

I see. And did you tender for that job?---Yes, we did.

And did you win the tender?---No, we did not.

40 And so we're now around the beginning of 2007?---I believe notification of unsuccessful tender from the best of my recollection would have been about June of '07.

June of '07?---Yeah.

Right. Now at around the middle of 2007 you were having discussions with Charif Kazal about potential business opportunities in Dubai or Abu Dhabi. Is that right?---Can you repeat the question please?

In around the middle of 2007 - - -?---Yes.

- - - you were having discussions weren't you with Charif Kazal and others about potential business opportunities in the Middle East?---Yes.

10 When, can you tell us as best you can when you first started having those discussions and who they were with?---I recall in or around 20 March having a meeting at my offices with Karl and Charif Kazal where they presented an opportunity that they wanted us to consider to, to put in a tender to construct the Al Falah Community Project for a UAE developer called Aldar.

Now who arranged that meeting?---Charif.

20 And did anything come of that meeting?---They provided me with a, with a fax that they had received. I believe it, I believe the fax came to them via the, the UAE Ambassador in Singapore. And attached to the fax was a brief description as to the project and the individual on which to seek discussions with for further information.

And did they tell you at that meeting either of them or both that they or a member of their family had good contacts within the United Arab Emirates?---Yes.

Had you ever done business in the United Arab Emirates before?---No. I've never been there before.

30 Did they tell you that, like many places, it was a great assistance if you had introductions from people with good contacts in that part of the world for the purpose of doing business?---I recall them advising me that two of, two of the Kazal family brothers had received the Presidential Order from the late Sheikh Zayed or the Zayed medal, which is quite impressive. I don't know of many individuals who have received that order.

All right. So they had good contacts?---Yes.

You took from that?---Yes.

40 And did they tell you what they could bring to the table in relation to this project?---Not at that time, I don't believe, no.

Can you bring us forward to the next meeting that leads up to the trip that you take to Dubai in the middle of 2007?---I recall communicating a few times with a gentleman from Aldar. Probably by about mid April to the best of my recollection I would have met Charif again advising him of some communications between myself and the individual from Aldar, Hassam, Hasem Al Nawais, I think was the gentleman's name.

All right. And was Karl involved in those dealings?---I remember a couple of early meetings with Karl, one when the opportunity was presented and then another when, when Hasem, I had to sign a non-disclosure order and, and I believe it was at that time that I also advised him of some dates that would work for travelling in May.

All right. What happens next in relation to meetings with any Kazal in relation to the trip?---I'm not, I can't recall the dates.

10 I don't need dates but just try and get it in order of events?---You know, I would've communicated with Charif as to the ongoing discussions with Aldar and I would've said probably mid May is when we made our firm commitment to meet with Aldar in Abu Dhabi in late May.

As far as you're concerned at that point in time the goal of the trip was to meet concerning the potential building and development job?---Certainly.

20 Now, is it reasonable to say that others within the group that went were interested in scoping out other types of business?---Yes.

And did you understand that Charif Kazal was interested himself in scoping out business in property management or facilities management?---I recall a meeting, I want to say it was late March, I may be slightly off on the time but I think it was late March where Charif and I discuss Al Falah, it's at my offices and he asked whether I knew anything about facilities management, I said I didn't and that I asked, well, Clint Willoughby was in the office next to mine and I asked Clint to come in and I introduced Clint and Charif and said, Clint is an expert in real estate. Clint had a broad experience in many brands and so, Talk to Clint, he might be able to assist you.

30 All right. And were you particularly interested in that sort of business? ---Not at the stage.

And by the time you left for the trip, and just to remind you, 26<sup>th</sup> of May was the day you flew from Sydney?---Yes.

40 Who did you understand was coming on the trip?---Certainly I knew myself and Tony, Emile and Clint, I certainly knew Charif was coming and I just don't recall whether I knew whether Andrew was coming at that stage or not, I just don't recall.

Do you remember having any dealings with Andrew Kelly before leaving Australia concerning what might or might not happen on the trip?---I have no recollection.

Do you recall, sorry?---I just don't have any recollection.

And do you recall anyone telling you that Mr Kelly might have some involvement?---Prior to the trip I don't have great recollection at all of Andrew Kelly.

THE COMMISSIONER: Are you saying that you, that because you don't have a recollection it didn't happen or are you saying you don't have a recollection and it's possible that it happened?---I don't have a recollection of when I knew Andrew Kelly was coming on the trip.

10 Do you mind answering the question, Mr David?---Can you please repeat it?

When you say you don't have a recollection, it's not clear to me what you're saying. Are you saying you don't have a recollection but you concede that it's possible that something may have occurred or are you saying I don't have a recollection of it happening therefore I'm saying it didn't happen?---I don't have a recollection so it's possible.

MR NEWLINDS: All right. So it possibly happened and you just don't remember?---Correct.

20

Now, the other, the people who were going on the trip other than Charif Kazal and perhaps Mr Kelly all had current jobs with a Parkview company? ---Yes.

And did you consider the trip to be work?---Yes.

And so all those people were going to be paid their usual wages and have their expenses picked up by Parkview?---Yes.

30 Now, did you have any arrangement with Charif Kazal as to whether he would be paid any money, whether it be by way of reimbursement or otherwise in relation to the trip?---No.

Did you have any discussions with Charif Kazal about whether he would be remunerated by you or any of your companies in any way in relation to the trip?---No.

40 Did you have an understanding as to how it was that Charif Kazal was going to get himself over there, presumably by aeroplane, did you have an understanding as to who was going to pay for his airfare?---Himself.

Did you remember having any discussions with him on that topic at all? ---No.

So that's an assumption you made?---Based on prior - the, the Wolgan Valley Resort, the, there are two, there were two opportunities that Charif and I had discussed in 2006. One was Parkview tendering on the Wolgan Valley Resort and another one was the potential sale of Tower Estate which

is a hotel and resort in the Hunter Valley to Emirates Airlines and on both of those it was understood that should Charif Kazal or his family be able to broker a successful transaction that they would get a success fee.

Was there any discussion at any - well, when you say it was understood, was there any discussion about those projects, express discussion about a success fee?---Yes.

10 Was there any discussion as to how it would be quantified?---Yes, I believe at least on, on the Tower Estate deal I believe I would have sent him a letter confirming it.

THE COMMISSIONER: When you say I believe I would have, that suggests to me that you don't remember and you are reconstructing this? ---I've seen the letter that I sent.

MR NEWLINDS: And did that set out a formula for - - -?---A commission.

20 Based on what? The size of the transaction?---The sale of the, the sale of the resort.

All right. Now, did you have any similar discussions, whether they were, they were in writing or not concerning the trip to Dubai?---Regarding Al Falah it was my understanding that should that lead - - -

THE COMMISSIONER: That's not the question?---I'm sorry.

The question is did you have any discussions?---I can't recall.

30 MR NEWLINDS: Well, did you, do you recall whether you had an understanding as to how things would work if a business opportunity was - - -?---I believe I had an understanding yes.

Well, do you remember having the understanding?---Yes.

What was the understanding?---That should we be successful in the Al Falah project that it include an arrangement with Australia World Trading.

40 On whatever terms were negotiated or - - -?---On terms to be negotiated in the future once we knew the scope of the opportunity.

All right. And what about if any other type of business was identified and secured on the trip, that is a non-building business such as facilities management?---Yes.

Did you have an understanding, well, firstly did you have any discussions as to whether you or your companies might be involved in that sort of business?---We did.

And is this before the first trip?---It was in May.

10 All right. So - and can you tell us as best you can the substance of those discussions?---I recall discussing with Charif that, I recall discussing with Charif the Al Falah project in reasonable detail regarding what the opportunity put forward and what the potential of creating a UAE company to then become the, the builder of that opportunity should it progress. That conversation then morphed into what he was working on in regards to facilities management and then combining the two into the same structure.

20 And would that involve you putting some money into the project if it got up and running?---No, the, in terms of Al Falah it wasn't know at the time what the requirement was for - that's why we were going to meet Aldar and to actually understand what the, what the detail of it was. Construction's a capital intensive business so we always had an understanding that should we open up a construction company in the UAE there'd be a capital requirement. In terms of the facilities management business Charif made it clear to me that it was his intention that the local partner would put up all the money to start the business.

And was it his intention to secure for you a slice of the action if that type of business was got up and running?---In the UAE we discussed that we'd merge all the opportunities into one common structure. And the - we called it Parkview LLC.

30 Okay. Now, I think you know now that Mr Charif Kazal's air ticket was purchased on one of your credit cards?---It was purchased on the Parkview corporate card, yes.

Now, can you tell us anything about the circumstances under which that happened?---I don't recall.

You don't recall?---No.

Do you recall authorising the use of that credit card?---No, I do not.

40 Do you recall instructing anyone to organise Mr Kazal's ticket?---No, I do not.

Do you recall authorising Mr Kazal to make use of that credit card to purchase the ticket?---No, I do not.

Now, in saying you don't recall, in answer to those questions, does that leave open the possibility that one or more of those things might have happened and you just can't remember?---It leaves open the possibility, yes.

THE COMMISSIONER: Can you just tell me something about this card, who, who keeps the credit card?---It's a, it was a corporate card.

Yes. So who, who has possession of it?---It's in, well, I had one and the other, all directors of Parkview had one.

So can you tell who, whose credit card was used to make the payment?---I would assume so, your Honour.

10 But you don't know whose credit card it was?---I believe it was the corporate credit card in my name.

MR NEWLINDS: That's right.

THE COMMISSIONER: Well, who else could have used it?---It could have been used by the, the Parkview secretary to call the travel agent and say can you book three tickets or two tickets or one ticket and here's the credit card number. It could have been done over the telephone.

20 Did you give your credit card to anybody else?---Not the, not the physical card, no.

And the details, the number and the other details that are necessary to obtain credit?---It was, it would have been held by the secretary of Parkview, yes.

MR NEWLINDS: And did she have general authority to use it if she thought it appropriate?---If I had given her instruction to book an airline ticket, yes.

30 Now, since you found out that your credit card was used to purchase Charif Kazal's air ticket, have you made any inquiry of any of your staff at Parkview to find out whether they recollect the circumstances?---Can you repeat the question please.

Have you asked any of your staff whether they used the credit card to book Mr Kazal's ticket?---I am no longer an employee of Parkview so no.

40 Now, you also know, I think now, that subsequently upon Parkview presenting an invoice for the price of that air ticket to AWT, AWT paid on that invoice and thereby reimbursed Parkview for the cost of the ticket?  
---Correct.

Can you tell us anything about the circumstances of that invoice was issued and that payment received?---I just don't have any recollection of that.

At all?---At all. It would have been a function at the CFO.

All right. But you can't remember anyone bringing to your attention that there was a debit entry in your credit card and asking whether that was an appropriate matter to put to one of the Parkview accounts or not?---I don't recall.

Now can you remember being aware for the first time that Mr Kelly was coming on the trip?---I don't recall.

10 Presumably reasonably early, can I remind you or ask you - - -?---Mmm.

- - - did he fly on the same aeroplane as you?---No, he did not.

When you got to, I think it was Dubai that you land is it?---Yes.

When you got to Dubai did your plane and the plane carrying Mr Charif Kazal and Mr Kelly land reasonably close to each other in terms of time not in terms of - - -?---I don't recall.

20 All right. Did you all travel in a bus or cars from the airport to the hotel? Because I think you go from Dubai to Abu Dhabi?---We do.

And how long does that take?---Approximately an hour and a half.

And you go by road?---Yes.

Right. Now do you remember that trip?---No.

30 You don't remember that trip?---I do know protocol of the airline is that if you fly business or first class they provide limousine transfer for you.

Right. Well do you remember going in a limo through the desert?---Not specifically that time. I've done it numerous times.

All right. And do you remember Mr Kelly travelling from the airport to the hotel with you?---I don't recall.

Now do you remember getting to the hotel?---Yes.

40 A very nice hotel?---Yes.

More than five stars?---Yes.

And do you remember checking in?---Yes.

Now did you use your credit card or the Parkview credit card in your name for the purpose of you know securing the bookings, when you check in using that credit card to swipe?---Protocol at the hotel in the Middle East is that you would, every individual would provide a credit card and their

passport to reserve the room, not reserve the room, but to, to guarantee the incidentals that would be charged to the room.

All right. It can't it all be booked to one person in a group?---Possibly, possibly. I don't recall whether my card was used to reserve all the Parkview employees. I do not believe it was. I believe everyone put up their own card as the security.

10 THE COMMISSIONER: Did they each have a Parkview credit card or were you the only one to have one?---All the, let me rephrase that, the three directors of Parkview Ceberus each had a Parkview credit card.

That's you, Touma and - - -?---Emile Tabet.

- - - Emile Tabet?---Yes.

And was that the same account? Were they different card that drew down on the same credit account?---I don't know to be honest.

20 All right.

THE COMMISSIONER: What about Clint Willoughby?---No, he wasn't a director of Parkview Ceberus.

He did not have a card?---No, he did not.

How about his, the payment of his expenses?---One of two things - - -

30 You don't know?---I'm sorry?

Do you not know?---I don't recall.

So what are the two things?---The procedures for Parkview would have been either it would have been billed to my credit card - - -

Ah hmm?--- - - - because it was a company expense or he would have made a claim for his expense to Parkview.

40 MR NEWLINDS: But you certainly know it's not unusual for you if you're travelling with employees who don't have credit cards, when you're booking in on the hotel to say - - -?---Correct.

- - - book that room through my - - -?---Correct.

- - - this card as well and charge the mini bar and other, other incidentals to this card?---Correct.

And that's common place isn't it?---Correct.

All right. Now just we'll come back to what happened on the trip, but can you remember checking out of the hotel?---Not the specifics of it, no. I remember checking out but not anything overly (not transcribable)

Can you remember whether you left with everyone?---No, I left with Clint Willoughby.

10 All right. And was that before or after the others left? Can you remember?  
---I left the day before.

All right. O.K. Now going back to early on in the trip, can you remember meeting Mr Kelly over there for the first time?---Yes, I met him there.

Now can you remember whether you were surprised at him being there?---I don't recall.

20 But you do remember meeting him?---Yes. I remember talking to Andrew in the UAE, yes.

Yes, but do you remember seeing him for the first time over there?---No, I don't remember seeing him specifically on the first time.

And you can't recall whether you were surprised when you saw he was there?---I don't recall.

Did you know him at the time?---I don't recall.

30 Had you had any business dealings with him at all?---No.

So if you did know him it would have been socially?---I don't believe I knew him socially prior to the trip in May.

All right. So if you didn't know him socially and you hadn't had business dealings with him, you might have bumped into him, but he certainly wasn't anything more than a vague acquaintance?---Yes.

40 THE COMMISSIONER: Did Mr Charif Kazal introduce you to him before you left?---I don't recall. It's possible, I just don't recall.

MR NEWLINDS: Okay. During the period you were over in the Middle East, may we take it that you went to various meetings concerning the, the mooted building project?---We had a meeting with Aldar in their offices regarding Al Falah.

When you say we who went to that meeting?---I believe it was everyone that was on the trip.

Including Mr Kelly?---Yes.

And including Mr Kazal?---Yes.

All right. And the topic of that meeting was obviously this project?---Yes.

And was it discussed in some detail?---Not overly. I was actually surprised at how unimpressive the meeting was.

10 All right. And was that early on in the trip?---I believe so.

Now were there other meetings with other people?---I recall another meeting, yes.

Who was that with?---Seba Real Estate.

And what was the topic of that meeting?---Their desire to start a facilities management business.

20 All right. Now who was amongst the group did you understand had expertise in facilities management?---Clint and Andrew.

All right. Now how did you come to understand that in relation to Andrew?---Charif had told me that Andrew was an expert at facilities management.

Had he told you what Andrew's job was at the time?---I don't recall.

30 Did you have an understanding as to what Andrew's job was at the time?---I don't recall.

When Charif told you that Andrew had an expertise in facilities management surely he gave you a rundown of where he worked or what he done?---Yes, he would have.

And do you remember whether he said and he currently works for SHFA and manages The Rocks area?---I don't recall.

40 Do you recall knowing that about Mr Kelly at the time?---I recall that Andrew Kelly had a lot of experience with SHFA, yes.

Right. And did you, how did you find that out?---It would have been in general discussion.

And do you recall being told that he was still working for SHFA?---I don't recall.

Did you understand him to be working anywhere? Like did you think he had a job?---I knew at the trip he was representing AWT.

Well, okay, well we'll come to that. But just what did he do in the other aspects of his life? Did he go to work somewhere everyday?---At the time I didn't know.

All right. And you say that during the trip you understood that he represented AWT?---Yes.

10

Did you think he worked for AWT?---That was the impression I had, yes.

Right. Now did anyone tell you that?---I don't recall.

THE COMMISSIONER: Where did you get the impression from?  
---Because when we represented ourselves to Seba, he handed over an AWT business card to Seba.

20

Are you saying that you didn't know that he was working for SHFA?---I don't recall knowing much about Andrew Kelly's specifics of employment at that time, no.

So is the answer to my question no?---No.

I mean you agree that the answer to my question is no?---Correct.

30

MR NEWLINDS: Did you know that at least Mr Kazal was trying, prior to the trip, to come to some form of agreement with Chesterton's, the real estate - - -?---I became aware of that, yes.

And did you know that before the trip?---I don't believe so.

Did you find out about that during the trip?---Yes.

And what were you told about it?---That AWT and Clint had spoken to Chesterton's and that Chesterton's were interested in licensing their brand to the UAE.

40

So AWT and Clint had spoken to Chesterton you say?---Yes.

Now what does mean, whom had spoken to Chesterton?---I believe it was Clint had spoken to Chesterton.

Clint wouldn't be doing that on behalf of AWT would he?---I'm not sure.

THE COMMISSIONER: He couldn't have been could he?---Possibly.

How is that?---The Parkview Property business was about making commissions. You've got to be specific in time and - - -

This is all speculative I get the impression?---I do not want to speculate.

So he was an employee of Parkview (not transcribable)?---Contracted, contracted to Parkview Property, yes.

10 MR NEWLINDS: He worked fulltime didn't he?---On the main. He was working on a lot of jobs.

For Parkview?---For Parkview Property.

But ultimately for the benefit of the - - -?---Shareholders.

- - - ultimate shareholders of the Parkview Group of Companies?---Correct.

20 Well, it would've struck you as a little bit odd if he also was retained by AWT at the same time wouldn't it?---No, I would've seen it as a commission-based opportunity for him.

And you wouldn't have had a problem with that?---No.

Are you sure?---He could've made a commission for broking a deal for Chesterton I didn't see that as an issue, no.

From AWT?---Correct.

30 But that commission if this business venture got up and running would have been booked as an expense in relation to the set up of the business, correct? ---Can you repeat that please?

Well, if AWT was trying to line up a relationship with Chesterton for the purpose of doing business in the UAE - - -?---Yes.

40 - - - and if that business came to fruition then obviously part of the arrangement would be whatever expenses had been outlaid by AWT on the one hand or Parkview on the other would be booked as expenses of that business and recouped?---Ultimately, yes.

And so if Mr Willoughby had an arrangement to be paid a commission if a deal was done between AWT and Chesterton then ultimately that commission would be booked to the business as an expense?---Yes.

And you still say you wouldn't have had a problem with that?---Clint would do jobs for a variety of different developers or companies selling real estate and when you sell a property or an opportunity you get a commission for it, it wasn't unusual to me, no.

But he had an office within Parkview - - -?---Yes.

- - - and he spent an awful lot of time trying to sell Parkview properties?  
---Yes, he did. And very good at it.

The more other people he was out there trying to flog real estate for the less ability he would have to put time into selling Parkview real estate?---No, no, no, that's, he wanted to bring in more opportunities into Parkview Property.

10

I see?---We wanted, I mean, he was working on a variety of projects selling units or real estate for a variety of different developers other than Parkview.

Okay.

THE COMMISSIONER: How did you learn about the dealings with Chesterton?---I recall having a conversation with Clint probably in mid May asking where he was at.

20 Yes?---And he said he's been able to, again, I'll be speculating but - - -

Well, you don't remember what he said?---I don't remember what he said.

But are you saying that he told you something about dealing with Chesterton?---Yes.

You remember that?---Yes.

30 MR NEWLINDS: With apologies to Mr Beech-Jones I wonder if we can show you, sir, the first document in volume 2 of the folders which is page 201.

THE COMMISSIONER: Mr Beech-Jones, I understand the problem with the volumes is that you were given a CD from your solicitors produced, do you mind standing, Mr Beech-Jones. Your solicitors produced a hardcopy and assembled volumes differently to the Commission and that's the reason why there are different volume numbers so it could simply be easier to avoid confusion if we just refer to the document number.

40 MR BEECH-JONES: Yes, I was proposing to do that, Commissioner.

MR NEWLINDS: Okay. Well, the question is have you got page 201 and 202 there?---Yes, I do.

The question is did you see that letter or a copy of it some time prior to or during the first trip to Dubai?---I believe I would have, yes.

Now, what does that mean?---I can't pinpoint the date as to when I became aware of the document.

All right. Why do you believe you would have?---Because we discussed in the UAE how we would restructure the opportunity.

And was part of that discussion doing something with Chesterton?  
---Potentially.

10 All right. And do you think you were shown documents as to what had been said to Chesterton and what - - -?---Yes.

And if we look at the second page of this document, 202 on the computer, you see the second bullet point on that page refers to Andrew Kelly?---Yes.

His work with SHFA and the like?---Yes.

Doesn't say he's currently working with SHFA?---No.

20 Tends to suggest that he used to work for SHFA doesn't it?---I would tend to suggest that, yes.

And if you go back to the first page 201 - - -?---Yes.

- - - it describes to Chesterton AWT's team as Karl Kazal, Clint Willoughby and Andrew Kelly, do you see that?---Yes, I do.

Now, was that your understanding at the time of the trip as to who was part of the AWT team?---Certainly in the UAE, yes.

30 What does that mean?---Well, I became aware of that detail in the UAE I believe.

Wasn't Mr Willoughby part of the Parkview team?---Yes, he was.

Well, was he part of both teams was he?---I'm not trying to suggest - Clint was somewhat of a freelancer, he would go and get deals for Parkview Property. When I had been asked by Charif do I know anything about brands for facilities management or real estate I sent him to Clint.

40 THE COMMISSIONER: What's your answer to the question?

MR NEWLINDS: Was he part of both teams, the Parkview team and the AWT team?---In the UAE he was definitely a Parkview team member.

And this letter was shown to you in the UAE?---I believe so.

So for purposes of being in the UAE he was Parkview?---Yes.

Wasn't that the position in Australia as well?---Certainly as I understand it, yes.

Wouldn't you have been feeling slightly uncomfortable if you came to know that AWT was holding out to people such as Mike Stokes at Chesterton that Mr Willoughby was in fact part of their team?---Not necessarily.

Do you remember feeling uncomfortable?---I don't recall.

10

What does "not necessarily" mean, sometimes you would feel uncomfortable, sometimes you wouldn't?---No, no, but I don't necessarily read it as being that it's inferring that Clint works for AWT.

THE COMMISSIONER: How else can you read it?---I'm sorry?

It says, "Our team is well experienced, we intend to use our most senior personnel, these include" and one of those is Clint Willoughby. How else can you read it?---I see your point, your Honour.

20

MR NEWLINDS: Well, how do you read it? A moment ago you read it differently now you see the point that it really is impossible to read it differently don't you? Do you?---Yes, you're right, I didn't understand.

And so what did not necessarily mean in answer to my question wouldn't you feel uncomfortable if you found out that AWT was holding out to Chesterton that you were part of their team which meant you were one of their most senior personnel?---Not I.

30 Not I?---I wasn't, I'm not represented in this letter, no.

No, not you?---But for Clint, yes.

For Clint?---I would have been uncomfortable, yes.

Right. Now, do you remember being uncomfortable?---I don't recall.

Well, does that tend to suggest you didn't see the letter?---I, I can't recall when I saw the letter, but I just don't recall.

40

THE COMMISSIONER: Mr David, were you simply quite happy for this representation to be made even though you knew it was not true?---Yes.

MR NEWLINDS: Right. So you now remember this, do you?---(NO AUDIBLE REPLY)

Do you?---I remember the letter, yes.

Right. So your evidence that you've given over the last 10 or 15 minutes to the effect that you can't really remember when you saw this letter and you're not sure if you felt uncomfortable or not and that you might have felt uncomfortable if you had seen it, was all a load of hogwash, wasn't it?  
---Not, not at all.

You remember the letter, don't you?---I do.

10 And you remember seeing it during the trip, don't you?---I do.

And you remember noticing that it held out Mr Willoughby as being a senior man at AWT?---Yes.

And the truth is, you didn't mind 'cause you were quite happy for that to be held out to Chesterton's, even though you knew it wasn't true?---Yeah.

Correct?---Yeah.

20 Right. Now, it would help if you honestly answered questions you were asked, sir?---Sorry.

It really would. You understand that, don't you?---I do.

You understand that you are required as a matter of law to honestly answer questions, don't you?---I do.

And you understand that that requirement continues even if the answer reflects badly on you or is embarrassing?---I do.

30 Thank you. Now, the fact is there were other documents handed out to people in the United Arab Emirates concerning one of the Parkview companies which contained false statements as to who were directors and officers of that company. Correct?---I don't believe we handed the documents out in the UAE but I am aware of the profiles you're referring to and yes, you're correct.

40 They were prepared for the purpose of that trip?---I'm not necessarily aware of that, no. I don't recall whether they were specifically for the purpose of that trip.

THE COMMISSIONER: What else were they prepared for?---For a meeting we had in June.

MR NEWLINDS: With who?---The secretary general of the GCC.

Who's the GCC?---The Gulf Corporation Council.

Right. And where was that meeting?---In here in Australia.

That you think, and we're talking about the Parkview profiles?---Yes.

There's various versions of it?---Yes, there are.

They're all false in different ways, aren't they?---Yes, they are.

10 Right. I'm sure we can't work out which particular one was deployed, but at that meeting you were perfectly content for that person to be given a false document. Correct?---Yes.

Now, why is that?---I viewed it as being representative of the company we were seeking to create.

But any reasonable person reading the document would not see it that way, would they?---Correct.

So they're a false document?---It is.

20 And- - -

THE COMMISSIONER: And did you take this or was this document taken to the UAE on the first trip?---I don't recall, Your Honour, I don't recall.

Did you not see it before the first trip or any form of it?---I may have, Your Honour, I don't recall.

30 MR NEWLINDS: You do recall, don't you?---I'm sorry, I don't recall the specific time of when I first saw it.

Was it an everyday event for you to be aware that false documents were being created in relation to companies that you were involved in?---No.

Okay. Are we entitled to proceed on the assumption that such an event would be out of the ordinary run of things?---Yes.

Do you think that you might have felt a little bit uncomfortable about creating a false document?---Certainly.

40 And if it be right that you felt a little bit uncomfortable about that, don't you think that you'd remember the first occasion that you saw the document? ---I don't recall.

Don't you think that if it's right that you would have felt uncomfortable when you saw a document that contained falsehoods in relation to a company that you were involved in, that that is something that you would remember?---No, I don't agree. I just do not have a specific date recollection of when I first became aware of the document.

May I suggest to you that if that is a true answer the only explanation for that must be that it was just in the ordinary run of things that you created or were involved in false documents. What do you say about that?---No.

You would like the Commissioner to believe that this was something out of the ordinary run of your business life. Correct?---Correct.

10 Because you would have it that you're an honest man in your dealings with people in business, wouldn't you?---Correct.

But you would accept that the creation of this document was dishonest, wouldn't you?---Yes, I do.

And it was intended to deceive people that you were having business negotiations with?---Yes.

20 And you would like the Commissioner to think that that was a bit of a one-off, wouldn't you?---Yes.

Doesn't it follow if that be true that you'd remember the first time it came to your attention that the document had been created?---I, yes.

And so are you prepared to concede that you do remember being shown the document for the first time?---I concede being shown the document for the first time, I, whether it was May or June, I don't recall.

But at the latest it was during the trip, wasn't it?---I believe so.

30 Right. And you were shown the document because it was contemplated that that was a document that was going to be shown to some of the people at one or more of the meetings you were going to?---Yes.

So it was important, it was an important document?---Yes.

And when you were shown it you would have looked at it?---Yes.

And you obviously approved it?---Yes.

40 And it is misleading, isn't it?---Yes.

And you would have known that then?---Yes.

And you did know that then?---Yes.

Why, why did you go along with this charade, Mr David?---Because we were excited about wanting to open up a company in the UAE.

That's your explanation?---Yes.

What, when you get excited you tell lies, do you?---No.

Well, it's not much of an explanation, is it?---Can you ask the question?

What is your explanation for going along with the charade involving the Parkview Property profile documents?---We wanted to do a deal.

10 Sorry?---We wanted to do a deal.

Oh, I see. So when you want to do a deal you'll tell lies. Is that it?---No.

Sorry?---No.

Right. So that's a hopeless explanation, isn't it. Have you got another one?  
---(NO AUDIBLE REPLY)

20 Have you?---No.

What, you're just generally a dishonest person, are you?---No.

Now, just tell me about this business card that you recall seeing handed over, was it by Charif Kazal at the meeting or was it by Andrew Kelly?  
---Well, everyone would have handed business cards at meetings.

That, but that's an assumption you make, isn't it?---No.

30 You remember that happening?---Yes.

Right. And may we take it that Mr Kelly did not produce and flick across the table his SHFA business card?---Correct.

But he did have a business card you think and it was an AWT business card?---Yeah.

Now, is that a memory or is that an assumption?---It's a memory.

40 Right. And can you remember what it, what job description or title Mr Kelly was given on that card?---No, I do not.

Now, from that did you assume he was an AWB, AWT director or officer?  
---Yes.

You didn't assume that that was also a false document, did you?---Not at the time.

And is this right, your understanding during that first trip was that in some way, shape or form, Andrew Kelly was involved with AWT?---Yes.

And that whatever arrangement he had in relation to the project, he didn't have with you at all?---Yes.

But in, but other than in the sense that if AWT came into the deal then whatever involvement he had with AWT might result in getting him some benefit?---Potentially.

10

Now, were you ever asked by anyone to reimburse Mr Kelly for his airfare and hotel accommodation in relation to that trip?---No.

Did you ever attend at the offices of AWT, I'm sorry, I withdraw that. Did Mr Kelly, this is after the first trip, ever attend at your offices in circumstances where you gave him about \$11,000 in cash in an envelope? ---No.

20

Is it your - was it then your practice to deal in what some people might think is a relatively large amount of cash money?---No.

Were you a person at the time who, whose wallet was full of cash or did you operate in the main by credit or debit cards?---Credit cards.

Credit cards?---And EFTPOS.

And when you needed cash you'd go to an EFTPOS machine?---To a machine, yes.

30

All right. Okay. Do you have any recollection of any occasion where you went to AWT's office and had a discussion with the lady who is now Mrs Kazal?---No.

Did you know - is it Agnes, Agnes, her name's now Kazal, as at the middle of 2007?---No.

Do you think you might have met her and not remember?---No.

40

Why do you say that with such confidence?---Because I recall Charif coming to see me approximately September asking me whether we would be considered to employ his girlfriend at the time.

And was the first time you'd heard him, of him having a girlfriend?---No, not, not the first time I've heard him but the first time when her name was brought up and then we called her in for an interview.

Right. And did you have an interview with her?---I didn't, no, I directed her to human resources.

Are you able to tell us the first time you met Agnes?---I would, I would - no, I'm not able to recall, no.

And when did you become aware that it was proposed that Charif and Agnes were going to get married?---I was never made aware.

10 In any event, do you have any recollection of going to AWT's office one day and giving an envelope with some cash in it to Agnes and requesting her to put that money into a particular bank account?---No.

In relation to both events that I've asked you to consider, that is giving money, giving cash money in an envelope to Mr Kelly on the one hand or cash money to Agnes on the other, do you think if that had happened you would remember it?---Yes.

Why?---It's extraordinary.

20 Why?---I don't deal in cash.

Now, in relation to all of the expenses of the various Parkview people - - -? ---Yes.

- - - who went on the trip to Dubai - - -?---Yes.

30 - - - as far as you know how were they dealt with in the accounts of Parkview?---Either the credit card statements or the invoices would have been tendered to the CFO with expense reimbursement forms and processed accordingly.

All right. And for the purpose of the profit and loss account of the group of companies, how were they dealt with?---It would have been charged to a job.

All right. So an expense?---Yes.

40 And for the purpose of the tax affairs of those companies how would those expenses have been dealt with?---We would have, it would have been deducted for taxation purposes as an expense of the company.

And as far as you know, and I think we're going to call the person who has more knowledge about this, but as far as you know that happened?---Yeah.

Is that right? And can you think of any reason why if Parkview was going to have expenses perhaps paid in cash to someone like Mr Kelly, that regardless of whether the payment was in cash or not, they would not have been booked to the appropriate account?---I think it's all an absurd proposition so - - -

Well, just explain why it is you think it's so absurd?---Well, if we have an expense for the company why would we - it's just all absurd. I - it's - I find it an extraordinary proposition that's being put forward. As a company we don't deal in cash.

And may I take it that if you do you account for it?---Yes, but we don't, we don't have cash. I mean - - -

- 10 You are a building company, I mean some of us might naively think that quite a lot of cash floats around building sites, is that a, is that an urban myth?---It depends on the level of construction but you must appreciate Parkview builds jobs for fairly major institutions that are, you know, \$50 million.

All right. After the first trip to Dubai did you send a series of emails and try and arrange meetings with the group of people that had gone to Dubai?  
---Yes, I did.

- 20 Did you include in those emails either as a recipient or as a person copied in, Mr Kelly and Mr Charif Kazal?---Yes, I did.

And why did you do that?---Because they were involved in the project.

And did you invite those people to the meetings?---Yes.

And did they come to some of them?---Yes.

- 30 I wonder if we can bring up page 273 please, which is, for Mr David's purpose, in volume 2 which he's got, so 273?---Yes.

There's nothing to suggest you received this particular email but if you look at the next page, 274 there's a document which has been described in evidence here either as a budget or a spreadsheet, do you see that?---I do.

Do you have any recollection of being involved in the preparation of that document?---No.

- 40 Can you recall seeing that document for the first time if it wasn't today?  
---Yes, yes.

When was that first time you saw the document?---1 June.

2007?---Yes.

Whilst you were still in the United Arab Emirates?---No, I believe I was in China at the time - - -

Oh, I'm so sorry?--- - - - or on my way.

So you're in China - - -?---Yes.

- - - by 1 June?---Or in transit to China, yes.

And what, you get it on an email do you?---I don't know how I got it, potentially a memory stick or email.

10 All right. And do you remember looking at it?---Yes.

And, and what it is in pretty rough terms, it's someone's attempt to work out what expenses might be involved in a business?---Yes.

Presumably the business or a variation of the business that was being contemplated at the time?---Yes.

THE COMMISSIONER: What business was that?---Parkview, Parkview UAE.

20

Yes, but what was the business that was contemplated in going - was it facilities management?---In the main, yes.

MR NEWLINDS: All right. So by the time of 1 June, so by the time of the end of the trip had you pretty much lost interest in the idea of doing building business - - -?---No.

No. So it was still on the agenda?---Yes.

30 But also on the agenda was a potential facilities management business? ---Yes, very much so.

And if they both got up and running would they be combined as the one business or - - -?---Not necessarily, no.

All right.

THE COMMISSIONER: Was this budget, what did this, what part of the business did this budget deal with?---The facilities management business.

40

Only?---I wasn't the preparer of it but I believe that it would be.

But did you understand that to be so?---It seems that way to me, yes.

Well, did you know when it was being - when it was first, when it first started to be prepared?---Can - yes, I would have known when it was first started to be prepared.

And when was that?---I believe it was 30 May.

Were you, were you there when this happened?---No, no.

You didn't see anybody working on it?---No.

MR NEWLINDS: How did you know it was being prepared?---I would have asked for it.

10 And who do you think you asked for it?---I would have Clint and Andrew for it.

Clint and Andrew because they were the people with the background in that type of business?---Yes.

THE COMMISSIONER: Why did you want to know this information?  
---To evaluate whether it was an opportunity worthwhile pursuing.

20 And when you looked at it did you notice that whether it be by way of salary or commission or otherwise an amount of \$350,000 had been allocated against yourself, Charif, Andrew and Clint?---Yes.

And did that strike you as consistent with what you understood would be the position of those people if the business got up and running?---No.

All right. What was your understanding?---I had no understanding at the time as to what remuneration anyone would get. These are the - - -

30 MR NEWLINDS: Sorry, forget about the amounts?---Okay.

The fact that those four people would in some way be remunerated out of the business, did that strike you as consistent with - - -?---Yes.

All right. As far as the amount, that wasn't something you had a view on?  
---No, quantum's would have been something that would have been refined at a later date.

40 Right. So is this the case, your understanding by 1 June was that if the business or at least the facilities management part of the business got up and running, both Charif Kazal and Andrew Kelly would be involved in that business in a way that would produce money for each of them?---Yes.

And during the various rounds of emails and discussions that happened at various meetings after 1 June, did either of those gentlemen say to you anything that made you think that there was anything in the spreadsheet that was inaccurate insofar as it identified people who would benefit from the business?---No.

Now can I just ask you about, so we're now after the first trip. I want to ask you about Karl Kazal's involvement. Firstly did you have an understanding as to whether Karl Kazal had an ongoing role in the project after the first trip?---Yes.

And what was that understanding?---I always understood that it was Australia World Trading that was going to be the involved party.

And Karl Kazal was very much involved in that company?---Yeah.

10

THE COMMISSIONER: You say you always understood, well from what time did you understand?---From March.

MR NEWLINDS: Right. And in the emails and meeting invitations that we've talked about post first trip, did you include in the main, amongst the people who received the information Karl Kazal?---Yes.

Did he ever contact you and indicate that he didn't want to receive that information?---No.

20

Did he ever come along to any of the meetings after the first trip?---I don't recall whether Karl was specifically there, no.

Now during the period between the trips and the second one is in January 2008 - - -?---Mmm.

- - - did you have any dealings with Andrew Kelly, other than if he came along to any of these meetings?---No.

30

Did he from time to time respond to emails that you sent?---Yes.

Right. But other than those which we can see in the documents, you didn't have any other separate meetings with him?---No.

During that period did you come to understand that he worked for SHFA? ---Yes.

When did you first come to know that?---I was probably aware of it in the trip in, in May.

40

You probably were aware of it in the trip in May?---I would have been made aware.

Well I don't want to confuse you but that is not what you said when I first asked you about this topic is it?---I don't recall when I first became aware of whether Andrew Kelly was a SHFA employee or not.

THE COMMISSIONER: Well have you ever previously said that you knew before the Seba trip that he was an employee of SHFA?---I don't recall ever knowing whether Andrew Kelly was a SHFA employee or not by that trip in May.

MR NEWLINDS: No, that's not an answer to the Commissioner's question. The question was have you ever said before that you knew during the first trip that Mr Kelly worked for SHFA? That's the question. Not whether it's true or not, but have you ever said before?---No.

10

Why is that? Because if you said it before it would be a lie?---I don't have clear recollections as to when I became aware. It wasn't something that was important to me at the time.

All right. In any event at some stage between the two trips you, you know you were aware?---Yes.

And you can't remember the circumstances under which you became aware?---No.

20

Did you understand that he was employed full time at SHFA?---Yes.

Did you discuss that with Charif Kazal at all?---I don't recall.

Because you knew at the time that the Kazal's had a number of business interests in The Rocks and therefore would have dealings with SHFA?---I wasn't aware of that, no.

Not aware of that at the time?---No.

30

Did you know that they had restaurants and - - -?---I knew they had a restaurant in East Circular Quay called East Bank, one they owned.

But beyond that you didn't know - - -?---No.

- - - of what they were doing in The Rocks at the time?---No.

Were you ever invited down to any of those restaurants for a meal?---Not at the time.

40

Now moving forward to the second trip?---Yes.

Is this fair, that by the time of the second trip you have really discounted the prospect of doing any business in the United Arab Emirates that involved property development and building work?---Yes.

And by the time of the second trip you and the others were much more, and the others who went on it, were much more focused on the property management and facilities management prospects?---Yes.

And is that why Mr Touma and Mr Tabet didn't go on the second trip, because they're builders?---Well part of the reason but also part of the reason was that I was no longer an employee of Parkview at the time.

10 Of course. So no longer was it a Parkview project?---Correct.

But it was essentially still the same project wasn't it other than obviously the Parkview company could not be involved?---Correct.

So you were going to, you had either set up or you were proposing to set up another company that would - - -?---Yes.

- - - effectively slot into the Parkview role?---Yes.

20 What had happened to cause you to leave, lose Parkview? And we don't need the gruesome details. Had there been a falling out?---No.

What happened?---I resigned.

Because of the potential opportunity in the UAE or unrelated?---Part of it, yes.

Was there any bad blood between you and those who remained at Parkview - - -?---No.

30 - - - at the time of resignation?---No.

Now?---No.

Okay. Now I think it's prior to the first trip or it was the second trip, it might be around the time of the second trip, some advice was taken from accountants and lawyers in the UAE as to possible structures - - -?---Yeah.

- - - for the business?---Yeah.

40 Yes. Did you have a role in obtaining those instructions?---Yes. I instructed them.

Now did you have discussions with Mr Kelly about those instructions and the advice that was received?---Yes.

You have no doubt about that?---It would have been done at a meeting soon after we returned, when I presented it.

Now ultimately a, before I ask you that question, it's the case isn't it that the law in the United Arab Emirates is that any foreigner who wishes to do business has to do it in conjunction with a local person or company? I might be oversimplifying, I'm sure I am?---Yeah.

But in general terms is that right?---That, that, yes.

And that the local person has to hold a majority ownership?---Has to own the equity, 51 per cent of the equity, yes.

10

Right. Which doesn't necessarily equate to 51 per cent of the control?---Or the profit.

Right. So they have to have ownership shares - - -?---Yeah.

- - - of 51 per cent which may or may not give them majority control or majority control of dividends, more to the point?---Correct. Correct.

20

All right. And that was one of the topics that the advice was dealt with?---I think that's correct.

And ultimately a business was set up wasn't it?---Ultimately.

Through a reasonably complex structure?---Yes.

But the company, but this much is clear isn't it, the company that represented the Kazal's interest or the AWT interest and the new company that was incorporated offshore known as KTC. Is that right?---Correct.

30

And who did you understand were the people behind KTC?---Three of the Kazal brothers, Karl, Tony and Charif.

And did you have any discussions with Karl about the potential structure, the incorporation of that company and the like?---Yes.

So this is after the second trip, probably?---Yeah. Yeah, 2008, yeah.

And what detailed discussions with Karl?---Yes.

40

And what was your understanding based on those discussions as to what Karl's involvement was going to be?---Chairman.

Chairman?---Yeah.

And was he to hold shares in the company that became KTC?---Yes. That was going to be AWT's vehicle to have the offshore structure, yes.

Now do you have any doubt that you had discussions on those topics with Karl?---No.

None at all?---None at all.

Shares were ultimately issued to Karl - - -?---Yes.

10 - - - but then not long afterwards unissued if there's such a concept. Did you know about that?---I found out about that in or around January or February of '09.

And how did you find out about that?---Through an email notice from lawyers representing the company.

And were you surprised when you found that out?---Yes.

Did you ask questions?---Yes.

20 Who of?---Charif.

And what did he say?---It was for tax purposes.

It was for tax purposes?---Yes.

Did anyone ever say to you that Karl didn't want to have anything to do with the business?---Never. I had numerous meetings with Karl and a whole lot of people throughout the course of 2008 and 9.

30 And please don't give us the detail but things didn't go well in relation to this business, correct?---Yes.

And as between the Kazals and you there's been a falling out?---Yes.

Which has resulted in litigation?---Yes.

Mr Kelly is involved in that litigation as a witness?---He was involved.

As a witness?---Yes.

40 He has sworn an affidavit in that case hasn't he?---In the Cayman Islands, yes.

Yes. And that affidavit if accepted would support the Kazals' view of the world for the purpose of that case?---It's my understanding that the case of which the affidavit was submitted to have been withdrawn.

All right. O.K. Well, whether that be right or not I'm not debating but he did swear an affidavit that if accepted would've helped - - -?---Yes, he did.

- - - the Kazals in that case?---Yes.

And it's true isn't it that as at today you don't like any of the Kazals or Mr Kelly?---That's true.

And would it be reasonable to say that the feeling is mutual?---Yes, it would be.

10 Just excuse me. One other topic. When did you first, well, at the time the business got up and running Mr Kelly was offered a job, do you remember that?---Yes.

Do you remember when he was actually formally offered the job?---March of '08.

Sorry?---March of '08.

20 Now, the actual, there's an actual letter of employment isn't there?---Yes.

Was it around the date of that letter that you offered him – let me start again – withdraw all of that. Was there an oral offer that predated the written offer?---I don't believe so, no.

And can I just go back to our topic which you probably won't be pleased about, the Parkview profiles?---Certainly.

30 Did you have any involvement yourself into the actual preparation, the words that were written into those documents?---No, I did not.

Did you have an understanding then as to who had created them? And when I say created them there was obviously a genuine Parkview profile that was floating around, correct?---Yes.

And these various profiles that were prepared at the time were really amendments to that document?---There would've been a base Parkview profile template, yes.

40 And no doubt you had had some involvement into the base document?  
---Yes.

But in relation to the amendments that were made that we have discussed did you have any input yourself into the words that were used?---No, I did not.

Who did you understand created those words?---It would've been marketing personnel at Parkview, would've been Clint, would've been Andrew, it would've been Charif.

Well, someone would've had to give the people who had created the document information about people like - - -?---Content.

Do you have any direct understanding as to where that information came from?---No.

Are there any other topics you're interested in at the moment, Commissioner?

10

THE COMMISSIONER: Yes. There are, Mr Newlinds, there is just the potential for Mr Karl Kazal's personal involvement in particular versions of the Parkview profile.

MR NEWLINDS: Yes. Are you able to tell us whether you have any, let's start with direct knowledge. Do you have any direct knowledge whether Karl Kazal was involved in giving information that came to form part of the Parkview profiles that we've discussed?---I believe all of the Kazal information came via Charif himself.

20

So you had no direct knowledge of any of it coming from Karl?---No.

And you're assumption was at the time that it came from Charif?---Yes.

THE COMMISSIONER: Is my understanding correct, Mr David. When the variation started being made to the Parkview profiles one of the variations included the insertion of something to do with Karl Kazal?---Yes.

And he was not at first described as Chairman?---No.

30

But later he became - - -?---Yes.

Mr Newlinds, would you care to take that over?

MR NEWLINDS: I would if I was listening and not reading one of these notes.

THE COMMISSIONER: All right. Were you told by anybody how the change in the description of Karl Kazal came about in the Parkview profile?---It was a request of Charif.

40

What did he say?---To put Karl as Chairman so he could present it to the Secretary-General of the GCC when they brought him in for his visit.

But you never spoke to Karl about that?---No.

And is it the case that the variations to the Parkview profiles were prepared specifically for negotiations with Seba?---In the main, yes.

That is before you went to, on the first trip to Abu Dhabi?---I believe we were sent it electronically, I don't recall printing it and handing it to Seba.

That's not my question. My question is, if it was prepared for the trip to Seba I take it it was prepared before you went to Seba, to Abu Dhabi?---It was instructed to be prepared, I don't believe it was finished or completed in a presentable form for the meeting which is why it was subsequently emailed to Seba.

10

After you returned?---I believe so, yes.

MR NEWLINDS: That's all I have for the moment, Commissioner.

THE COMMISSIONER: Yes.

MR NEWLINDS: Just before I sit down and so I don't forget it the affidavit of Agnes from the Federal Magistrate's Court that I tendered earlier today contains the names obviously enough of Charif Kazal's first wife and also of their children and I'm wondering if it's appropriate - - -

20

THE COMMISSIONER: Suppression order in relation to any information in the affidavit of Mrs Kazal, Exhibit 5, which identifies the names and addresses of his first wife and their children.

**SUPPRESSION ORDER IN RELATION TO ANY INFORMATION  
IN THE AFFIDAVIT OF MRS KAZAL, EXHIBIT 5, WHICH  
IDENTIFIES THE NAMES AND ADDRESSES OF HIS FIRST WIFE  
AND THEIR CHILDREN.**

30

MR NEWLINDS: And also while I'm on my feet can I tender what I've been describing as the bundle and I think you, Commissioner, understand what I mean by the bundle. It's now documents 1 to 928 but obviously within that there are some sub-numbers.

THE COMMISSIONER: Yes.

MR NEWLINDS: We have an up-to-date index of it which we will distribute some time today.

40

THE COMMISSIONER: Well, Mr Beech-Jones, will this cause you any inconvenience if the exhibits – I take it, Mr Korn, you have three bundles?

MR KORN: I have four.

THE COMMISSIONER: Well, this applies to both of you. Will you cause you any inconvenience if the exhibits are described as Exhibit 6A, B and C from page 1 to the page that Mr Newlinds mentioned or do you wish me to describe it in some different way just for your convenience?

MR BEECH-JONES: No, Commissioner, it won't cause me any inconvenience but I'll - - -

THE COMMISSIONER: I beg your pardon?

10

MR BEECH-JONES: It won't cause me any inconvenience but I'll call it Exhibit 6 because I don't know where A, B and C - - -

MR KORN: Similarly.

THE COMMISSIONER: Yes.

MR NEWLINDS: We're going to rearrange it.

20

THE COMMISSIONER: All right. What we'll do is Exhibit 6 will be three folders comprising documents 1 to 928 and that does include some other documents which have letters after the number.

**#EXHIBIT 6 - BUNDLE OF DOCUMENTS COMPRISING PAGES 1-928**

30

MR NEWLINDS: What I will try and arrange to have done, Commissioner, is when we distribute the index we will identify where our volumes 2 and 3 commence.

THE COMMISSIONER: Yes.

MR NEWLINDS: So for the purpose of written submissions people can let me know what folder you should look at.

THE COMMISSIONER: Yes. Mr Korn, are you ready to commence?

40

MR KORN: Mr Beech-Jones.

MR BEECH-JONES: Commissioner, by agreement I seek to go first with Mr Korn's agreement.

MR BEECH-JONES: Mr David, my name is Beech-Jones and I appear for Mr Kelly?---Mr Beech-Jones.

Now, prior to May 2007, the Parkview group of companies weren't involved in assets and facilities management, were they?---For our own product we were, yes.

And when you say your own product, what, what do you mean by that product?---We manage our own assets.

Pending sale?---Yes.

10 Mr Willoughby- - -

THE COMMISSIONER: I just want to check something. Were they occupied before sale?---Sometimes.

Yes, thank you.

MR BEECH-JONES: Were they by tenants or intending purchasers? ---I wouldn't know the details but I would assume they're tenants.

20 To your knowledge Mr Willoughby had only limited experience in assets and facilities management as at May 2007. That's right, isn't it?---Can you please repeat that?

To your knowledge Mr Willoughby, I'll start again. Mr Willoughby was, his primary experience was in the area of sales, wasn't it?---Sales and project marketing.

He had almost no experience in assets and facilities management, did he? ---I don't believe so.

30

And certainly nothing of the scale of the kind that was envisaged with Seba and what ultimately became Four N Property LLC. Is that right?---The answer to the first part is correct, the second part is incorrect.

Well, as least so far as what was discussed with Seba, Mr Willoughby had no experience in that area?---That's correct. But can I correct that Four N Properties and Seba are two distinctly different entities and not related.

40 Well, they had some common directors though, didn't they?---Ah, no. Four N's ownership was by two of the directors of Seba but not owners of Seba.

I see. We'll just be clear on this. The discussions that were initially held with Seba was what led to the Memorandum of Understanding with Four N Property LLC. You'll agree with that?---For a completely different project and business, yes.

Yes. Now, just going back to the position as at May 2007, the, one of the many lies to your knowledge in the Parkview profile was the series of

representations suggesting that Parkview Properties had experience in the area of assets and facilities management. That's right, isn't it?---Yes.

And that you, and could I, insofar as we'll deal with that lie, that area, assets and facilities management, certainly Mr Touma and Mr Tabet had nothing to do with that, did they?---No.

No. And whose idea was it to put out, and I'll just deal with that lie, that lie in the Parkview property profile?---Which lie are you referring to?

10

The lie that Parkview had experience in the area of assets and facilities management?---I don't know who created the content for that specifically.

Well, I'm not asking you who created the content, I'm asking whose, where did that idea germinate from, that is, there would be a document prepared which would lie about Parkview Property's experience in assets and facilities management?---I don't recall.

20

Well, certainly ultimately the decision to include that lie was yours, wasn't it?---Ultimately, yes.

Right. And- - -

THE COMMISSIONER: You adopted it?---Yes.

MR BEECH-JONES: And this is true, isn't it, prior to going to UAE in May 2007, you told Mr Willoughby, page 324 for everyone else, that one of the areas- - -

30

THE COMMISSIONER: Of the transcript?

MR BEECH-JONES: Yes, Commissioner. That you were interested in pursuing business interests included facilities and asset management? ---324?

40

You don't have 324. I'll start again, Mr David. You told Mr Willoughby prior to going to the UAE that one of the areas you were interested in pursuing business interests included facilities and asset management, didn't you?---I don't know what you're referring to so I need to- - -

THE COMMISSIONER: Well, did you or didn't you tell him that?

MR BEECH JONES: Did you tell that, I think you've been given a copy of the transcript. I have no difficulty with that, Commissioner, I'm not sure if you do.

THE COMMISSIONER: Well, no, I- - -

MR BEECH-JONES: The line 20.

THE COMMISSIONER: Yes. I mean, I think that in fairness you should say this is what Mr Willoughby says.

MR BEECH-JONES: Oh, well, I'm happy to- - -

THE COMMISSIONER: But I mean you could just ask the question whether he said it or not.

10

MR BEECH-JONES: I did, I did.

THE COMMISSIONER: No, so I'm not sure what you, and I have no difficulty with the questions so why don't you just proceed?

MR BEECH-JONES: The usual way is not to say that another witness has said this and just to put the question.

THE COMMISSIONER: Yes.

20

MR BEECH-JONES: Yes. That's what I was proposing to do. But in the meantime, and I know there was nothing intended by this, no doubt it was meant to assist the witness, your associate actually put the transcript in front of the witness.

THE COMMISSIONER: I understand.

MR BEECH-JONES: All right. So I'll start again, Mr David. You told Mr Willoughby prior to that trip in May 2007 that one of the areas you were interested in pursuing business interests included facilities and assets management, didn't you?---I don't recall it that way, no.

30

Do you deny that you told Mr Willoughby that?---I don't deny that I said that to him, no.

Because it is the fact that prior to that trip in 2007 that was one of the areas you, you were interested in pursuing business interests in?---No, we.

Yeah, well, I'm not asking you to exclude others, but I'm just talking about you. I'm asking you to answer for yourself. You were interested in pursuing facilities and assets management?---Eventually I became aware of the content of the detail of what they were seeking to do in the UAE and, yes, I became interested.

40

No, will you answer my question. Prior to the trip to the UAE in May 2007, an area of which you were interested in pursuing, perhaps with others- -? ---Yes.

- - -included facilities and asset management?---Correct.

Now, at the time you had that interest, with, let's call them the Parkview team for now, you had no one with any real expertise or experience, did you?---No.

And you, it follows, doesn't it, that you, of course you knew that Mr Kelly, a person with experience in that area, was coming along on the trip, doesn't it?---No.

10

Because you would have been ergo, well, I'm about to go all the way to the other side of the world with one of my interests being pursuing facilities and asset management and I don't have anyone with any expertise with me? ---No.

Well, did you, what understanding did you have as to who you would have with expertise in that area with you?---We didn't need any expertise with us.

20

All right. You just go along and start talking to people about facilities and asset management with no one with any expertise in the area?---To understand what they wanted, yes.

Yeah. And you, I suggest, were perfectly well aware that a document containing many lies, but one of the prominent lies concerning the experience of your company in facilities and asset management was being prepared?

MS HOGAN-DORAN: Objection. Could he identify the company?

30

THE COMMISSIONER: I beg your pardon?

MS HOGAN-DORAN: I apologise, Your Honour. Objection. Would my friend identify the company. There's a number of companies within the Parkview Group and if he proposes to refer to Parkview Property- - -

THE COMMISSIONER: Well, I don't think that's necessary. We're all dealing with the Parkview Group as an entity. Does it matter what particular company it is?

40

MS HOGAN-DORAN: Well, it does, but- - -

THE COMMISSIONER: Well, I don't understand why. I mean, I've complained to Mr Beech-Jones for that reason and now I'm complaining to you. I don't understand why it's significant in this case. If you can tell me why I'll consider your objection further, but at the moment I will not allow it.

MS HOGAN-DORAN: Mr, would you want to hear me in respect of that?

THE COMMISSIONER: Yes.

MS HOGAN-DORAN: My friend has described Parkview Property. As I understand his question is premised on Parkview Property being Mr David's company.

THE COMMISSIONER: And is that your objection?

10 MS HOGAN-DORAN: I'd ask my friend to identify does he mean to identify "your company" as being Parkview Property, because it is not the case.

THE COMMISSIONER: Mr Beech-Jones, I'm sure you can formulate the question in way that where you get to the thrust of where you want to get to. Do you want to do it after lunch?

MR BEECH-JONES: I might do it after lunch. Well, Commissioner, I'll do it after lunch.

20

THE COMMISSIONER: We'll adjourn till 2.00pm.

**LUNCHEON ADJOURNMENT**

**[12.59pm]**