TARLO pp 00281-00330

PUBLIC HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE REGINALD BLANCH AM QC

PUBLIC HEARING

OPERATION TARLO

Reference: Operation E15/1982

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 4 MAY, 2017

AT 10.45AM

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: Yes, Mr Rajalingam.

MR RAJALINGAM: Commissioner, on the first day of this hearing the Commission made an order in relation to the publication of material, section 112 order. It related to the exhibit, the brief and that was only Exhibit 1. Just for abundant caution could I ask an order be made in respect to each exhibit tendered in the proceedings so far, which would include exhibits, pardon me, the brief, Exhibit 16, Exhibit 17 to 24 I don't think are covered by the order, the section 112, and for future exhibits tendered. I'm not sure if that could be done now or - - -

10 if that could be done now or - - -

THE COMMISSIONER: What's the order that you want?

MR RAJALINGAM: Essentially that instead of it reading that an order under section 112 that if there is any personal identifying information in any exhibit there should be no publication of it.

THE COMMISSIONER: Oh, I see, yes. Well, I will extend the order that I have made as to non-publication of any personal identifying material.

That order applies, non-publication order, to all material that is presented in the hearing. I think that's probably all that's necessary.

ORDER UNDER SECTION 112 EXTENDED AS TO NON-PUBLICATION OF ANY PERSONAL IDENTIFYING MATERIAL. THAT ORDER APPLIES TO ALL MATERIAL THAT IS PRESENTED IN THE HEARING. IF THERE IS ANY PERSONAL IDENTIFYING INFORMATION IN ANY EXHIBIT THERE SHOULD BE NO PUBLICATION OF IT.

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MR RAJALINGAM: May it please the Commission.

I'm in a position to call the first witness, Mr Andrew Toma.

THE COMMISSIONER: Yes, certainly. Mr Toma, could you come forward, please. Just go into the witness box there. Will you take an oath or an affirmation?

40 MR TOMA: Oath.

THE COMMISSIONER: Thank you.

04/05/2017 282T

THE COMMISSIONER: Just take a seat, Mr Toma. It's unlikely that there's anything that you'll say today that will cause you any problems, but I can make an order protecting you from any civil or criminal repercussions from anything that you say, so I'll make that order just for more abundant caution to protect you.---Thank you.

10 So pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by this witness during the course of the witness's evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

PURSUANT TO SECTION 38 OF THE INDEPENDENT
COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY THIS WITNESS DURING THE COURSE OF THE WITNESS'S EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.

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THE COMMISSIONER: Thank you.---Thank you.

Yes, Mr Rajalingam.

MR RAJALINGAM: Thank you, Commissioner.

May you state your full name for the record?---Andrew Toma.

Are you a jeweller by trade?---Yes, I am.

40

And for how long have you been doing that?---For about 35 years now.

Do you own and operate a shop in Fairfield?---That's correct.

What's the name of the shop?---Andrew's Designer Jewellery.

How long have you had the shop?---This recent one, it's about six and a half years.

And before that, where were you working as a jeweller?---I used to have another shop in another location in the same area.

All right?---Two shops before that.

At Andrew's Designer Jewellery did you say you started about 2010?---For that recent one, yes.

10 Yes. What type of jewellery did you sell?---I do all kind of jewellery.

Do you sell manufactured jewellery?---I do designing, I sell ready imported stuff or all kind of jewellery.

So you sell already manufactured pieces?---Yeah, and I can do myself.

And you do your custom pieces?---Yeah, custom designs, yes.

Do you also do repairs of jewellery?---I do, yes.

20

And what type of metal manufactured jewellery do you sell?---All kinds, mainly gold, some platinum but mainly gold.

And what about - - -?---There are silver.

- - - the gems that you sell?---Gems, we do diamonds, we do all coloured stones, gems, yeah.

Only diamonds or any other type of gem?---No, no, all coloured.

30

Okay.---Coloured stones, yeah.

So sapphires as well?---Sapphires, CZs, cubics.

Rubies?---Yeah, rubies, yeah.

Precious, precious gems?---Yes, yes.

Have you known Ms Eman Sharobeem for about three years?---Yeah, she's one of my customers.

Would you have described her as a regular customer?---Till I think a couple of years or year and a half she stopped coming to my shop, but she was a regular customer for a period of time, yes.

When did you first notice her coming into the shop?---She stopped I think a year and a half or something like that I haven't seen her in the shop.

How long did you know her as a customer?---Since she start I think three years, three and a half years or something.

Do you know, do you remember how – what type of jewellery would she purchase regularly, usually?---She got some ring, sets, necklace, bracelet, bangle, certain kind of bangle, certain style, sometimes small things like as a gift stuff.

Okay. And how would she – did she have a usual method of paying for jewellery?---Yeah, she used to come and pay by card.

Credit card or bankcard?---I think credit card whatever it is, yeah, credit card.

Was there any other way she would pay for items?---Most likely with the cards.

Did she conduct transfers to your account as well?---She done a few transfers because she didn't come, she didn't come to the shop so she had to do a transfer, yeah. But that's lately than - - -

So when you first met her she would buy by using a credit card?---She come by person, yes.

In person?---To the shop, yes.

And later in your business relationship with her she would sometimes transfer money to your - - -?---Yeah, for balance (not transcribable) she can't come, she transfer that.

30

20

Sometimes if she used the credit card would she conduct a number of different transactions as opposed to only one?---I can't really remember everything, but sometimes she used to have two cards maybe, I think on one or two occasions, to try from each card a certain amount or something.

So do you recall her conducting sometimes two different transactions to pay for a certain item?---Yeah, I remember some like that, yes.

Did she tell you why she did that?---No, no, I don't - - -

40

Did you ever ask her?---No, no, I don't, I don't ask customers why they're doing payment, how they do it.

Did you at some stage provide her with your account number in order to transfer money?---To transfer, yes.

Was that common practice for you with your customers?---Some customers, if they can't come to the shop I tell them to transfer.

But it's not something that you do regularly with customers?---Not very common, not very common, no, not really, no.

How would you provide a receipt to Ms Sharobeem, first with respect to the credit card purchases?---Yeah, the, the machine receipt.

So you would provide the credit card machine receipt?---Yeah. Yeah, yeah.

Would you provide a tax invoice also for the items she purchased?---Well, if she asked for it I'll, I'll give a written one.

Would she - - -?---But usually it takes longer time to do payment so if she ask I'll write it but if not she's happy with that only.

Do you recall if she ever asked for the tax invoice?---I can't remember, honestly.

Did you know her as Ms Eman Sharobeem or Dr Sharobeem?---I knew her as a doctor.

Dr Sharobeem?---Dr Sharobeem.

Did you come to know at some stage what she was a doctor in? --- Psychology. That's what I heard from her, a psychologist.

And how did you come to know that?---She mentioned that to me once. My sister, my older sister she was coming in the shop and she looked at her. She said, "Who is she?" I said, "She's my sister."

30

Don't mention her name if, yeah, if you don't need to.---Yeah. I said – she said, "She got severe depression." I said - - -

So you said Eman said that to you about - - -?---Yes, yeah.

--- your sister?---Yeah. I said, "How you know?" She said, "I am a psychologist doctor," so – but from the beginning she, she identified herself as a doctor. That's why I stored her phone number in my phone as a doctor, Dr Eman.

40

How soon after meeting Ms Sharobeem for the first time did you have this conversation with her about your sister having depression?---That was after a year, year and a half.

Do you know if your sister made any contact with Ms Sharobeem?---No, no, no. My sister she can't hear her anyway. She, she have – hard to hear people.

Do you know if she tried to make any contact with Ms Sharobeem - - -? ---No.

- - - as a psychologist?---No, no. My sister she didn't know nothing about it because she didn't hear her.

Oh, I see.---My sister she's old.

Okay.---Yeah, she's old. She can't hear properly.

10

You had Ms Sharobeem's contact details in your mobile phone did you? ---Yes.

Can I show you a document. It's at volume 4, page 196, volume 4 of the brief statements. Is that a picture of your mobile phone?---Yeah.

And of the contact details you had for Ms Sharobeem?---Yes, that's right.

How did you, how did you get those – that contact information?---She gave me her number.

But how did she provide you with her number, was it a – did she text it to you, did she provide you with a - - -?---No, no. In person the first time. When, when I get an order I get the phone number when she order, like.

When she's – how did she actually send you her number, did she speak it to you?---She said it to me. Yeah, yeah, she said it to me.

Or by a text message?---No, no, she said it to me in person.

30

Oh, I see. See how it says Facebook Eman Sharobeem (not transcribable)? ---Yeah.

Did you write that in?---No, no, no. That's – when she asked she add me on Facebook I accepted so it goes through there.

Oh, you think that might have automatically - - -?---Yeah, yeah, (not transcribable).

40 --- changed on your phone?---Because, yes, yes.

You didn't write that in there?---No, no, no. No.

And she didn't send you any contact information that you simply accepted? ---No. It's just the Facebook. When she send me the Facebook request I just accepted it.

Okay.---Yeah.

Do you have any old SMS text messages between yourself and Ms Sharobeem about - - -?---Not exactly as I recall. Not me, no.

Did you also know Ms Sharobeem's son Richard?---Yeah, I know Richard. I done a job for him, yeah.

Was he – and he was a customer of yours as well?---Yes.

Was he as regular as Ms Sharobeem?---I done one job for him like after.

Only one?---Yeah.

And do you recall what that was?---A diamond engagement ring.

Okay. I'll show you another document, volume 4, page 198 and that's — was that your contact for - - -?---Yeah, yeah, yeah.

- - - Ms Sharobeem's son?---Yeah.

20

And to page 200. Do you recognise these messages and the following, following page?---Yeah, yeah.

Sorry, it was just that one page. Sorry, just page 200. Are those text messages in relation to him providing you with - - -?---His job, yeah.

- - - funds for the engagement ring?---His job, yeah.

So that was in December?---Yeah.

30

At the top of the message.---(not transcribable), yeah.

You don't know what year that was, do you, just looking at the message? ---Not really.

In November of 2016 did investigators from the Commission come to your shop to look for some receipts that might have related to either Ms Sharobeem or Richard?---Yeah.

40 And did you come up with a number of receipts?---Yeah.

I'm going to show you those receipts and ask you to describe what they mean. The first one is at page 202. Do you see that document, Mr Toma? ---Mmm. Yeah.

The scribbled portions of that document - - -?---Yeah.

- - - relate to an old customer.---Mmm.

Is that right?---That's right.

And is it the case that you reused this receipt?---Yes, for repairs.

Okay.---Yeah.

Is the form of the document in the form or a receipt?---No, no. This is a job number, like order number. Repairs and order number.

10

But did you use it for your purposes as a receipt with Ms Sharobeem?---No, not as a receipt, as a job.

Okay.---A job.

So it was not a receipt?---No, no.

Okay. Did you have a tax invoice in relation to this particular work? ---Well, this is, this is maybe only quotation.

20

30

Okay.---Sometimes I give quotation. I write the price, how much it's going to cost or something.

Would you – you agree that her name is spelt I-m-a-n.---Mmm.

Does that still refer to Ms Sharobeem?---Yeah, it's her (not transcribable) which is – I know, like, I know. I have only her in this name.

You agree that that's her phone number that's listed below her name? ---Yeah.

What does this purchase relate to? What does the quote relate to?---It says we put diamond on a bangle and - - -

Sorry, put diamond on a bangle?---I think it's, yeah. I think it's also an Omega and diamond cross. Omega chain and diamond cross. So there is a – I think it's a quotation, this one.

Sorry?---It's like a quotation, yeah.

40

Okay.---Because I can't remember. It's been a long time, so.

Do you know how Ms Sharobeem paid for this?---All her payments by card, so.

Or transfer, I think you said.---Yeah.

Okay. So you can't - - -?---By card. By person. She used to come by person (not transcribable).

Okay.---Only transfer I think lately, couple of, I don't know, I can't remember. Two or three of them.

You agree that there's no date on this document, is there?---No, no.

THE COMMISSIONER: The document is a quote, is it?---It's a quote. It's like a, yeah, yeah.

And did you actually do the work?---I can't remember, Your Honour, because sometimes I give a quote and then if I ask me to go ahead, probably I'll do it. Or maybe I'll have it on another new job number or something.

Okay.---But sometimes when they come, they -I do repairs and they ask me a quotation for a job. I just write it, like, briefly. And then, yeah.

MR RAJALINGAM: What I might do, Mr Toma, is I'll show you another document.---Yeah.

Page 205. Is that a valuation certificate?---That's valuation, yes.

That you have issued to Ms Sharobeem?---Yes, yes.

And you issued that valuation certificate on 21 May, 2014, you agree? ---Mmm.

Do you know if the Omega chain and the diamond cross referred to in the valuation relates to what was being – what was referred to in the quote I just took you to?---Could be.

THE COMMISSIONER: And because this is a valuation, is it a valuation that you gave her for insurance purposes?---Yes. Yes.

Not necessarily the amount she paid for the - - -?---No, no. No, Your Honour.

Thank you.

40

MR RAJALINGAM: Do you know how long after the diamond cross and the chain were provided to Ms Sharobeem that you provided the valuation certificate?---I can't remember.

Was it your usual practice to do that after you provided documents, sorry, the items to the person?---If they ask me for a valuation. If they ask me. Sometimes they ask me later, customers.

Is there any reason why in the valuation Ms Sharobeem's name is spelt correctly?---No, there is no reason.

Was there any reason why on the quote you spelled Ms Sharobeem - - -? ---Sometimes I do quick things so whatever comes to my mind, I write that, yeah.

I see. I'll show you another document, page 208. Is that another valuation certificate dated - - -?---Yeah.

10

- - - this time 27 May?---Yeah.

And is that issued to Ms Eman Sharobeem on 27 May?---Yeah.

Some days after the last valuation certificate. Would the date on the valuation certificate be the same day you provide it to the purchaser? ---Ah, could be not.

But usually?---Maybe I write it and later they pick it up or, yeah.

20

But in usual circumstances would you fill this out in front of the purchaser? ---Not necessarily, no.

Okay?---No. If I have the details, if I have the items in front of me I'll just write it and then they pick it up later.

But it will be around about that time, wouldn't it?---It could be (not transcribable).

Does this valuation certificate relate to the ring and the bangle which was shown to you in the quote at page 202?---(No Audible Reply)

See how under customer's signature there's a reference to a bangle? ---Sorry, this ring is not for Ms Sharobeem.

That ring there?---That ring is not hers.

Okay?---That's a quotation for the, for the other customer, the first customer.

40

Okay?---Because that's gent's ring. So that's for different quotation.

Was that for the quotation that you scribbled out?---This ring is not for, doesn't belong for her.

So what does that - - -?---The drawing, I draw it for that person maybe for the Joe if you can see the name.

04/05/2017 TOMA 291T E15/1982 (RAJALINGAM) So what are the relevant parts of this receipt that related to Ms Sharobeem's job?---The, the, the diamond, put diamond on a bangle because I think she had a bangle, it's her bangle with cubics, I replaced with diamond, it's her item, and then she got Omega and diamond cross with it, something like that, as I remember, because at a state she had one bangle, I replace it in diamonds, she had cubics, so she asked me to put diamond instead.

So it's put diamond on bangle and the Omega - - -?---Could be the Omega and the diamond she purchased it, the cross, but the diamond, the bangle, it was he bangle, old one, it has cubics on it so I replaced it in diamond, I put diamond instead.

So if we go back to the valuation certificate at page 208, are you describing what's in that valuation certificate, the ring and the bangle?---Could, yeah.

Did you provide her with a quote for that?---The valuation.

No, for the ring and the bangle did you provide a quote for that?---Ring and the bangle?

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Yes?---I can't remember that ring, yeah, I can't remember the ring but the bangle, that's her one which is I gave her valuation for it, but the ring, I can't remember which ring was it. I think she had also another ring with – I change it with the blue topaz for her as well, I change a diamond on it, probably that's the one.

Okay?---Mmm.

I'll show you another document, page 210. Is that another – that's a customer receipt, isn't it?---That's another job (not transcribable).

Does it – hold on – does it say Customer Receipt at the top left-hand corner? ---No, this is customer receipt for the order, for the lay-by, because this, this part, we give it to the customer and we write his payment on it.

What does the job relate to here?---This one, this one is, it's a bangle, I don't know was yellow gold I think a bangle, and I put her three pearls on it. It was without pearls, she asked me to put three pearls on it.

What do the figures on the right-hand side refer to, from 5,800, from the number 5,800, working down?---Yeah.

What do they mean?---That's probably the cost of that bangle plus she had a balance before, so I add it.

How do you know there was a balance before?---Because I keep them all together. Because it takes time when she do the payments, you know?

Yes.---So when she, she order something else, I just add them to make it one number, make it easier for me.

So what was the quote for the ring and the bangle? Sorry, that's - - -? --- That's bangle with the, with the, with the pearls. She got pearls necklace as well. I think that's with the bangle. And pearl earring she (not transcribable) taken. Because sometimes she, she used to take them and then she'd do the payments for me.

10 So this receipt or this job relates to a bangle, a pearl necklace and earrings? --- That's correct.

What was the total quote for those three items?---I think 5,800 altogether.

And did you say that there was already some money owing from a previous job?---Probably in this one. I can't remember.

Which one? Which number are you referring? I can't see which one you're pointing to, Mr Toma, sorry.---No, I don't know. She pay the 800 deposit and then the rest I just deducted whenever she pays, so.

What does – you see figures on the right-hand side at the bottom. Next to the figures there's either a B or a P.---Yeah.

What do those letters mean?---B that's mean balance. P that's mean paid.

All right. So at some stage she gave you \$800, would that be fair to say? ---Yeah.

And then there was a balance of 5,000?---Yes, that's correct. And she start -

What does the 500 figure refer to under 5,000?---That's payment.

Okay. So then there was a balance of 4,500?---Yeah.

And another payment of 650?---That's correct.

And it comes down to 3,850?---Yeah, yeah.

700 was paid as well?---No, 700 plus she took something else.

Okay.---Yeah.

40

And so the 700 relates to an item she had requested in addition - - -?---Yeah, in addition, yeah.

04/05/2017 TOMA 293T E15/1982 (RAJALINGAM) - - - to the quote you'd already provided to - - -?---Exactly, yeah, because she used to come and pay (not transcribable).

And so the total balance was then 4,550?---Yeah.

Okay. I'll show you a document. Page 213. Is this a - sorry, sorry. 213. Is this another lay-by request?---Yeah.

And it was issued to Dr Iman, spelt with an I, but do you mean Ms Eman Sharobeem?---Yeah.

And is the date of it 24 February, 2015?---Mmm, that's correct.

Firstly what does this lay-by request relate to?---This one it was, it was a set, I remember. A necklace and a bracelet.

What sort of necklace?---It was, I think, two-tone. Like, yellow and white gold.

20 Any gems?---No, I think it was all gold.

What about the bracelet?---Same.

Two-tone?---Mmm.

What was the quote for the job?---7,000 (not transcribable).

Is the quote on the right-hand side next to the box "charges"?---Yeah, yeah.

30 So does she pay a deposit of \$800?---Mmm.

Does that leave a balance of 6,200?---If you look at it, it says money transferred. So I think she transferred that.

Yeah. But she transferred the 1,350 amount?---No, the 800, I think.

Oh, I see.---As, yeah.

40

And also the 1,350 amount?---1,350 probably paid on account.

Leaving a balance of - - -?---Transfer. Transfer on the 10^{th} , well, I saw it on the 10^{th} of 4^{th} , I think, 2015.

And did that leave a balance of 4,850?---Yeah.

The \$900 - - -?---That's - - -

What does that relate to?---It's a payment.

Okay. So it's a payment as well?---Mmm.

Does that leave a balance of 3,950?---Yeah.

And is there another payment of 950?---That's correct.

Leaving 3,000 remaining?---Yeah.

There's an arrow that goes back to the left-hand side of the page.---Yeah.

What does that mean?---Continue, like - - -

Can you explain the figures on the left-hand side?---Okay. That's plus 1,600 she took something else which is a bracelet and pendant and earring and bangle.

Yeah.---So the balance goes back to 4,600 and then she took something else, bracelet and – two bracelets - - -

20

Yes.--- - it looks like which is 750. Goes – the balance goes to 5,300 and something and then she paid 450 and 49 balance and then she paid 950, 3,950 balance and gone.

Thank you, Mr Toma. Thank you for clarifying that. I will show you some photographs.---Yeah.

Sorry, page 216. Do you recognise any of the jewellery that we've talked about - - -?---Yeah, I recognise that set.

30

- - - in any of those photographs?---Yeah.

Which one?---The set.

So the bottom left-hand corner?---The top left-hand.

Oh.---Yeah, that set.

Oh, the third one down - - -?---That's (not transcribable). So - - -

40

So the first picture on that screen at page 216?---The top left, yeah.

And the third item down?---Ah - - -

What do you call that, Mr Toma, that type of necklace?---That's a set necklace. It just, yeah. This ring I can't remember if she got it from me.

Which ring, which - - -?---The, the, the right picture top, top right.

The - - -?---Yeah, this, this ring I can't remember if she - - -

And what do you call that type of ring?---I have to see. Maybe, it's just dressing ring but maybe it's a diamond, maybe it's a cubic.

But the shape of it, does the shape of it have a name?---There is, there is no name for the shape.

10 If you – do you recognise the item on the bottom two photographs from your shop?---I think is part of the set, the top one. Not really. I can't see it properly, yeah.

Do you think it might be the reverse side of the top piece?---Yeah, I think so. That's the, the reverse side, the back of it.

The next page. Just the bottom right-hand corner, Mr Toma, do you recognise that ring?---No, no. It's - - -

Okay.---I can't see it. This ring, the back of it it's ---

Yeah. So you don't know?---No.

I'll show you another document page 220. Now, does this relate to the engagement ring that you - - -?---Richard, yes.

- - - referred to for Mr Richard Sharobeem?---Yes. That's correct.

Do you agree that it's for an amount of \$10,000?---Yeah.

30

And what – can you describe the ring first of all?---It has one point one princess cut in the centre and then some small stones on the side. It's 18 carat white gold.

18 carat white gold. Did you receive payment for this job?---Yeah.

Do you remember how you received payment for this job?---Mostly as I remember Richard used to come and pay it, yeah.

Can you explain the figures on the right-hand side?---Yeah. That's – they start with 750 I think as a deposit and then the things he start paying before I start the ring because he have a time for the engagement date.

Ah hmm.---So he said I can start paying and then you make the ring later. So that's his payments.

All of those figures are payments aren't they?---Yes, yes.

Yeah. Page 221, what's that?---That's continuing payment of Richard I think for the ring. Yeah.

If it says P or paid it means it's a payment doesn't it?---P, P, that means pay.

And the B always refers to balance?---B is balance, yes.

You sometimes have a plus in your jobs?---Add. They add.

- 10 But if it's next to words - -?---Yeah.
 - - does it usually refer to - -?---Okay. With - -
 - --- an additional purchase?---Okay. With, with this job for Richard as I told you I didn't write the amount, the full amount and then deduct the payments. I just adding his, his payment until he reaches the, the, the amount because I had a long time to do the ring for him.

Okay.

20

Page – sorry, what's the drawing on that page?---That's a sketch of the ring, a drawing of a ring.

Page 223, what's this document?---No, this one she ask me to, for a quote or certain things to make for her but she didn't go ahead with that.

When you say she, are you referring to Ms Sharobeem?---Ah, yes, yes, yeah.

And does the quote relate to, or the drawing rather relate to some sort of necklace?---I put some details but I didn't give her (not transcribable)

But she asked you to design a necklace in order to - - -?---She had, she said

- - - put three, three coins - - -?---Yeah, she had the coins, she said, "I want to put it for me in a not transcribable)"

What sort of coins were they, do you remember?---No, not really. It's her, her ones.

I'll show you a document, page 227. And is that a, what is it, is it a - - - ?---That's diamond earrings.

Well, first of all, is it a lay-by request or is it a quote?---Order number, like order, she ordered.

Okay. And how much is the order for?---2,000 or something.

In relation to what?---Diamond earrings.

10

And would it be the case that she would have made payment in two instalments, 400 and then 1,600?---I can't remember, no, it's not necessary.

Is that what that would suggest to you, the document?---Yeah, yeah, but I can't remember how, if she done the payments in – because sometimes she used to do a payment and then I don't write straightaway, I write it later or something, I can't remember, it's been a long time.

But if you write a payment in one of these documents - - -?---Mmm.

- - an order, a quote or a - -?---Mmm, mmm.
- - lay-by request, it is money that you've received, isn't it?---Yes, yes, yeah.
- And the remaining pages, if you just go through them slowly, 230, page 230, is that a receipt issued to Ms Sharobeem for, or is it an order for - -? ---It's like a repair, like a repair, this one.

Why do you say it's a repair?---Because I can see, make bracelet 21 centimetre long.

And is it also because of the value?---Yeah, yeah. So sometimes they have small bracelets, become small and they are extended for that.

All right. Mr Toma, I'm going to show you another document, page 310 of volume 8 of the allegations. Essentially your bank account?---Mmm.

And I'm just going to take you through a number of dates where transfers were made?---Sure.

All right. The first page, just go down to 25 February, 2015. Do you see the payment for \$600?---Yeah.

And it's next to Immigrant Women's. Do you see that?---Yeah.

Would you have recorded that as a payment for Ms Sharobeem?---Well, usually I don't look at the statement because when she used to do a payment she used to call me, I done 600, so I knew, that's it.

So after she called you and said she's done a payment - - -?---Mmm.

- - - would you then access your account online?---Sometimes I do, the next day or something, yeah.

And if you see a figure for what - - -?---Yeah, I know, I know - - -

- --- she was meant to pay ---?--- yeah, it's been paid.
- --- then do you then go and write that down ---?---Yes, that's correct.
- - on your receipt or order number?---That's, that's correct.

Go down to 2 March, 2015, again there's another payment from Immigrant Women's. Do you see that?---Ah hmm.

And it refers to Andrea Toma, do you agree?---Andrew, it's been wrong spelling.

But you're not, you don't go by Andrea, do you?---No, no.

The next page, if you go to 10 March, 2015, would you agree then there's another payment of \$900 on that day to you? 10th of March, on the next page?---Yeah.

20

And also on 19 March there's another payment - - -?---Mmm.

--- of \$900. Do you agree?---That's correct.

And you would have recorded that against one of Ms Sharobeem's - - -? ---Payments.

- - orders?---Yes.
- On 9 April, 2015 on page 312 there's a 1,350 payment from Immigrant Women's.---Ah hmm.

Would you have recorded that as well against Ms Sharobeem's order? ---Yeah.

What about the amounts for 24 April and 30 April, do they relate to - - -? ---900. Yeah, the same.

- - - payments by Ms Sharobeem?---The same thing.

40

Just the final page, sorry, second-last page. 5 May, 2015 do you see a payment for 450?---Yeah.

Again is that a payment you would have recognised as one being made by Ms Sharobeem?---Yeah.

What about for 8 May, 2015?---The same. Another payment.

21 May, 2015, 1,450, do you agree that that would have been a payment you recorded for – as being made by Ms Sharobeem?---Yes, yeah.

You've been taken through this document before haven't you, the, the account?---Yeah, yeah.

And you've, and you've looked at it?---Yeah, I write her payments, yeah. I write.

- 10 And you've considered what I've the questions - -?---Yeah.
 - - I've taken you through?---Mmm.

And you've said in your evidence that you did receive transfers from Ms Sharobeem?---Yeah.

Would those have been the transfers that I've taken you through?---Yeah.

Do you recall any other time receiving transfers for any other period of your dealings with Ms Sharobeem?---I can't remember.

As of mid-2015 did you know of the Immigrant Women's Health Service? ---Not really.

When you say not really, did you know about the name?---(No Audible Reply)

You're shaking your head. The answer is no?---No, no, I don't know.

Have you supplied any jewellery to the Immigrant Women's Health Service?---No, no, I don't deal with, with the organisation. I deal with the customers, individual customer.

Have you ever worked - - --?---Where they work that's, that's not my concern.

Have you ever worked for Ms Sharobeem?---Work? No.

Have you ever worked for her sons?---No, no.

40

Have you ever, have you ever worked for the Immigrant Women's Health Service?---No.

Did you conduct any jewellery-making classes at the Immigrant Women's Health Service?---No, no. I deal with individual customers.

So you've never even been to the centre?---No, no.

Had you met any of the people or the attendees of the Immigrant Women's Health Service?---Absolutely not. I have nothing to do with them.

That's the evidence, Commissioner.

THE COMMISSIONER: Yes. Thank you. Yes, Mr Chhabra.

MR CHHABRA: No questions for this witness.

10 THE COMMISSIONER: Anyone else got questions? Any reason that he can't be excused?

MR RAJALINGAM: No, Commissioner.

THE COMMISSIONER: Thank you, Mr Toma. Then you're excused. Thank you for coming. We might take a morning tea adjournment.

THE WITNESS EXCUSED

[11.28am]

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SHORT ADOURNMENT

[11.28am]

THE COMMISSIONER: Yes, Mr Rajalingam.

MR RAJALINGAM: Commissioner, I call Ms Jihan Hana, H-a-n-a.

THE COMMISSIONER: Thank you.

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Ms Hana, will you take an oath or an affirmation?

MS HANA: An oath.

THE COMMISSIONER: Okay.

THE COMMISSIONER: Now, it's unlikely that you'll be asked to say anything or will say anything that will cause you any problems, but just to give you the comfort of knowing that there won't be any problems I'll make an order that nothing you say can be used against you.

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So pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by the witness during the course of the evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

20 SO PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY THE WITNESS DURING THE COURSE OF THE EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.

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THE COMMISSIONER: Thank you.

Yes, Mr Rajalingam.

MR RAJALINGAM: Thank you, Commissioner.

May you state your full name for the record?---Jihan Hana.

40 And is your last name spelt H-a-n-a?---Yes.

Are you currently working?---No.

Did you work at the Immigrant Women's Health Service at some stage? ---Yes.

Was that between October 2013 and June 2016?---Yes.

Can you tell the Commission how you got the job at the Immigrant Women's Health Service?---I attended parents' workshop at the Centrelink and there was the lady working there, Audrey, she recommended that I go there and ask, she said Eman is friends of hers and she can offer me like work experience and all that.

Did you go to see Ms Sharobeem?---Yes.

Was that Eman Sharobeem that you were sent to see?---Yes, yeah.

Did you see her?---Yes.

And did you have a discussion with her about work?---Yes.

What was arranged if anything?---I wasn't looking for paid work, I really needed like work experience, it was very hard to find any job without work experience, so this is how we agreed on, like, I'll start working there with the groups, senior groups, and she said the previous facilitator has left the job and if I like the job and I'm doing well, I might have the job after that, which I did.

Just before we go there, did she tell you who the previous facilitator was? ---No.

How long did you do volunteer work at the, was it the Middle Eastern seniors group?---It wasn't long actually, I can't remember exactly, but it was about a month more or less.

One month?---Yeah.

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And that was at the Middle Eastern seniors group, was it?---Ah, not only Middle Eastern, like, it was senior groups but one of them was mixed, not only Middle East, and the other two, yes, they were Middle Eastern.

What sort of nationalities or ethnicities should I say in the other groups? ---Okay. Well, there were Italian, Chinese, a few like, we had a few like, you know, members come and go, like, not all of them stayed for too long.

But this was a general seniors group - - -?---But then, yeah, there was - - -

40

- - - for everybody, was it?---Yeah, Lebanese, there was Iraqi, that was the mixed group.

And so you said you volunteered there for about one month?---Yeah, yeah.

And do you know when you became a facilitator, would it have been in 2014 or before in 2013?---That was in 2013, the end of the year.

End of the year. Okay. And where were you working?---Before that?

No, sorry, at which office were you working at Immigrant Women's Health Service?---I attended the office in Fairfield just once a week because one of the groups were attending there, like, they didn't have a community hall like other two groups so we used the hall in, in the office.

The volunteer group, where was that held?---Same, I used to go to different locations.

10

I see?---Each group was in a different location.

So I think it was the case that on the Monday you would go to a community hall at Bankstown. Is that - --?---Yes, Georges Hall.

On George Street?---Georges Hall.

Georges Hall?---Yeah.

That's a suburb, isn't it?---Yes.

And was that in a community hall?---Yes.

Did you, did you or the Immigrant Women's Health Service or anyone else have to pay for the hall hire?---I believe it wasn't us, it was the HomeCare service which is now known by Australian Unity, they were the fund bodies with Immigrant Women's Health.

So on the Monday the seniors group would take place at Bankstown and to your knowledge was funded by HomeCare?---Yes.

On Wednesday would you go to Bossley Park - - -?---Yeah.

- - - community hall?---Yeah, that's right.

And would you do the same work there?---Yes.

Would there be the same people from the Bankstown group or different people at the Bossley Park group?---No, it's completely different. Yeah.

40 No one were allowed to attend more than one group, so each group was different.

Was the Bossley Park group a mixed group or Middle Eastern seniors group?---It was Middle East.

What about so the Bankstown group, was that Middle Eastern or mixed? --- They're mixed.

Mixed?---Yeah. The Monday one, the Bankstown, was the mixed group and the other one, most of them Middle East.

And so, sorry, the only time you were at the Fairfield centre was on the Friday, is that right?---I used to attend different days when I was needed for different stuff, when I need to do some paperwork there.

Did you conduct groups as a facilitator at the Fairfield centre?---What, sorry, what does that mean?

10

Do you know what a facilitator is?---Yes.

Did you work as a facilitator?---Yes. I was given that title.

Yeah.---I didn't know really what that mean. When I asked to be on the payroll they said you are a facilitator, which is you're not, you can't be, it's like a contractor kind of.

But you were being paid, weren't you?---Yes, yeah.

20

After your volunteer time, you were being paid a wage?---But I wasn't on the payroll. Never was.

You were being paid - - -?---Like, I didn't have any permanent position or - -

It was on a casual basis, is what you're saying?---Yeah.

Okay. Did you do groups at Fairfield on Friday, the Middle Eastern seniors group?---Just that one, yes.

When did you start facilitating the Middle Eastern seniors group?---I started all of them same time.

So it would have been at least by 2014?---Yes, yeah.

You would have been facilitating the senior group?---Yeah, that's right.

And so just to be clear about it, on Mondays you'd facilitate a mixed seniors group?---Ah hmm.

On Wednesdays you'd facilitate a Middle Eastern seniors group at Bankstown?---Ah hmm.

And then on Friday – are you agreeing? Just say yes.---No, sorry, the - - -

Bossley Park?---Bossley Park was Wednesday.

Wednesday?---Yeah.

And on Friday you would facilitate a Middle Eastern seniors group at Fairfield?---Yes, yeah.

Did you meet regularly through the year in relation to the three days that you've spoken about?---Yes.

Would you also meet through school holidays?---Yes. Most of, most of it.

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And - - -?---Like, we just talked for, you know, the Easter and the Christmas and the public holidays.

Yes. Okay. So you wouldn't work to the school schedule because they were seniors. Is that right?---Yes.

And you'd only take a break over the Christmas, Easter and public holidays?---Yes. That's right.

What was the average age of people attending the seniors group?---65 and up.

Okay.---But we had a few exceptions, like we had a lady that used to bring her daughter. She had Down syndrome. She was, like, 30s.

Okay.---In her 30s, yeah.

Were there any other – when you weren't doing facilitating work at any of these groups in 2014, were there other facilitators working with you in the same group?---Yes, but I was the main person who was responsible for the emails, the bookings and all the other stuff. Like, the other two ladies, sometimes three, they were mostly, like, responsible for the cooking and other things.

And would they be facilitating with you at the same time?---Yes.

So that would have been, I think, at the Fairfield centre, Fridays in the morning?---Yeah.

40 So there would be three facilitators at the Fairfield centre on Friday morning?---Sometimes four.

Sometimes four. What was the fourth facilitator doing?---Okay. I was – because Friday was the only day I attended the office, I was mostly busy organising for the next week for all the groups. And the other ladies, they do cooking, morning tea, activities, exercise, you know, things like that. We had guest speakers sometimes or – that was part of my job too.

So if I understand this correctly, is it the case that as a facilitator for the Middle Eastern seniors group, you took more of an organisational role? ---Yeah.

Whereas the other two ladies who were facilitating that group were more hands-on?---Yeah, it was, like, the same thing but I had access to the, you know, the computers and all that only on Friday, mostly on Friday.

Were the other facilitators Ms Suham Talal?---Yes.

10

And Suhan Hermiz?---Yes.

Is Talal spelt T-a-l-a-l?---Yes.

And is Hermiz H-e-r-m-i-z?---I'm not sure.

But you remember those names, don't you?---Yes, yeah.

And they were - - -?---And there was another lady as well.

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40

What was her name?---Berri.

B-e-r - - -?---R-r-i.

I. Gailani, is it?---Gailani.

Were volunteers helping with the Middle Eastern seniors group on Friday mornings?---Yes.

How many volunteers would there have been?---We had, like, a few ladies. Like, they didn't stay long. They - - -

What did they do at the group?---The same, same as we did. Like, you know, help with everything. We were supposed to do everything together. But only the booking and the papers and all that, that was my job.

I think you've already given some evidence about what you did in the group. You mentioned cooking.---I did that occasionally, like, when – like, I did it I think twice only, when the lady who used to do the cooking she took her time off and we had no other option, so I did that. It was only once or twice.

And that was later in 2014, was it?---I can't remember exactly.

But for the most part of your role facilitating the group, was someone else doing the cooking?---Yes, yeah.

Do you know if there was a limit – well, who purchased the food for the cooking?---I didn't have any idea about it before but then we used to change

- you know how things going. Like, Dr Eman once told me I have to go through all the receipts that the lady used to do the shopping and the cooking, and make sure she's buying the right stuff for the right amount.

Was there a limit that – pardon me. Withdraw that. Was it Ms Sharobeem that approved the expenses in relation to food for cooking?---Yes.

Did Ms Sharobeem place a limit on the amount of money that could be spent on cooking food?---Yes.

10

What was the limit?---I can't be sure because there was hours for cooking and there was hours for shopping, and I think it was, for the morning tea, so there was parts, you know. I wasn't aware of everything. But I think the morning tea was about \$60, \$70 maximum.

Per group?---Yes.

And what about the lunch? Roughly. I don't expect you to be precise?---I think it was about the same. A bit more, 70, 80, sometimes 90. Depends.

20

30

And what was usually cooked?---You know, usually Middle Eastern stuff because this is what they like. Before we had the Meals on Wheels and they refused to have that, so then there was other arrangements made for the lady who started cooking.

In the Friday group, were there about 20 to 25 people?---Friday, yeah.

Wednesday about the same at Bossley Park?---Wednesday was the biggest group, actually. We reached 35, sometimes a bit more. More or less depends on - - -

So 35 at Bossley Park is the biggest group?---Yeah.

What about Monday at Bankstown?---Monday was the least one. Was sometimes nine, up to 15.

Ms Hana, were they regulars that attended the group?---Yeah.

So, for example, the Monday at Bankstown - - -?---Ah hmm.

40

- - - would you see the same faces in that group at Bankstown?---Yes, yeah.

Would there be new faces in that group through the year?---Yes, they have to apply and they get accepted and they start. Sometimes new members didn't like to attend. They didn't like the idea of being in the group. Or some of them just, you know, they are old people, get sick, take a break for a while and then they come back.

Throughout your work in 2014 in the Middle Eastern seniors group, how many new faces did you see? So 2014 to, I think, 2016, for those two and a half years - - -?---Yeah.

- - - how many new faces did you see at the, first let's go through, Bankstown, Bossley Park and Fairfield?---A lot, actually.

Yeah?---Yeah.

How often would new faces arrive?---Bankstown was the least with that matter, actually, because, I don't know why but I would say six, seven, maybe.

Over the two and a half years?---Yeah.

What about – so six or seven new participants over the time you were there?---Like new ones.

A new one?---Yeah.

20

Okay. What about at Bossley Park?---Oh, there was, like, a big amount on the other two groups. Always people wanted to join and they were on the waiting list. So unless a member, like, stopped the service, we can't accept more.

What was the limit to the group?---I have no idea. That was something to be decided by the HomeCare, I think, or Dr Eman Sharobeem. I'm not sure.

And just taking you to the Friday group, how many new faces would you see over the two and a half years that you were there?---The same thing, like a lot.

Can you estimate?---Um - - -

Would it have been for example hundreds or would it have been in the tens?---No, no, because, you know, unless there is a vacancy they can't – no more people can join.

So over the year, over one year, how many people, extra people, new people would have come to - - -?---I would say 10. Maybe a bit more. 10.

You say 10?---Yeah.

And when a new person arrived in a group that was already full - - -? ---Yeah.

- - - would they only be allowed in if someone else wasn't there?---Yes.

How did you quit the group?---They had to call the HomeCare, the project officer which her name was Watfa (not transcribable) and they had to — most of them didn't want to stop, like they would put the service on hold so they don't lose their spot until they can come back for, you know, for health reasons or some of them went overseas so - - -

Just in relation to the Fairfield group then.---Yeah.

How many people did you remember leaving the group over the two and a half years that you were there?---Like really few, three or four and the others was the case because they passed away. That's how it was.

Just going back to your role as well, would you agree that you organised events?---Yes.

Did you book transport?---Yeah.

How was transport paid for?---Through our organisation I think.

20 Okay. Are you – do you know about that?---No.

Did you submit any invoices to the bookkeeper for payment of bus fares or ---?--No. That wasn't part of my job, no.

All right. But did you book for people to come and pick - - -?---Yes, yeah.

--- a group – attendees up from the service?---Like how many clients, if any special needs for new clients, things like that, cancellations.

30 Did you also prepare flyers about the programs?---Sometimes, yeah.

And you would update also the clients on what happened at the groups - - - ?---Yeah.

--- in person at the reception desk, is that what you ---?---No. I was not the reception. I used to be with the clients in the, in the hall.

Oh, I see.---Yeah.

- 40 So in the context of a group you'd talk to them about - -?---Yeah.
 - - what was happening and so on?---Yeah.

I'm sorry for jumping around a bit but - - -?---That's okay.

- - - just going back to the cooking.---Yeah.

Did you agree that Ms Sharobeem was the one that put the limit on the amount of money that could be spent on purchasing food?---Yeah.

Would – what was Ms Sharobeem like in relation to obtaining approval for funding for things like buying food?---Well, I can talk about my part really not the cooking.

Absolutely.---Yeah.

I mean that's what I'm asking.---The thing that I used to seek her approval was the presents that were presented to the clients. They used to play games and, you know, we needed small gifts for the winners. Sometimes we give the Mother's Day gifts but it was never more than \$5 per item.

And why was that?---It wasn't supposed to be like expensive because we - I had a limit of 120 for all three groups a month.

So \$120 for three groups - - -?---Per month.

20 --- for the whole month, is that what you're saying?---Yeah.

What does that equate to for each group then?---\$40 each group.

\$40 each, is that what you're saying?---Yeah.

What did you think about that budget?---Well, this is how I started working so that was, that were how things were, like I didn't question that.

Did you ever ask for additional money?---Sometimes.

30

And what would – and who would you ask?---Dr Eman of course.

And what - - -?---No one else could approve but her.

What would she say when you asked for additional funds?---Sometimes – it was always no. We did – like sometimes she used to give us – she used to receive a lot of gifts from clients from group members, small little gifts that she didn't need so we used that as gifts for the group.

How often would she receive gifts from group attendees?---I have no idea. I never saw anyone give her things but that's what she said.

Oh.---Yeah.

Would she talk about that often?---No. She used to have a wardrobe in her office and it was full of little things, little gifts from, I don't know exactly from, I can't be sure.

And have you ever seen the inside of her wardrobe?---Yeah, yeah.

And what, what did you, what sort of gifts did you see?---She used to open it in front of – like you know, hand cream, soaps, necklace, earrings, candles, things like that.

You refer to necklaces and earrings?---Yeah.

Were they, did they look like they were real gems?---No, fake, fake cheap ones.

Why do you say they were fake?---You can tell.

I notice that you're wearing some jewellery?---Yeah.

Do you know much about jewellery?---Oh, yes, of course, yeah.

Yeah, okay. Where did you purchase your earrings from?---Mine?

20 Yeah?---I went overseas and, yeah.

Okay?---It's fake.

They're fake?---Yes.

You know what real jewellery looks like?---Yes.

And how it weighs and so on, don't you?---Mmm.

Okay. What about the bingo game that you talked about, what was the budget for the gifts for bingo?---The same thing I was talking about just now, it's the \$40.

So the \$40 would cover food and - - -?---No, no, just the, the gifts for the group.

All right?---Yeah.

40

So in relation to cooking, you said there was a budget?---Yes.

Was that about – I withdraw that?---Yeah.

And who purchased the gifts?---I did.

You did. Where did you go to buy the gifts?---Bargain shops mostly.

Whereabouts?---Fairfield, there was one in Wetherill Park where I used to live.

04/05/2017 HANA 312T E15/1982 (RAJALINGAM) What, like the \$2 shop?---Yes, yeah.

And what would you buy?---Ah, same, same thing, like.

Was there something that you always purchased just to get the job out of the way or did you shop around?---There was a limit, I couldn't really choose, like, I didn't have many choices, so I had to go with the price, not the quality.

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Did Ms Sharobeem ever bring gifts for bingo?---Bring? No, just what she used to give me sometimes from her wardrobe.

I see. And how many times did she give you gifts from her wardrobe? ---A few times, not much.

When you were at the Fairfield centre conducting the Middle Eastern seniors group - - -?---Ah hmm.

20 --- did you see Ms Sharobeem interact with your group?---Yes, but very little.

And can you describe that in more detail?---Okay. I don't know how things were before, but I used to hear that she was more engaged with the groups before, she used to visit, but when I started I didn't see that. Only the Friday group she visited a few times but just because they were in the same building, same house.

While you were conducting the Middle Eastern seniors group, do you know what Ms Sharobeem was doing?---She was in her office most of the time, door closed, counselling mostly, yeah, but she didn't used to stay long, like, in the office, not too long.

If she did interact with the group, how much time would she spend? ---Oh, five, 10 minutes, but it was only when the group requested to see Dr Eman to say hi, to like, when she got married, congratulate her for that, things like that.

Would you say that she herself took the initiative to take part in the groups?

40 ---No.

You mentioned – we talked about the number of people that attended the groups that you were facilitating?---Ah hmm.

Did you have to report those numbers to anyone?---Yes.

Who did you report those numbers to?---To Eman.

How did you report those numbers to her?---There was a monthly report, it was about how many clients for each day, and there was a weekly report and at the very end she requested a daily report, but that wasn't from me actually, it was from the ladies who used to work in the reception.

Was that Ms El-Baf and Ms - - -?---But it was very detailed, like whoever called, whoever came in, any problem happened, any, any kind.

Do you know when – did Ms Sharobeem ask you for daily reports?

---I just replaced one of the ladies at the office a few times but I was, yeah, I had to do that because it was part of their job so I had to do it.

Who did you provide those reports to?---To Eman.

How? Did you give them directly to her?---The end of the day, we had to email it to her.

Email. Okay. Did you do the daily reports?---Just a few times when I replaced the lady in the reception.

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Do you remember what the daily reports had in them?---Yeah. Like, what time we open the office, who left a message on the answering machine, how important it was, who called, who requested appointment with Dr Eman, who visited the centre, if the group – how many clients attended.

Did you know why you were being asked to do that?---No. It wasn't my job. I just did that a few times when I replaced a lady, so.

So you're a facilitator for two and a half years. How were you paid? ---Through the bank account. They transfer the money.

Would you have to fill out time sheets?---Yes.

Did they refer to them as facilitator invoices?---Yes. Not facilitating. It was like a similar sheet for whoever worked there.

And what sort of details would you write on that sheet?---It was a name, which group, hours from what time I started, what time I finished, and the signature. That's it. Later on when the ladies took over Eman, which was Denele, Denele and Gabrielle, I think, they just asked us to add the business number. We had to create one. We didn't have before.

I see.---Yeah.

Or did you also put your tax file number?---Yes. Of course.

Did you ever work – you worked set days, is that correct?---Yes.

And were you working set hours on those days?---Yes.

Just tell me what your hours were.---15 hours a week. There was five hours for each group.

Ah hmm.---And then later on Dr Eman added one more hour, she said, because I'm working after-hours. Like, you know, the booking. Used to receive calls all the time from the clients, even the weekend, night-time, morning, any time. So she said, yeah, I'll just add another hour for that.

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Do you recall working additional time - - -?---Ah hmm.

--- and not actually claiming for that additional time for a period of time? --- There was, like, a few events that happened. You know, we were requested to attend and be there but we didn't get paid for that.

And was there a process where you were asking Ms Sharobeem for additional hours to work?---I didn't ask. I didn't ask for the – to get paid. Because what I heard back then was that she's not going to pay these hours. We were just supposed to be here. It's part of the job.

And who told you that?---The ladies who worked in the office.

What was your hourly rate?---It was 18. I started with \$18 per hour and then it was increased to 20 after a year, a year and a half maybe.

If you were going to do a significant amount of additional work, would you have asked for Ms Sharobeem's approval to do that work?---Yeah, if I – sometimes I was – I had to do, like, an extra day.

30

Yeah.---Usually was Tuesday. So I was paid for the hours I spent in the office.

But would you organise that with Ms Sharobeem prior to doing the work? --- No, it was that – well, she told me this is how it's going to work, so I - - -

Oh, so she told you you were going to work on Tuesday as well? Is that what you're saying?---Yeah.

40 Or whatever.---Only when I was needed.

Okay.---Not, it wasn't regular.

You referred to Ms Sharobeem as Dr Sharobeem before. Did you always know her as Dr Sharobeem?---Yes.

What did you see – I think you said Ms Sharobeem spent a lot of time in her office.---Yeah.

What did you see Ms Sharobeem doing most of the time apart from that? ---Okay. There was meetings. People come and see her, even from the Police Department, other organisations. You know, the media meetings and all that, she used to have people come and do interviews with her.

Did you – so how often would she be in the office on the Friday?---It wasn't, like, same all the time but she would be there sometimes all the day, sometimes half day, sometimes wouldn't see her at all.

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Did you think Ms Sharobeem was a doctor in psychology?---Yes.

At some stage did you yourself seek some counselling from Ms Sharobeem?---When I started, yes.

You weren't looking for a psychologist, though, were you?---No.

You wanted to talk to someone about a specific issue in your life?---When I started doing the work experience there, there was a time that was really hard time in my life. I separated from my husband. And she knew about it so she offered to provide counselling.

And did you accept counselling from her?---Yes.

In those counselling sessions did Ms Sharobeem tell you anything about her being a psychologist?---Yes.

What did she say to you?---How she started, she said I can provide help. I can assist you with that if you want to, and this is what I'm doing, this is my job. And, yeah, of course, whatever you're going to say is going to stay between us and this is how – we did, like, two or three sessions, not much.

I mean, do you remember her referring to herself as a psychologist?---Yes, of course, yeah.

Did she use those words?---Yes.

Was an appointment book kept for clients that she saw?---Sorry?

40 An appointment book kept?---Yes.

Do you think Ms Sharobeem was fairly busy seeing those people?---Yeah.

Do you know if they thought that Ms Sharobeem, or do you know if they considered Ms Sharobeem a psychologist?---Yes.

How do you know that they were of that view?---They were, you know, referred to our office from different organisations. So and she even had a business card printed with her title.

And had you ever organised any appointments for - - -?---When I had to attend the reception, yes.

In order to arrange a time with Ms Sharobeem, would you write down the appointment in the book first?---Yeah, we had to, like, we give a time, a possible time, but then we confirm it after we ask Eman about it.

And when you give the possible time to the client, do you also provide them with something in order to remind them of the time and the date?---Yes.

What was that?---Like, it was, like, we have to ask about their case, what kind of case. Is it domestic violence, is it family matter, you know, sometimes grief. And the other party's name there.

Ms Hana, did you ever remember giving people that walked into the service Ms Sharobeem's business card with the appointment time on it?---No.

Okay.---No.

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How often would you organise these appointments with clients? Was it something that you did often?---No, not much.

Who did that?---Marie and Watfa, who worked in the reception.

Pardon me, Commissioner. Do you recall texting Ms Sharobeem when she was not in the office and clients would come to see her?---Yeah, yes.

Do you recall – pardon me, Commissioner. Commissioner, problem with these messages is that they appear in the brief. They haven't been redacted. But I'm told that there should not be an issue with this page. Or, Commissioner, perhaps there could be an order in relation to whatever's presented not being published. It already is? Okay. I'm just trying to be cautions. If I could show you a document.

It's volume 15 of the allegations, page 156. Number 16, Ms Hana, do you see that the contents of that message is on the right-hand side?---The first one?

The second one where it has your name under the party.---Yeah.

Do you remember receiving that?---Yes, because when we used to call her for something like if she had to like confirm with us what to do with she would just reply with a message if she can't pick up the phone.

At around about that time in May of 2015 - - -?---Ah hmm.

--- was Ms Sharobeem quite busy with her counselling work?---Sorry, the time you're referring to?

It's around about the time of this message.---Yes.

I'm trying to take you back to an event and ask you if around about that time - - -?---She was always busy.

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Always busy. And when you say always busy, always busy with clients? ---Clients, being out attending meetings and – but lately, especially that year she was more of the time out of the office.

Out of the office?---Yes.

THE COMMISSIONER: I'm just noticing that in that particular message the telephone number of the client appears, please call client on.

20 MR RAJALINGAM: Yes. I'll get that redacted.

THE COMMISSIONER: So it's another redaction.

MR RAJALINGAM: Thank you, Commissioner. I'll attend to that. At some stage, Ms Hana, did Ms Sharobeem show you a flyer for a STEPS to Employment program?---Yes.

Did you know if that program was being conducted when you were shown the flyer?---When she showed me the flyer it was like something I had to go through and study and she said if this is going to happen maybe you're going to be responsible for it, you're going to help with it. But then it didn't happen.

How do you know that it didn't happen?---Like it didn't happen because she didn't talk about it after that. Like I didn't do it but there was – I heard, I'm not sure, I can't be sure, there's some other lady who was responsible for the project.

Did she tell, when I say – did Ms Sharobeem tell you what that program would be about, STEPS to Employment?---Yeah, it was about educating people on how to be ready or how to apply for a job or how – what to get the qualification for for that.

And as part of that program did she also talk about preparing for an interview for example?---Yeah.

Did she ever talk about the program involving how to dress for interview? ---Yes.

Did she ever talk about purchasing clothes for people in that group?---No.

Was there any training aspect to the program that she referred to apart from getting ready for a job?---It was supposed to be but it didn't happen, it didn't happen in the centre so - - -

Do you remember seeing a flyer for a Barrington Training Services program?---Yes.

10

Do you know anything about that program?---I don't know about that but I just know that Joelle was the lady who's responsible for that program later on.

Joelle, is that J-o-e-l-l-e?---Yes.

Do you know her last name as Moukhaiber?---Yes.

Do you know if Barrington Services was funding that program?---No, I have no idea.

Did Eman Sharobeem, Ms Sharobeem, leave the IWHS sometime in late 2015?---It was, last I saw her was November. I stopped seeing her completely. And when I asked they said, the ladies on the office said, "We don't see her as much."

Did you also know Ms Sharobeem's son, Richard?---Yes.

Had you seen him before?---Yes.

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Had you seen him there on Fridays at the Fairfield centre?---Um, not, like, yeah, sometimes Fridays. We were supposed to work together and at NESH at some point but I didn't go ahead with the job. Like, I got the job but then my father passed away so I had to stop.

When did you work at NESH?---It was 2015, the beginning of 2015.

And when you say beginning, would it have been about January/February? ---Yes.

40

And for how long were you at NESH?---Less than two months I think.

And in the time you were there at NESH did you see – where were you working at NESH, which office?---It was Guildford, office in Guildford.

And can you describe the Guildford office?---I had two days to work there, there was a lady called Nevine, Nevine Ghaly, she was the project officer I think, but we didn't have anything to do there really, like, I asked Dr Eman

once if what I'm supposed to do there, she said, "Well, just wait for Nevine to give you, you know, anything you can do," she said, "Meanwhile you can do," I can do my job with the senior groups, all the papers there, get it ready till I get something to do with the NESH, but it never happened.

And were there any groups or activities like at the Immigrant Women's Health Service at Nesh?---Never saw any, never saw any groups. No one really.

I mean was NESH really about finding homes for people?---We didn't have any clients, I didn't deal with any, most of the times I went I was by myself, I would see Nevine like occasionally she would come and pick up something and leave, but there was no groups at all.

How often did you see Nevine at NESH when you were there, Nevine Ghaly understand?---Like, could be once a week or once every two weeks.

Did you say you saw - - -?---But I would see her in the Fairfield officer, she used to come there as well.

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Did you see Mr Richard Sharobeem at the NESH Guildford office?---No.

Did you ever see him there?---Just Fairfield, not, not Guildford.

How often did you see him at Fairfield?---He would come like, for no more than an hour and he used to work in a different room we used to call the lawyers' room, that was the Legal Aid, use to put the Legal Aid.

And how long would he spend in that room when you saw him?---Like most of the times I would see him for 10 or 15 minutes, maximum an hour, and he leaves.

Do you know what he did when he was at the office?---No idea, no.

Did you ever see him drive a Honda City sedan?---I didn't see the car, I heard about the car.

I see. But when you were at NESH did you know it had a, they had a work vehicle?---No.

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Was there a work vehicle you could use when you were at NESH?---No, I used my own vehicle.

Did you need to use a vehicle when you were at NESH?---No. I used to drive my car and that's it.

But in order to conduct your work at the service - - -?---Yeah.

- - - would you have needed a motor vehicle?---There was no work at all, so no, I didn't know about it.

You were given some accommodation through NESH. Is that right?---Yes, but that was before Nevine, before the Guildford office.

Before you went to the Guildford office?---Yes, because the NESH office used to be in Fairfield before with different people. I didn't work there back then, it was at the very beginning when I started there 2013, yeah.

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How long did you live in this unit that NESH helped you with?---About nine, ten months. They said the maximum I can stay there is one year. It was, like, through Housing but it's not like Housing. I can't keep the house. It was something temporary until I work and I can, you know, do things on my own.

Were you paying rent for that unit?---Yeah, it was very little. It was 255 a fortnight.

After you were living there, where did you go?---I rented Dr Eman's house, unit

And how did that come about?---She knew that I was looking for a house and because she told me I have to start looking for another place because I can't stay with NESH for too long. And then she said, "I have, I'm renting my unit. Would you like to rent it?" And it was 470 and it was too much for me. I was a single mum, three kids. And then she said, "Don't worry about the money. We'll make it 400 and then we'll add \$10 each six months, each renewing of the lease."

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And did you accept that agreement?---Yes.

And how long did you live in her unit?---About two years and a half maybe?

Do you know when that was?---Was 2014. I have, sorry, I have the lease at home but I can't be sure of the date exactly.

If you return home and you realise that is completely inaccurate, you might wish to contact - - -?---Okay.

- - - Mr Thomas. Where was the unit?---It was in Wetherill Park.

And how did you pay her rent?---It was through the real estate.

Do you recall which real estate?---Richardson and something.

Richardson & Wrench?---Yes. In Fairfield, the office.

When you – I've nearly finished, Ms Hana.---It's okay.

But at the Bossley Park centre, when you did conduct the Middle Eastern seniors group, did you have the whole centre or the whole community hall for your exclusive use for the group?---No. There was three rooms. First one was the biggest one, which was my group's room, the meeting room. The second one was a bit smaller. It was for the Mandaean group for two hours, 10.00 to 12.00. And the last one was the child care.

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Sorry, the first room was? I missed the first room.---It was the biggest room, for my group.

Right. Okay.---On Friday.

And the Mandaean group, who conducted that one.---Saham Talal used to do that for, like, 10.00 to 12.00, and then from 12.00 to 2.00 she used to be with us, with them.

Was that at the Bossley Park centre?---That was the Fairfield centre.

Fairfield centre?---Yeah.

Okay. Just in relation to the Bossley Park centre - - -?---Bossley Park was the community hall.

Community hall?---Yeah.

When you were there in the Middle Eastern seniors group - - -?---Yeah.

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- - - were there any other groups or activities going on?---No. It was only booked for us for the day.

So how big was the hall?---It takes about 100 people.

Was it as big as this room?---A bit smaller.

Bit smaller. What about the Bankstown centre?---It was much bigger but we had a small group.

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And did you have exclusive use to the - - -?---Yes, yes.

There were no other people in your way?---No, not even the office. There was never people in the office. It was closed all the time.

Were you aware of any outreach centres of the IWHS?---Other than these centres? No.

So you mentioned the Bankstown community hall, the Bossley Park community hall.---And the Fairfield office.

The Fairfield centre.---Yeah.

Did you know much about the Cabramatta centre?---Oh, yes, yeah.

Had you been there?---Yes, once.

Okay. To your knowledge, did any of these groups run on the weekend?---I had really nothing to do with the other groups in Cabramatta, so I didn't have any information about the groups there. I knew the lady name Luong. She was responsible for the centre there, Cabramatta centre.

So you think there might have been some weekend programs at Cabramatta?---I have no idea.

What about at Fairfield?---Weekend? No.

Pardon me, Commissioner. Ms Hana, at the Bankstown community hall, was there always the same furniture there at the community hall?---Yeah.

What sort of - - -?---Only tables and chairs, that's all. And it's in a separate room and we get it out and organise it for the group.

And in the time that you were a facilitator, did the furniture remain the same?---Yeah.

What about at Bossley Park?---Same thing.

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Same thing. That's the evidence, Commissioner.

THE COMMISSIONER: Thank you. Mr Chhabra, any questions?

MR CHHABRA: Nothing from this witness.

THE COMMISSIONER: Thank you. Any questions? No?

MR SULLIVAN: No, Commissioner.

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THE COMMISSIONER: So, thank you for coming, Ms Hana, you're excused if you'd like to leave. Thank you very much.---Thank you.

THE WITNESS EXCUSED

[12.46pm]

MR RAJALINGAM: I'm happy to call the next witness, at least for the start if - - -

THE COMMISSIONER: All right.

MR RAJALINGAM: Thank you. I call Mr Nathan Boyd.

THE COMMISSIONER: Mr Boyd, will you take an oath or an affirmation?

10 MR BOYD: An oath.

THE COMMISSIONER: Thank you. Just take a seat there, Mr Boyd. It's unlikely that anything that you'll be asked about or anything that you say today will cause you any problem, but just in more abundant caution I'll make an order that frees you of any responsibility.---Thank you.

Pursuant to section 38 of the Independent Commission Against Corruption
10 Act, I declare that all answers given by this witness and all documents and things produced by this witness during the course of the witness's evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

PURSUANT TO SECTION 38 OF THE INDEPENDENT
COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT
ALL ANSWERS GIVEN BY THIS WITNESS AND ALL

DOCUMENTS AND THINGS PRODUCED BY THIS WITNESS
DURING THE COURSE OF THE WITNESS'S EVIDENCE AT THIS
PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN
GIVEN OR PRODUCED ON OBJECTION AND THERE IS NO
NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT
OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR
THING PRODUCED.

THE COMMISSIONER: Yes, Mr Rajalingam.

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MR RAJALINGAM: Thank you, Commissioner. May you state your full name for the record?---Nathan Sheehan Boyd.

And are you employed as an accountant in the family business Boyd & Associates?---That's correct.

How long have you been working there?---Since March 2009.

Before we get started, can you in your own words state your qualifications and experience?---Sure. I attained from the University of NSW a bachelor's degree in commerce, and that was completed in 2005. From there I worked for KPMG, which is a large accounting firm, from 2004 part-time and then for a period of time, and then 2005 commenced full-time employment with KPMG. I then left – during that period of time of working with KPMG I studied and became a chartered accountant, completing that approximately March 2008. I then left KPMG in March 2009 and joined the family business Boyd & Associates. It was known at that time as Fairfield

Accountancy Services, and later, a couple of years later that changed to Boyd & Associates.

When did you become a registered company auditor?---Okay, I became a registered company auditor in July 2015.

Sorry, I cut you off. Was there anything else that you wanted to mention? ---I have other – I'm a justice of the peace and I've also had other studies in the same field over that period of time.

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And what were they?---A diploma in financial planning and that would be it.

Where and when did you receive that?---That was with Pinnacle – I'm not sure exactly the organisation but Pinnacle.

All right. Mr Boyd, are there essentially two types of audit, a general purpose audit and a special purpose audit?---So with the audit, I guess you can categorise two main types of audits. There's the special purpose audits and general purpose audits. Special purpose audit is generally for types of audits that are not necessarily required or specific in terms of required by the Corporations Act or other legislation, and sometimes can be at the direction of a funding body or government body, for example, the directors or shareholders requesting that particular entity be audited. And so I guess the reporting of a special purpose financial report, of which you do an audit for that specifically, may be less, I guess, onerous. General purpose normally you see your large listed companies having audits that are on a financial report known as the general purpose financial report.

And what about non-government organisations?---So there are specific reporting requirements for not for profits, often you find not for profit can either be an association under New South Wales Legislation or a company limited by guarantee which is a Commonwealth Regulated Entity. So those entities, it has changed over the years, have specific reporting requirements as to, based on their size and an audit may or may not need to be required depending on how large the organisation is.

When you provide an audit opinion - - -?---Sure.

40 --- is it either an unqualified opinion or a qualified opinion?--- They would be the main two types of opinions but there are type of sub-categories of that. So you might have, for example, an emphasis of matter placed in a particular audit reports, qualification which means that it is a qualified audit report and an unqualified audit report is what we would generally call a nomajor sort of issues or mis-statements in the financial reports that have been audited.

So, in lay terms, a qualified audit opinion is one where there are some issues that have arisen through the audit?---Yes.

And usually, are you saying, that they are major issues?---We would normally refer to them as material issues or material mis-statements and the materiality changes depending on an organisation.

What do you mean by materiality, I think you've referred to that in one of your reports as audit materiality.---Correct.

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What are you talking about?---So materiality normally is a defined amount that when looking at a financial report, if the financial, and an audit opinion effectively does not state that everything is exactly true and correct and perfect in a financial report. We work with parameters called materiality which says that the financial report as presented by the directors or the board is true and fair within, what we call this materiality. So for example, if there was an error of \$200 in the financial report but the balance as we were referring to are in the hundreds of thousands, we wouldn't qualify that as a major issue. It would have to be a significant amount.

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So is audit materiality a threshold of error?---You could say that, yes.

And is it determined as a percentage of some figure relative to the organisation?---That's correct.

What figure would you use for a non-government organisation?---For a non-government organisation, often we find profit isn't really the best, I guess, indicator or key performance indicator of the organisation as normally not for profits will have pretty much zero profit at the end of the year. So we look at something, another basis and in the case of not for profits, we normally look at revenue received.

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And in, for example, a not for profit receiving approximately \$300,000 per year from a funding body, what would you determine to be audit materiality in that type of situation?---Sure, we would normally make an assessment as, I guess, the riskiness, the type and nature of the organisation. We might take a percentage of between to one to two, even up to five per cent of that \$300,000 and that would form a, what we call, the overall materiality of that particular, and that changes each year, for that particular audit. We use that as the basis when I guess reviewing documentation selecting particular items to review.

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So, is essentially the percentage you chose a value judgement that you make as an auditor?---Correct.

Was Boyd & Associates involved in auditing NESH since about 2000? --- That is correct. I - - -

When I say NESH, I mean the Non-English Speaking Housing Women's Scheme.---Correct so, I confirmed that yesterday with another colleague at the office who has been, who has been around a lot longer and she confirmed that from when the organisation was established, which I believe was around '99, 2000, that our firm was engaged as the auditor.

Did you become involved in auditing NESH in about 2009?---Yes, that's correct.

And did your office later become involved in the audit of IWHS?---That's correct.

How did your office's involvement or your involvement with IWHS come about?---Sure. So my work with NESH as auditor and involved within that organisation through that audit, sorry, I came to know Eman Sharobeem because she took I think a more active role in that organisation. From there in approximately July, 2013 I received a call from her to meet with her at her office, at her Fairfield office and she spoke to me about the possibility of our organisation or practice becoming the auditor because the previous auditor was not able to conduct the audit for that year due to, from my understanding, her husband's ill health.

So you mentioned you had – you met Ms Sharobeem in about July, 2013. ---But that was a formal - - -

Yes.--- - meeting with her.

Did you have any involvement in the 2012-2013 financial year audit of IWHS?---Yes, I did.

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And – pardon me. As a result of only meeting Ms Sharobeem in July, 2013 did you only have some time to complete the audit for that year?---So that was correct. I'll just explain that part.

Yes.---So as I, I knew of Ms Sharobeem prior to that. I possibly met her on a few occasions. In July, 2013 when I met with her she, she stated that she needed assistance with the audit as one point. The other point also is that for a significant period of time of the 2013 financial year they did not have an actual bookkeeper because the bookkeeper had resigned at that point and so she needed assistance as to how the audit could be completed and to have the bookkeeping also completed for that organisation, which I wasn't able to do as the auditor. So – and from there she also had a very short reporting period in terms of reporting to the funding bodies so that sort of time frame was quite actually small at that point in time. It would have been about a month or two that I had to complete the audit after the bookkeeping was completed.

And for an organisation such as the Immigrant Women's Health Service and you'll obviously know much about the organisation now since you've completed the audit, how much time would you have required to conduct the audit thoroughly?---From – thoroughly I would say a full, full week in terms of time but that may spread over a number of time and also when we've requested documentation depending on how fast the bookkeeper or the organisation can present those documentation.

So much of your time estimate depends on how receptive or responsive the board was?---Correct, and also how the documentation was filed and records kept in the organisation.

Did you sign off on the 2012-2013 financial year audit of Immigrant Women's Health Service?---In my statement I stated I did not but I actually confirmed that and checked this morning and actually I did sign off on that one. There was a mix up, so that's a point of error on that paragraph.

When you start your audit of the Immigrant Women's Health Service, I'll ask you a number of propositions. Would you accept this, the first task is to gain some appreciation of the organisation itself?---That's correct.

You select a sample of expenditure?---Eventually we do select so there is - -

What happens before that?---So prior to that - - -

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Yeah.---So I would, normally would sit down and discuss just to have a general understanding of the organisation, revenue, where that comes from, expenditure, what are the activities of the organisation. From there I would obtain a copy of the financial report in terms of the balance sheet and profit and loss of the organisation just for myself to review and gain an understanding of what financial transactions have occurred and then from there I would then decide on my level of materiality and, and from there select samples.

After you —what, what guides you in selecting a sample, a sample of expenditure?---Sure. So the main key thing would be the level of materiality, so we would calculate a dollar value. From there we would — based on that look at certain expenditure for example and items on the balance sheet and if they were greater than that materiality but level we would state that as a material balance that we actually need to obtain documentation and focus our audit on - - -

Do you remember - - -?--- - those areas.

Do you remember what the audit materiality for IWHS was approximately? ---Not exactly at the top of my head. So it changes every year but from memory it would be around your 10-\$20,000 amount.

I'm nearly finished with this section, Commissioner, so I might just – you talked about selecting a sample of expenditure. You then obtain from the board or the organisation supporting documentation in relation to that expenditure?---That's correct.

And who would – who provided you – did anyone provide you with documentation in relation to the 2012-2013 audit?---For that particular audit I believe I conducted it – the majority of that at the organisation's office and there were files containing certain documents. Now, for that particular year because there was no bookkeeper present for a period of time I – they engaged a bookkeeper that I had recommended and she spent a period of time, I think a couple of weeks going through reconciling all the accounts and putting together all the documentation. Due to my previous dealings with this same bookkeeper for another organisation she knew how I worked in terms of how I liked the documentation to be presented in folders, et cetera.

Commissioner, that might be a convenient time.

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THE COMMISSIONER: All right. We'll adjourn till 2 o'clock.

LUNCHEON ADJOURNMENT

[1.02pm]