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INDEPENDENT COMMISSION AGAINST CORRUPTION

STEPHEN RUSHTON SC
COMMISSIONER

PUBLIC HEARING

OPERATION GERDA

Reference: Operation E17/0445

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 12 FEBRUARY, 2019

AT 2.15PM

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 Coleman.

MR ENGLISH: Commissioner, these – oh, I'm sorry.

THE COMMISSIONER: Do you have any questions?

MR COLEMAN: No. Thank you, Mr Commissioner.

10 MR ENGLISH: I'm sorry, I was wondering if you wished for me to tender those transcripts that were handed out over lunch formally, Commissioner?

THE COMMISSIONER: I don't know whether that's necessary, to be honest. Section 112 orders were made on 6 June last year and 4 February this year. What I was proposing to do was just to vary that order to allow legal representatives and affected persons to have access to that material, but I don't think it's necessary to tender it.

MR ENGLISH: In that case, I don't press a tender.

20 THE COMMISSIONER: Maybe just have it marked for identification.

MR ENGLISH: Yes. So what marking would you propose for the 6 June transcript?

THE COMMISSIONER: The transcript of the witness's compulsory examination on 6 June, 2018 to be marked MFI 1

30 **#MFI-001 – TRANSCRIPT OF COMPULSORY EXAMINATION OF QIN LI DATED 6 JUNE 2018**

MR ENGLISH: MFI 1.

THE COMMISSIONER: Yes. And the transcript of Ms Li's compulsory examination for 4 February, 2019 can be marked MFI 2.

40 **#MFI-002 – TRANSCRIPT OF COMPULSORY EXAMINATION OF QIN LI DATED 4 FEBRUARY 2019**

MR ENGLISH: Thank you, Commissioner.

THE COMMISSIONER: Being satisfied that it is necessary and desirable in the public interest to do so, I vary the orders made by me pursuant to section 112 of the Independent Commission Against Corruption Act 1988

on 4 June, 2018 and 4 February, 2019, so as to permit access to MFI 1 and MFI 2 to affected persons and their legal representatives.

10 **VARIATION OF A SUPPRESSION ORDER: COMMISSIONER
VARIES THE SUPPRESSION ORDERS OVER EVIDENCE GIVEN
BY QIN LI AT THE COMPULSORY EXAMINATIONS HELD ON 6
JUNE 2018 AND 4 FEBRUARY 2019 SO AS TO PERMIT ACCESS
TO MFI-1 AND MFI-2 TO AFFECTED PERSONS AND THEIR
LEGAL REPRESENTATIVES.**

THE COMMISSIONER: Yes, thank you.

MR COLEMAN: Sorry, Commissioner, you said “affected persons and their legal representatives”. Counsel Assisting opened on a limited number of affected persons.

20 THE COMMISSIONER: Were you included?

MR COLEMAN: No. So we’d like to have access.

THE COMMISSIONER: Yes, of course. Of course. I think he used the word “including”, didn’t he, I think?

MR COLEMAN: I wasn’t sure about that but we’d certainly like - - -

30 MR ENGLISH: I think Mr Coleman’s right. His client’s interests weren’t specifically identified as affected persons in my opening.

THE COMMISSIONER: The answer’s yes, of course.

MR COLEMAN: Thank you, Commissioner.

THE COMMISSIONER: Mr Watson.

MR C. WATSON: No. No questions.

40 THE COMMISSIONER: All right. So did you have an opportunity to - - -

MR DREWETT: Yes, I have. I’m grateful to my friends for allowing me that opportunity. Perhaps Ms Li could come back to the witness - - -

THE COMMISSIONER: Come forward.

MR DREWETT: I only have a few questions, Commissioner.

THE COMMISSIONER: Thanks.

MR DREWETT: Just take a seat, Ms Li. I'm just going to ask you a few questions about some of the issues that were touched upon in your evidence this morning and I'll only be a few minutes. Can I ask you this, you were asked a question or questions that related to you being partly on the books. Can you recall being asked questions about that this morning?---Yes.

And the situation was that you were partly on the books but mainly off the books. Is that a fair way to put it?---Yes.

As a result of your being partly on the books and mainly off the books, the situation is that the entitlements that you would have been entitled to, had you been totally on the books, weren't entirely received by you. That was a complicated way to put that but you didn't get all the entitlements that you would have, had you been totally on the books. Is that a fair way to put it? ---Yeah.

For example, superannuation I think back some years ago was about nine per cent, is that right?---Yes.

And as a result of being partly on the books, mainly off the books, you would have received less superannuation payments, is that fair to say? ---Yes.

Were you ever paid public holiday payments in your role as an employee? ---No.

Were you ever given leave payments as an employee?---No.

You're the mother of two children?---Yes.

And I think one of very young, I think one's about five months old, is that right?---Yes.

The older one's about 4?---Yes.

So you gave some evidence in relation to I think a question put by Counsel Assisting, actually I think it might have been in relation to a question asked by the learned Commissioner, why would you allow yourself to be involved in a scheme like this. Can you recall that question being asked earlier this morning?---Yes.

And you said something about you were afraid you'd lose your job. And I'm going to ask you a question about that but you also mentioned something about having a baby.---Yes.

10 So can you tell us what was on your mind in relation to, well, I suppose both of those issues, the job and the baby? What was going through your mind? When the Commissioner asked you that question and you gave those answers, can you tell us what you meant by the fact that you were worried about your job and that you had a baby at the time?---Yeah. At that times had the first baby, then when you have a baby you have to look after, to balance the work and the looking after the kids. And it's very hard to find another job like daytime if having the baby and being a new, new mum at the beginning. Yeah. And, yeah, it'd be easier to stay in the same job if I can.

I think your answer was along the lines of "I didn't want to lose my job." ---Yes.

20 And then you said about the baby. What did you think would happen in relation to your employment if you didn't follow instructions in relation to your entries in relation to time sheets and things of that nature?---I think Tommy would, would not employ me.

Yes, thank you. I have no further questions, Commissioner.

THE COMMISSIONER: I think I might have seen somewhere a reference to you going home at 3 o'clock.---Yes.

30 Did you go home regularly on early afternoon?---At the beginning was because the, being new mum, so that's why you need to breastfeeding, and no, and to, that's why I need to go home early, to feed the baby, yes.

Yes, thank you. Mr English?

MR ENGLISH: Nothing arising, Commissioner.

40 THE COMMISSIONER: I'm not going to release your client from her summons. It's only because if something comes up during the course of the inquiry that we need to ask her about, we'll need to go back. But I don't anticipate you'll have to come back, so thank you very much for your attendance, and you're free to go.---Thank you.

Thank you.

MR DREWETT: Thank you, Commissioner.

THE COMMISSIONER: You can step down, yes.

THE WITNESS STOOD DOWN

[2.32pm]

THE COMMISSIONER: Mr English?

MR ENGLISH: The next witness is Taymour Elredi. Just before he's called, I'm instructed the transcript of his compulsory examination can be ready quite shortly, in five minutes. I don't know, Commissioner, if you
10 want to have that released at a particular time today, but I just thought I'd flag it.

THE COMMISSIONER: Are we going to finish with this witness this afternoon?

MR ENGLISH: I'm hopeful we might, but we might dribble over into Wednesday.

THE COMMISSIONER: Well, let's see how we go. We'll make the
20 transcript available at 4 o'clock and I think he'll have to come back tomorrow morning.

MR ENGLISH: May it please.

THE COMMISSIONER: Come forward. Take a seat. Do we know whether this witness takes an oath or an affirmation?

MR ELREDI: Sorry?

30 THE COMMISSIONER: Do you want to take an oath or an affirmation?

MR ELREDI: Take an oath.

THE COMMISSIONER: An oath?

MR ELREDI: Yeah, that's fine.

THE COMMISSIONER: On the Bible?

40 MR ELREDI: Sorry?

THE COMMISSIONER: On the Bible?

MR ELREDI: Koran.

THE COMMISSIONER: Koran. Yes, thank you.

THE COMMISSIONER: Just excuse me for one moment. Sorry, is this witness represented? I can't recall.

MR ENGLISH: I don't think he has been.

10 THE COMMISSIONER: No, that's okay. You don't have a solicitor here today?---No.

No, okay. Well, let me tell you about your rights and obligations as a witness. Sir, as a witness you must answer all questions truthfully and you must produce any item that I require you to produce during the course of your evidence. You can object to answering a question or producing an item, and the effect of that is that although you must still answer the question or produce the item that I've asked you to, your answer or the item cannot be used against you in any civil proceedings or – subject to one exception in your case – in any criminal proceedings.

20

The exception is that the protection of objecting does not prevent your evidence from being used against you in a prosecution for an offence under the ICAC Act, most importantly an offence of giving false or misleading evidence. If you give false or misleading evidence to this Commission, you commit a very serious criminal offence and it can lead to imprisonment for up to five years. Do you understand that?---I understand.

30 Now to overcome the need to object to every question before you answer it, I can make a declaration which has the effect that without objecting you're still protected.---I understand.

Would you like me to make that declaration?---I understand it.

Pursuant to section 38 of the Independent Commission Against Corruption Act 1988, I declare that all answers given by this witness and all documents and things 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 there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

40

PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, 1988 I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS 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 THERE IS NO NEED FOR THE WITNESS TO

MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED

THE COMMISSIONER: Can I ask you to keep your voice up too?---Yes.

Thank you.

10 MR ENGLISH: Thank you, Commissioner. Can you please just state your full name for the record.---My name is Taymour Elredi.

What do you presently do for a living?---Just working now.

Who for?---I work for Glad Security.

And is that as a security guard?---Yes.

20 Are you at a particular site for Glad Security?---I work for Darling Park for full-time (not transcribable).

That's in the city, Darling Park, is it?---Yes.

Now you know Mr Taher Sirour, do you?---Yes.

How do you know him?---I used to work with him as security guard first.

So you used to work for him?---For him, yes.

30 As a security guard?---Yes.

For what company?---For, I have no idea, to be honest, but it's like too many companies. AUSP first. After that, SIG.

So you met Mr Sirour at some stage?---Yes.

How did you meet him?---I have Magdy, he's my best friend, he introduce Tommy, Taher, to me and after that we start (not transcribable)

40 You say Tommy. Is that how you refer to him? Is that what you called him?---Yeah.

You said your friend Magdy. What's his last name?---Aly.

When did Mr Aly introduce you to Mr Sirour?---I think back to 2009 or '10.

And is that when you first started working for Mr Sirour?---Yeah, I was starting working for him but he was, like, give me like four-hour shift. It's not, it's not even 15 hours a week at first.

How were you paid for those shifts, those four-hour shifts when you first commenced working for Mr Sirour?---Cash. I was going every, I can't remember, Wednesday or Thursday to collect the money from his office.

And where was the office located that you collected the cash from?---At Mascot, Mascot.

10 Mascot. What sites did Mr Sirour have you working at?---He was sending me like the football games in this time, sometime Penrith Stadium, ANZ Stadium, like different.

Did you ever do any work at Sydney University for Mr Sirour?---I think, I think I did once or twice as just sitting like traffic controller on the street.

And when you were employed by Mr Sirour, was he the only person you dealt with? You mentioned AUSP or SIG, was he the only person you dealt with in relation to those companies?---Yes, I have no idea - - -

20 You haven't met anyone else from the offices there?---I saw, like, Lynn. There's another one his name Abdullah, used to work with him, and there's another person, I can't remember her name, I can't remember her name.

The first name, was that Lynn that you said?---Lynn, yes.

You are a director, are you not, of a company called Pharaohs Group Pty Ltd?---Yes.

30 Are you still a director?---I think so, yes.

How was Pharaohs Group Pty Ltd established? I mean what were the circumstances by which you established that company?---Actually it's, yes, legally under my name, everything's under my name but it's controlled by SIG, controlled by SIG office, not by me.

Well, let's just go back a step. At some point in time, someone must have had the idea of starting that company.---Yes, Tommy.

40 So what did Tommy say to you in respect of the establishment of that company?---One day he just come to me and ask me I will open more company for you and I will put, like, all the money on your account, in the company account and you just need to withdraw the money and give it to us back, that's it.

So the purpose of setting up Pharaohs Group was so Tommy could put money in Pharaohs Group accounts?---Yes.

And then what would have to happen?---I have to bring the money back, like, second day or day after to the SIG office.

And did you ever - - -?---So, he can pay the, the guards.

So he explained to you that was for the purpose of paying his or SIG's security guards?---Yes.

10 Was it only for the benefit of SIG's security guards?---What do you mean?

Did Mr Sirour, you mentioned A USP, was that so that A USP could pay security guards too?---I can't remember which company he was talking, I have no idea which company, which guard working for which company. I have no idea about that.

And when Mr Sirour offered that proposal to you, what did you say in return? Did you agree?---Yes, I agree.

20 Did you ask for payment in respect of performing those duties?---He offer me, he's going to give me, like, \$1,500 a week and that's it and he's going to pay the tax, everything for me.

So he said he'd pay - - -?---He's, he's going to look after the tax, he's going to look after the superannuation, everything, on behalf of the company, but I find out later he never done anything for tax or anything like that.

So did you discuss the need to have any licence for Pharaohs Group perform these tasks?---He ask me to apply for the security master licence.

30 So Tommy asked you to apply for that?---Yes.

In Pharaohs' name?---Yes. Under Pharaohs' name.

And did you obtain a master security guard licence?---Yeah. I applied for the master licence and he gave me the money to pay the fees and I got the licence.

40 Did you wonder what you might need a security guard licence for if all you were doing was paying wages?---He said me he's going to use my master, I can't trade as security company, I have to hold security licence.

It's something Tommy said to you, you needed, did he?---Yes.

What about the fees associated with setting up Pharaohs Group? Who paid for those?---Tommy.

And there's some company fees that need to be paid to, for example, have you heard of ASIC?---Yes.

Were those fees paid by Tommy?---Tommy, everything was Tommy.

Were there accounting fees associated with setting up Pharaohs Group?
---Yes, Tommy.

And did you use an accountant – or you’ve said fees were paid, do you know who the accountant was to whom those fees were paid?---I think his accounting, someone, his name is Steve.

10

Steve, did you say?---Yeah, I think Stephen.

So it was Tommy’s accountant, do you think?---He is Tommy accountant.

He told you that, did he?---Yes. He took me actually, and we meet Stephen in his office in Brighton.

In Brighton.---Yes.

20 Now, what about Pharaohs Group? Did it have an office that it traded from?
---Not really, but last, the six months before what happened, I just find out he said I am going to take office for you and he sent Lynn with me to have a look about office.

So you said that – can I just halt you there. You said the six months before it happened - - -?---Yeah, before that happened.

30 What’s that? What are you referring to there, the six months before what happened? I’m just trying to work out a time - - -?---It’s before you guys come to, for the investigation or - - -

So before, do you mean of the search warrant executed, is that what you mean?---Yes, yes. Before the search.

So six months prior to that, Lynn went with you - - -?---Lynn went with me to have a look in one office, in Regis, Rockdale, and we find one office and we just was waiting for Tommy approval to sign the paper.

40 So you said Regis in Rockdale was - - -?---It’s in Rockdale.

So Regis is the name of the, is it an officer provider, is it?---Yes.

So did you have a fixed office there or is it one of those sort of virtual offices that one can hire a conference room and things like that?---No, it’s like one office for, contract office for six months. Every six months, renew.

And what was in that office?---It’s just like office and one small desktop, that’s it.

So Tommy approved that office, did he?---Yes, he approved it.

And who paid for the bills in connection with the rent?---Tommy. It's like 80 per cent of the rent was Tommy and the rest was paying from me.

And you said there was, did you say a desktop?---Yeah, it's computer desktop.

10 So there was a computer. And it sat on a desk, did it?---Yeah, it was sitting on the desk. And machine for, that count the money.

There was a money-counting machine, was there?---Yes.

What else?---And I can't, just some files.

Some files?---Yeah.

20 So what – I'll withdraw that. The desktop computer, did you have access to that?---I do have access, yes.

Did it have the records of Pharaohs Group on that computer?---It should be, yes.

Do you know anyone else who had access to that computer?---SIG, yeah, office people.

30 So they had the password?---They have all the access. I just was using this desktop for, like, for fun. It's not just, not using as business, just go sitting there. Not using as business, for myself.

Did you ever conduct business from that computer?---No, I never.

What, you used it for personal reasons?---For personal, just google something. All that, the, the access was from the girls.

What about the keys to the office? Who held them?---I have one and the girls have one as well.

40 The girls from SIG?---Yes.

So other than this arrangement that you spoke of earlier, where Tommy would put money into the Pharaohs Group account and you'd I think bring it back in to pay the guards' wages, did Pharaohs Group conduct any other business?---No. I was trying to start my own business, but didn't find any business for me.

What type of business were you trying to start?---I was trying to find any contractor for myself, like, any security contract, anything like that. I try it with everyone.

Did you - - -?---I, I applied. I asked too many to give me job.

So you tried to obtain clients, did you, for a prospective security business.
---Yeah.

10 But you were unable to.---No.

I take it, then, Pharaohs Group never had any employees.---No.

Other than perhaps yourself, is that fair?---No, just me.

Did you say “just me”?---Just me, yeah. I was the only employee there.

I just want to show you a document from Exhibit 39, page 70, if that can be brought on the screen, please. You see that. It says it’s a Pharaohs Group
20 Pty Ltd invoice with the date 30 August, 2016.---Yes. Yes.

And it’s made out to Australian United Security Professional Group Pty Ltd.---Yeah.

Is that the AUSP you referred to earlier?---Yes.

And if we go to the bottom it’s for \$50,000. See that?---Yeah.

Have you ever seen an invoice like that before?---Yeah, I saw the invoice
30 before but I didn’t create that invoice.

Pardon? I missed that.---I didn’t make that invoice.

So you’ve seen it before?---I’ve seen it before but I never - - -

Where have you seen invoices like this before?---I was hanging around in the office (not transcribable)

You saw them – is that in the Rockdale office?---(not transcribable)
40

So you said you didn’t make them, you didn’t make these.---This one, no.

Well, have you ever filled in an invoice on this template?---The, the, the last six months for the trading, they teach me how to fill that one and I was doing some, yes. I was doing only for – can’t remember the name. The, the company for Lucas. What’s it called?

For Lucas?---Yeah, I can’t remember the name.

Is that Paragon?---Yes, Paragon.

So you said they taught you how to fill it out.---Yeah, they - - -

Who's "they"?---Huh?

Who's "they"?---The girls in the office, SIG.

10 Do you know their names?---Sometimes Megan, Lynn and another one Maggie. That's the most two I was talking to.

So you said, was it in the six months prior to the execution of the warrant you were filling out some of these yourself?---Yeah.

For how many years – that was in April 2018. How many years prior to that was Pharaohs Group being used to pay guards wages for Tommy?---Since 2014.

20 '14, did you say?---Yeah, I think so.

So four years.---Yeah.

And was it only when you were first shown how to fill in these invoices, was that the first time you actually saw one of these invoices or had you see one prior to that?---No, this my first one. I had, like, I have no idea what the invoice looks like before.

30 So we're looking at sort of September 2017 was the first time, around that time, that you saw one of these invoices?---It's like September, November, something like that. They send me - - -

Sorry? Sorry, I missed your answer there.---They sending me like Excel or Word from this invoice to keep it in my laptop, so if they need invoice they tell me to fill one and send it to them.

I might come back to that in a moment. Did you see any Pharaohs Group invoices like this one at SIG's Mascot office?---No, I didn't. I don't really, I can't remember I saw.

40

Have you been to that - - -?---I was sitting there just for, not even five, 10 minutes at Mascot. Just gave the money back, give the money to them, and they give me some invoices for some guard need to collect it from me, and I just go home.

Now, turn to page 74, please. Is that a document that you've seen before?
---Yes, that's one thing I receive every, I used to receive, like, every week to deposit for these people money in Commonwealth Bank.

So you can see down the right-hand side there's some handwriting.---Yeah.

And it identifies some, what appear to be cash denominations.---Yeah.

And a total of \$57,141.50.---Mmm.

See that?---Yeah.

10 Is that an instruction for you to obtain cash in that amount and in those denominations?---Yes.

And how would you receive a sheet like this?---They was emailing to me.

Email it to you?---Yeah.

On a particular day of the week?---It usually was Tuesday. They email it to me every Tuesday afternoon.

20 And once you'd pulled out that amount of money, \$57,141.50, what would you do with that cash?---I go back to Mascot office, I give it to the girls, and that's it. My job finish.

You said there was a counting machine in the office.---I never say, is that the office, the Rockdale office? Because Rockdale office is only six months before - - -

Oh, I see. So you didn't see a counting machine in Mascot?---No, they was always counting in - - -

30 By hand.---By hand.

And you never assisted with the counting process?---No.

Do you know what happened with the money after it was counted?---They was doing the envelopes. They put the money for envelopes. Every envelope has name for the guard, like wages. That's it.

40 Now, if we just go back to what's on the screen, page 74, you'll see there's a number of rows, 21, that identify – there's some blacked-out information there, but it's BSB and account numbers in respect of the Commonwealth Bank. See that?---Yeah.

And you can see that there's some names that appear to be linked to those BSB and account numbers and some amounts there?---I never looked for names.

What was, the information contained in that table, is that an instruction to you to - - -?---To go to Commonwealth Bank - - -

Yes, what do you do - - -?---And deposit all the amount in each account. It's like first one, number one. So I have to deposit \$960 for the BSB and SEC for - - -

For Mr Mansour, is that right?---Yes.

10 Okay. So how would you deposit that money into their account?---I just give it to the cashier in bank - - -

In cash or a cheque or what?---No cheque.

So, I should ask you this, who was Pharaohs Group banking with?---I was banking with St George and Commonwealth Bank.

20 So would money be transferred by Tommy into both the St George and the Commonwealth account?---Yes, half to St George, half to Commonwealth but its normally the money in Commonwealth it's only for deposit.

For deposit into other guards' accounts.---Yeah, it's like this, this paper, \$27,274.50, so they transfer to Commonwealth Bank account \$27,274.50 exactly.

And then - - -?---I just write - - -

That would be into the Pharaohs account?---Yes.

30 What would you do when that money arrived into your account?---I write a cheque for Commonwealth, I go to bank - - -

Who did you make the cheque out to?---The Commonwealth.

So you'd write a cheque - - -?---Yes, cash.

- - - from your Commonwealth, from Pharaohs Commonwealth account to the Commonwealth Bank?---Yes.

40 And then you'd present that to a teller?---Yes, I ask her to deposit all this account, I give her the paper and she start the deposit one by one.

So you'd give her a paper containing this table.---Yes.

And then - - -

THE COMMISSIONER: If we use that as an example, does that mean that on this particular occasion you would have provided the bank with a cheque for \$27,274.50?---Yes.

Thank you.

MR ENGLISH: Is there a reason why you did it in that way – that is, drawing a cheque and making it back out to the Commonwealth Bank and then handing this piece of paper over?---I have no doubt it was - - -

10

Were you instructed by anyone - - -?---Yes, I was instructed by SIG office.

That's how you should do it?---Yes.

I mean, there would be other ways that you could do this such as a setting up a direct deposit from Pharaohs account via EFT?---Okay, I did, I did that, like, once or twice and Lynn called me back. She said, no, don't do that, the guard complains. They want the deposit cash in the, in the bank. I ask her why. She said doesn't want to show as Pharaohs Group or what company.

20

So a guard complained because it looked like they'd been paid, did it?---I did like for two weeks only to do direct debit from this account and transfer, and she said don't do that.

Okay. Now did you have to make similar deposits in other guards' accounts in other banks?---Yes, National Bank.

National Australia Bank.---National, in NAB.

30 Yes.---It's like one name or two names, it depend and St George, that's all.

If I can just have page 53 of Exhibit 43 put on the screen, please. This is a sheet that says Tuesday Taymour Cheque, 17 December, 2017. Do you recognise this particular document?---Yes. That's the one send to me every Tuesday with the deposit. I can, so they want, they want me to get cash \$50,270 and they want like change, like \$100, they want 463 hundreds, it's a total \$46,000, and \$50 notes 46, and it's like change.

40 And "they", you said they want you to do this, who are you referring to, "they"?---Yes. They all ask me to do that.

Who's they?---SIG.

And then it says at the bottom, "Monday transfer, \$31,700."---They use, like, sometimes does, like, two transfers. I think because the limit of their account transfer so they transfer, like, 31,700 on Monday and the rest of Tuesday.

So by Tuesday, you should have had enough to withdraw \$50,270?---No. 31 plus the 200, the 50,000.

If we can go to the next page, please, page 54. This is - - -?---Similar (not transcribable)

So this is, in accordance with your evidence before, this would be money that was deposited into - - -?---Commonwealth Bank.

10 - - - Pharaohs' Commonwealth account?---Yes.

But on the other page where we saw instructions for cash, that was into the St George account, is that right?---St George.

So just going back to what you said before, that there would be a total of some \$81,000 in the St George account - - -?---Yeah. Let's say 5 plus 21 - - -

20 If we can just go back, sorry. If we can just go back to page 53.---Yeah, so 50,270 plus 31,700, this one it's in St George only and another page, the one before, that one, yes, so this one plus 21,382 in Commonwealth.

So what I wanted to ask you was, in relation to that 31,700, would you have received some other instructions as to how that should be withdrawn?---No, Just withdraw the money, 31,700, and bring it with you.

In cash or in a cheque?---Cash.

30 If we can go to page 55, please. So here's another document. What's this? ---All right. The first one, it's two people for National Bank, I have to deposit money for them.

So that's two guards, is it?---Two guards, yes. And the, the next one down, it's for St George people, need to deposit for them.

So for some four years, you were performing banking tasks along these lines for Tommy, is that right?---Sorry?

40 For some almost four years, you were - - -?---I do banking for Tommy. Week in, week out?---Sorry?

Every week, you were doing this?---Every week, yes, but I have, like, another people was helping me when I, I am busy, I can't do it. Sometime is, I have like, Eslam Aly, sometimes he was doing that. Sometime I have another one, his name Soltan. He was doing that one for me as well.

And what were you paid, how much were you paid by Tommy to do this?
---\$20 per hour.

Well, when you say \$20 per hour, did he pay you a weekly amount or - - -?
---Yes. When I go to the office, they have envelope for me with, like, I think \$81 and increase to \$100 after that.

What was that to cover?---Cover the four hours I go to bank and come back.

10 But you were remunerated in addition to that, weren't you, for performing these tasks?---Sorry?

Weren't you paid something else in addition to just 80 or \$100 a week?
---Yes.

How much was that?---They was, he was paying me, we started at \$1,500.

A week?---A week.

20 That was paid in cash?---Yeah. He was paying me cash. And after that he increased that money to \$2,000, and after that he bring it down to \$1,500 and the last six months of the trading, when he said to me I'm going to bring office for you and I'm going to do, like, the website, everything for you, he increased it to \$3,000.

Now, at some stage did it occur to you that Pharaohs Group was incurring tax liabilities as a consequence of this arrangement that Tommy put in place?---Sorry, say again.

30 Did Pharaohs Group have to pay tax because it was rendering these invoices?---He should be. He should be that one, but I found out later he never paid anything.

So Tommy told you - - -?---He's going to pay everything. He's responsible for everything.

How did you find out? Just hold on one second. Were you told that there was tax owing by Pharaohs Group?---Yes.

40 Who told you that?---My accounting. When I went to my accounting he said there's too many tax and too many, something called lodge (not transcribable). He never done it for one year, two years.

Lodgement statements, is that - - -?---Yes.

So you said my accountant. Is that different to Tommy's accountant who you first went to?---Yes. My, yeah, my accountant. I went like my accountant.

Did you take Pharaohs accounting work from Tommy's accountant to yours?---Yes.

And that's when you were told, what, there's been no taxation paid in respect of these companies?---Yeah. Yeah. And that's why I ask him to increase the money because I can't pay the tax, too much tax on me, so he increased it to the \$3,000. That's one only for last six months.

10 And what did you say to Tommy when you found out that there'd been no tax paid in respect of Pharaohs Group?---I told him, "Why you done that with me?" He said, "No, that's our agreement from the beginning. You have to pay your tax." I said, "No, you said to me you're going to pay everything." And he was lying to me.

And did Tommy ever tell you why he wanted you, he wanted Pharaohs to perform these guard payment tasks for his companies?---No. I have no idea what the reason.

20 Did you ever yourself think that it offered him certain advantages that he otherwise might not have got if he paid the guards himself?---No. Can you just repeat slowly?

Did you ever wonder whether it provided Tommy with certain financial advantages that he wouldn't have got if he paid the guards himself?---No.

Did you ever use an email account on the computer that was set up in the Rockdale office?---They set up, SIG people set up email account for, for Pharaohs.

30 And did you ever use it yourself?---Yeah, I use it.

And do you know if the people from the SIG office would use that email account?---Yes, they was using, yes. They have full access for it. I just used it when I was looking for contractor for myself. I didn't use it for work between me and Tommy.

Now, I showed you some Pharaohs Group invoices. Did you know if people from the SIG office was using the Pharaohs email account to send those invoices?---Yeah.

40

How do you know that?---I was checking, like, everyone's (not transcribable) and I find out they make that invoices the same amount I bring. They send it to themself.

So how did you find out that they'd sent - - -?---Sent item. I just (not transcribable)

You looked in the sent items, did you?---Yeah.

Now, have you had discussions with the Tax Department about the moneys Pharaohs owes in respect of taxation obligations?---All right. After I find out I have too much money I have to pay, I spoke to Taxation Office and I asked them to pay some money every month. So we done, like, \$3,200 every month I have to pay tax for the tax until I finish everything on me.

10 Now, when was the last time you spoke to Tommy?---Last time I spoke to Tommy I think was May.

May of 2018?---Yes.

When was the last time SIG or AUSP sent any money to Pharaohs Group accounts?---The last day you guys come to my office. I think April.

So that's in around April 2018?---Yeah.

20 So since that day have you been paying the tax debt personally yourself to the ATO, have you?---(not transcribable)

So the last payment you made was when Tommy gave you 3,200 or something?---Yeah. After that.

I think you mentioned someone Lucas earlier?---Yes.

30 What was his relationship to this payment arrangement that Tommy had you put in place?---All right, I think for last couple of years, the last two years, he was sending some, Paragon - - -

Paragon.---Yes, deposit me money in my account in Pharaohs account so I have every two weeks, I have to take that money out and I give it to Lucas back. Lucas come to my home and collect the money from me.

Do you know Lucas's last name?---Webber.

Is it Webber?---Webber, yes.

40 So you'd withdraw - - -?---Let's say he, let's say he, Paragon transferred \$55,000 so I take \$50,000 out from the bank, I give it to Webber, to Lucas Webber.

So I don't know if got it. So the same amount that Paragon transferred to Pharaohs, you'd take out in cash and give it back to Lucas.---Yes.

And do you know what Lucas did with that money?---I have no idea.

And do you know - - -?---I know Lucas he work for that company as like supervisor or business manager or something like that.

And that arrangement whereby Paragon would send money to Pharaohs Group - - -?---It was between Tommy and Lucas.

And Tommy just told you to, that that was going to happen did he?---Yes.

10 THE COMMISSIONER: Did he tell you why he was making these payments?---He didn't say, no, he didn't say but I just realised for myself to, make like the tax down for him, himself.

And did you get paid any money by – is it Paragon, Mr English?

MR ENGLISH: Paragon, yes.

20 THE WITNESS: No, the same money I got from Lucas I want to say, let's say, let's say Paragon deposit \$55,000. I take \$50,000, I give it to Lucas, and \$5,000 I give it to Tommy. I think the 10 per cent, the 10 percent was GST, so I take the GST and give it to Tommy.

MR ENGLISH: So you did mention 55 and 50, so you'd take, you'd pay Mr Webber 90 per cent, would you, and give 10 per cent of that to Tommy?---To Tommy, yes.

30 And so were you given it - - -?---Actually I was like, I have no idea how they counting, but he always like calling me, "Did you receive Lucas money today, Paragon money today?" I said, "Yes, \$60,000." He said, "Okay, just take 50 and give me 10, take 55 and give it to Lucas and give me five." He give me the instruction every two weeks, it's different. I have no idea how, but I think it was like GST, I just find out after that.

So each week, how much do you estimate you were withdrawing in cash?
---That's too much.

When you say too much, \$50,000 plus?---Yes.

Did you ever have – it's a lot of - - -?---\$80,000 plus.

40 \$80,000 plus.---Yes, 50 plus 21, yes, around, around, yes, 60-plus.

60-plus on a weekly basis.---Between 60 and 70.

So this is for four years, 60 - - -?---Four, yes.

It's a lot of money, you'd agree?---Yes.

Do you ever have any security issues in relation to that money?---No.

Now the procedure by which you'd withdraw money from the banks and then in some cases draw a cheque and hand it back to the bank and provide a list with the account numbers for the money to be deposited in, did you receive any instructions or training as to how to do that?---Yes, first, two or three times I had like one of the girls come to me, come with me to teach me how to do it.

10 So you mean one of the SIG girls?---Yes, I had like first I think Summer, Summer she lived in account office and I think Lynn went with me like once as well.

I'll just show you a document from volume 1A, page 62, if I can, please. If that can be brought on the screen. You can see, this isn't your document, it's a summary of transactions between AUSP and Pharaohs Group and you can see that along the way – sorry, can we just go up a little bit more? For example, the first entry is on 5 January, 2016. There's been a debit in the AUSP account for \$63,206 and then - - -?---Transferred to who?

20 63,206, do you see - - -?---Transferred to CBA. Okay.

Do you see that?---So they deposit 63,206.

Well, firstly they withdraw that from their account, AUSP, and then it's deposited into the Pharaohs Group account, you see that?---Yes.

30 So this is a summary of transactions of that nature, where there's been a withdrawal from the AUSP account and a matching deposit into a Pharaohs Group account, and do you see it starts at 5 January, 2016?---Yep.

Now, if we go down the page and over again, you can see that it comes to a total of \$2,653,005. Would you accept that an amount of money in that order has been deposited over that period from AUSP in to Pharaohs Group account?---Yeah, probably. Because every week they deposit, like, \$100,000. It's, I take to put, I take cash, like, around between 60 plus, yes.

40 Just excuse me please, Commissioner. If page 64 can be brought on the screen. A similar exercise has been done in respect of money coming from SIG's account and then being deposited in Pharaohs Group.---Yeah.

This time it starts at 7 December, 2015.---Yep.

Now, I don't expect you, and I'm not going to go through each page because it goes until page 83, which is 20 pages of this document, but if page 83 can be brought on the screen.---9 million.

There's a slight discrepancy between the debits and the credits there, which I can't give you an explanation for at the moment unfortunately, but it

suggests in the order or \$9.281 million was transferred from SIG and deposited in to Pharaohs Group account.---Yep.

From 7 December, 2015 through to 18 April, 2018.---Okay.

Is that a figure that you'd agree represents the amount of money that's been transferred between those two accounts?---I think so, yeah.

10 I mean I know you haven't gone through the whole thing, but you wouldn't be surprised to learn it's that amount of money?---I was not ever counting but, yes, it's too much to count, money.

Now, did Tommy ever ask you to perform chauffeuring activities for him, to pick up people in a hire car?---Yes.

How many times has he asked you to do that?---I think he ask me twice.

20 Do you know who or did he tell you who you were to pick up?---I picked up someone, his name Dennis, Dennis from hotel.

From a hotel?---Yeah, in, in, like, in The Rocks, I think.

In The Rocks?---Yes and I dropped him at home.

Do you know what suburb that home was?---I, I can't recall exactly but something in Cronulla way.

So south?---After Brighton, yep.

30 South of Sydney?---Yep. I can't remember exactly where.

And you said twice.---Yes.

So, what, you picked him up from a hotel twice, Dennis?---From the hotel twice, yes.

And it was Dennis on both occasions?---Yes. Dennis and his wife.

40 And you dropped him at home again?---Yes.

The same home?---Yeah.

And Tommy asked you to do this on both occasions, did he?---Yes. Once, he didn't ask me. He, he, first time he ask someone his name Mahmoud Soltan. Mahmoud Soltan was busy that day, so he called me and asked me to, can you do that, and I picked up hire car from Magdy. It was BMW hire car. It's owned by Magdy. So I used this car to drop him, pick him up and drop him home.

And you're certain you did it twice?---Yes.

And what was the period of time in between the first and second times that you picked up Dennis from The Rocks?---No, I can't remember. It's too big. It's too long.

Well, was it over a year?---Probably, yes.

10 Now, since the warrants were executed in April 2018, have you had any discussions with Tommy?---He spoke to me, like, two or three times, yes.

He's booked you?---No, he spoke to me in the phone.

What - - ?---On the WhatsApp.

You've had a WhatsApp conversation?---Yes, with him.

20 Has that been about SIG and Pharaohs and what they were doing?---No, he ask me, he was, like, keep saying about he want to speak with the ICAC about what happened and there is some people was forcing him to do this.

So where was he when you had this conversation?---When?

Where? Where was Tommy, do you know?---He was in Egypt.

30 And did he tell you why he was over there?---He said one of his partner there in Egypt stole 3 million Egyptian pound from him, so he try to get that money back from him.

I think I missed that answer, Commissioner. I'm sorry, can you – he said what?---Okay, I ask him the reason why he sitting there. Just come back here. He said there is someone stole money from him, take money from him, 3 million Egyptian pound, and he trying to find him.

40 When you were just speaking with Tommy when he was overseas, did he say anything to you about the process by which Pharaohs was paying money to guards?---No, never talked to me about anything like that. I just, I can't remember – can I continue?

Yes, go for it.---I just, I can't remember, I ask him what happened to the money Pharaohs Group owe now, like, for Taxation Office, for the rent for the office, Regis, and too many people need money from Pharaohs. What I have to do now? He said, "You can take the money ICAC took it. When this money back, you can take it."

You've got people chasing you for money, do you?---No.

You don't?---Yeah, I have now. I have too many people chasing me for money and from Pharaohs.

Did Tommy tell you that he ever gave any gifts or paid any money to that person Dennis that you referred to?---He always saying, always saying I give that money something, I give that, give that, but money, Tommy personally he has, like, a big mouth. Love to talk. Love show. So like half of what he's talking I was, like, ignoring that because he always lie.

10 What about Tommy buying business class flights for that person Dennis. Do you know anything about that?---No. I heard from him in the phone after the investigation start. He, he was saying that. As people in Sydney University, he was saying to me in the phone, people in Sydney University was forcing him to buy tickets and some gifts for Dennis. I have no idea about is that right or wrong. I have no idea.

And people in Sydney University, did he name anyone?---He said, he named Emir and Frank. He always saying Emir, Frank, and he has record for Emir and Frank always saying that to me.

20 When you say record, what do you mean by record?---He was record, like, when Emir or Frank talk to him in the phone, he record for that.

So, he's got an audio recording of that, does he?---Yeah.

You haven't heard those audio recordings?---No.

That's my examination, Commissioner.

30 THE COMMISSIONER: Can I just go back to one thing we were talking about a little earlier. This company, Paragon, what was Mr Webber's relationship with Paragon? Was he a director or was it his company?---No. I think he was, like, manager, operation manager.

Operations manager.---I have no idea. It's, he was like operation manager.

Do you know anyone else who was involved in Paragon?---No. I never deal with anyone, just Lucas since we start transfer the money between, between Paragon and Pharaohs, only Lucas I saw.

40 Thank you. Now, what are we going to do, Mr English? Is it - - -

MR ENGLISH: Sorry, Commissioner?

THE COMMISSIONER: Are we going to proceed with the cross-examination now?

MR ENGLISH: We could, to make up - - -

THE COMMISSIONER: Maybe I should ask. Can those who wish to ask this witness questions just indicate who they are?

MR DEAN: Myself, Commissioner. I anticipate your next question is, I would probably prefer to wait until I have a copy of the statement.

THE COMMISSIONER: And is there anyone else who's proposing ask questions?

10

MR O'BRIEN: Not at this stage, Commissioner.

THE COMMISSIONER: No, all right.

MR C. WATSON: No, thank you.

MALE SPEAKER: No, Commissioner.

MALE SPEAKER: No, thank you.

20

MR ENGLISH: We can call Mr Lu, who I think's present, who's the next witness, and deal with, at least his evidence until 4 o'clock. This witness could be - - -

THE COMMISSIONER: Yes. Why don't we do that? So I'm going to stand you down. I'm not sure whether you're going to have to come tomorrow or not at the moment. He's unrepresented, so the Commission's got your contact details?---Sorry?

30 They know your telephone number, the Commission?---Yes. I can give them now.

Well, I'm not quite sure whether you're going to have to come back tomorrow. What I'll ensure happens is that the Commission contacts you probably tomorrow morning, early tomorrow morning and we'll let you know then whether you have to come back in.

40 MR ENGLISH: For an abundance of caution, I think Mr Elredi may need to attend tomorrow because it might be that we only learn tomorrow morning whether Mr Dean does wish to ask any questions. I'm just wondering if that's - - -

MR DEAN: I can indicate that I will be asking questions. I just want to see the transcript before - - -

THE COMMISSIONER: Sorry, I do apologise, yes, of course. You'll have to come back.---Tomorrow?

Tomorrow, yes.---Yeah, no worries.

Thank you very much. You can stand down now.

THE WITNESS STOOD DOWN

[3.28pm]

10

THE COMMISSIONER: All right.

MR ENGLISH: Well Frank Lu can then be called please, Commissioner.

THE COMMISSIONER: Yes, thank you. Mr Lu, will you take an oath or an affirmation?

MR LU: Oath.

THE COMMISSIONER: Mr Lu, let me explain your rights and obligations as a witness before this Commission. As a witness you must answer all questions truthfully and you must produce any item that I require you to produce during the course of your evidence. You can object to answering a question or producing an item, and the effect of objecting is that although you must still answer the question or produce the item, your answer or the
10 item produced cannot be used against you in any civil proceedings and, subject to one exception in your case, in any criminal proceedings.

The exception is this, that the protection that an objection gives you does not prevent your evidence from being used against you in a prosecution for an offence under the ICAC Act, including, most importantly, an offence of giving false or misleading evidence. I think you've been sitting here during the course of the inquiry so far, so you've probably heard me say to witnesses that to tell, to give false or misleading evidence to this
20 Commission is a very serious matter. It constitutes a very serious offence for which the penalty can be imprisonment for up to five years. Do you understand that?---Yes.

Now, rather than you objecting to which question then having to answer it, I can make a declaration that all the answers you get, get that protection. Would you like me to do that?---Yes, please.

Thank you. 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 him during the course of his evidence at
30 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 HIM DURING THE COURSE OF HIS EVIDENCE AT THIS PUBLIC INQUIRY ARE TO
40 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 English.

MR ENGLISH: Thank you Commissioner. Just state your name for the record please sir.---Frank, Frank Lu.

And you've got the computer screen working in front of you, do you there?
---Yes.

Okay, good. Who do you work for?---No one now. I quit my job, December.

10 All right. You quit your job in December. Why did you quit in December?
---I had enough.

And who were you working for in December?---SNP Security.

When you say you had enough, had enough of what?---Working there.

What annoyed you so much that you wanted to leave?---Just the way it is, so, you know.

20 THE COMMISSIONER: Sorry, what was that? I missed that.---Just the way the place is, I'd just had enough anyway so I just left.

MR ENGLISH: The way the place is.---Yes, I got my long service leave and as soon as I got it, I left.

THE COMMISSIONER: What was it about the company that - - - ?---At Sydney Uni, no, I don't want to stay there anymore.

30 Why?---Hard to, too hard to say, um - - -

Do your best.---Just, you know, after you guys came in April then you know, all over the place, so, that's it, just don't want to work there anymore.

MR ENGLISH: Did it have anything to do with the fact that you weren't making additional sums of funds when SIG was removed as a subcontractor?---No, no.

So it wasn't for financial reasons you left Sydney Uni - - -?---Yeah, no.

40 All right. You'd been at SNP for 10 years or so prior to December, hadn't you?---Yes.

How long had you been working at the University of Sydney for SNP?
---Since 2008 December, 2008.

What roles and responsibilities did you perform when you were working at the university?---I was a guard and then became a team leader then, yeah, and - - -

And what are the differences between guarding responsibilities and team leader responsibilities?---Team leader responsibility you've just got to make sure the jobs are done, yeah.

What, jobs are done by the other guards?---Or unless I get a job I have to do it and just make sure nothing happens and, you know, and stuff and things like that.

10 So one of your responsibilities is to make sure tasks are completed at the university, is that right, guarding tasks?---Yeah.

To make sure that there's no incidents occurring between say staff and guards and member of staff?---Yeah.

Guards and students?---Just generally like just like you know, just sort out the incidents or sort out the whatever the daily events.

20 Sometimes there are specific responsibilities you have to fill down there, aren't there? Sometimes there might be a power shutdown on campus that requires additional guard to be present, is that right?---Yeah.

Sometimes there might be a protest?---Yeah.

Sometimes it's just ordinary guarding, isn't it, walking around and making sure you're visible on campus, is that right?---Yes.

30 Who were you reporting to at the University of Sydney?---Report to everyone, report to Emir, report to Daryl, the site manager, in the morning we would talk to Dennis.

Well, there was a formal chain of responsibility, wasn't there?---(No audible reply)

For example - - -?---Yeah.

You're looking up in the sky. Are you unsure whether there was a formal chain of responsibility?---No. I just, I just - - -

40 Okay. Well, let's run through these propositions. Mr McCreadie was in charge of SNP Operations at the university, is that right?---yes.

Beneath him was Mr Balicevac?---Yeah.

Was he second in charge?---Yes.

Sometimes referred to as 2IC?---Yes.

And beneath Mr Balicevac came team leaders, is that right?---Yeah.

What about control room operators. Were they beneath team leaders?
---Yeah.

So you would have reported to Emir, then, is that right?---Yeah, all right, yeah.

10 Now you agreed to do at one stage, I think in August 2016, you agreed to take on the responsibility of rostering for SIG, correct?---Yeah.

Who asked you to do that?---It was, it was, because they, they had this rostering guy before and apparently he sent a, he sent an email to SNP with all these names and stuff, so they stuffed up and they couldn't let him do it anymore. Then, then, then Lynn approached me, Emir approached – Emir approached me first, then Lynn approached, Lynn approached me and Tommy's, you know, Tommy's aware of this. And back then I asked him the question, "I work for SNP. Can this be done? I think Daryl's doing that." He said he'd ask someone from SNP if, if there would be a conflict.
20 Then after a while he send a, he send a, I think he asked someone called Neil Fields or something, from SNP, and he said, he said it's okay. So then that's it, I took it from there.

So I just want to break up some of that answer.---Yeah.

You said there was a person performing the role before you.---Yeah.

Did that person work for SNP or did that person work - - -?---Oh, SIG.

30 SIG. Okay.---Yeah.

And you said that person sent a list of names to SNP.---Yeah, to the rostering and just say, just say I, Frank, or I wasn't, I wasn't really with SIG back then but just say this person with that name.

I see. So the person who was previously doing rostering for SIG was using assumed names to fill the site time sheet, is that right?---Yeah. Yeah.

40 And that was a list identifying, what, the guards who were to be paid for a shift next to the names that they were using on the site time sheet was sent to SNP?---Yeah, by accident.

And how many entries were on that list?---I don't know, but that's what I heard. Because I never, I, before I took the rostering I didn't, I didn't care what was going on. You know, like, you know, who, who did what, like who used what name. I never checked. So I wasn't interested in this.

So did you not sign in under any different names before you became the rostering manager?---No, I don't think so.

But you're aware, are you, that other people were doing that on the site?
---Maybe, yeah.

Maybe? Who were the people that were doing it on the site that you knew of?---All the other, all the other, probably all the, some of the team, team leaders or something, I don't know. Back then I didn't pay attention
10 because - - -

What about Emir? Did you know he was doing that back then before you became rostering manager?---I was not sure. I'm not sure about that.

Well, who can you remember that was doing it before you became rostering manager? That is, using assumed names to fill in the time sheet.---I had a feeling some of the team leaders back then did and I think they trying to hide away from it, so, and, you know, back then I wasn't, I was only doing my, normally do my four on, four off, then I just work extra with SIG and
20 that's it. I didn't work with SIG that much back then at one stage, so - - -

Well, you said you had a feeling.---Yeah.

One doesn't just feel that some people sign in under a different name on a time sheet. How was it that you gained whatever level of knowledge you had about that? Did someone tell you? Did someone tell you they were signing in that way?---No. No.

Was it spoken about at the Campus Security Unit that that was happening?
30 ---Yeah, people, everyone talks, so I never, I didn't, I didn't care if they do or they don't, you know, because - - -

So you said when Lynn asked you to become the rostering manager for SIG, you raised it with Mr McCreadie.---Yeah.

And how long did he take to get back to you to say it was okay for you to do it?---At least a week or, maybe a week, I can't remember, but I remember he said because he, he, he used to be the account manager before that, then he came to the Sydney Uni. He has, he had another boss above him, so he has,
40 he goes he has to ask the boss. And, yeah, and so Tommy's aware of that.

All right.---So, yeah, yeah.

And you spoke of doing some work for SIG?---Yeah.

Why was it that you were performing work for SIG?---Oh, this goes back in - hold on, let me think. End of 2011, end of 2011. I think Ayla was still the site manager. There was a, there was like a transition between IPS, that's

another subcontractor before that, and SIG. So, anyway, one day I was told that we cannot do any overtime on SNP's book and that's it and - - -

Who told you that?---Oh Ayla did.

Ayla. And Ayla worked for SNP?---Yeah. I think she worked with some subcontractor and then became SNP and then she left.

10 Did she give you a reason why you couldn't do any more overtime on SNP's book - - -?---Oh, you kind of just get - - -

Do you want to just let me finish?---Yeah.

Did she give you a reason why couldn't do any overtime on SNP's book?
---No, that's just, that's just the way it is because they're trying to get me to go with IPS back then, with another subcontractor on the (not transcribable) like, no. I said I'll just go with SNP, stay with SNP. Then up until the point you couldn't do that anymore. They said they ran out of budget or something.

20

Who said that, who said - - -?---That's the reason they sort of gave me, like they just, in the end, they just no reason and you've just got to go.

They, do you mean this Ayla who you spoke of?---Yeah, that's what I, yeah, that.

So you then perform overtime shifts working as a SIG guard, is that right?
---Yeah, I had to.

30 Okay. So when did you first start doing that?---Maybe 2011, end of, would be end of 2011.

Okay. Did you sign in under your own name on the site time sheet?---Yeah.

Roughly, from 2011 until - yes, take a glass of water if you like. From 2011 until you became the rostering manager I think in August 2016, do you know how many hours per week you were doing of overtime, roughly?
---Um - - -

40 A couple of shifts, many shifts?---A couple of shifts, not much, not much.

So, you were working an equivalent of 40 hours a week, is that right, on the four day, four day off roster?---Yeah.

THE COMMISSIONER: Did you tell anyone in SNP that you were doing extra hours with SIG? Were they aware that you were doing it?---Yeah, well, I think in the rostering system it's got Frank 1, Frank 2, Frank Lu 1, Frank Lu 2, that's how it identifies it.

MR ENGLISH: So, why is there a need, to your understanding, for a Frank Lu 1 and a Frank Lu 2?---Frank Lu 1 is with SNP, Frank Lu 2's with SIG.

But there's a rostering system where, at SNP?---Yeah.

So you're identified as Frank Lu 1 when you're working for SNP - - -?---I think, I think, I think this is what happened. I've got, I've got two yeah, I've got two names.

10

Who told you that?---The rostering.

Who, who at SNP rostering?---Yeah.

Who?---Me, all, many of them told me this.

Have you seen a sheet that identifies you under Frank Lu 1 and Frank Lu 2?---Oh may be, I don't know, but I know I can be, I can be put down as Frank Lu 1, Frank Lu 2.

20

Were you told why you were assigned those two names at SNP?---Because one's with a subcontractor.

Okay.---One's with the normal roster.

Why couldn't you just work additional hours under Frank Lu, were you told why?---No, and I never asked.

So in I think August 2016 you took over rostering for SIG?---Yeah.

30

Were you paid for that?---Yeah, at the start I think 300 bucks and after that I think 400 and then after that it's 500.

Who offered to pay you those amounts?---Tommy did.

What did he expect from you in return for that payment, to your understand?---Just answer the phone calls at night and just sort out some, you know, rosters, some shifts for the people, you know, whatever event like, if you call in sick you just answer the phone.

40

So he gave you a phone?---Yeah, yeah.

And you didn't pay for the bills, I take it SIG paid those bills?---Yeah.

So people would ring up and say, "I can't come to work tomorrow," and you'd have to find a replacement?---Yeah.

And just say someone rang up and said, "I'm going to be sick," what would you do, ring around and try and see which guard was available to fill the shift?---Yeah.

Is that what you did all the time?---No. At the start I did but then in the end, no, after, well, no because, look, sometimes it's just hard to find someone as well. You know, there's a certain amount of people you can call and, and some people from SNP don't want to be with a subbie, so it was, sometimes it was hard to get, get someone if someone call in sick at 1 o'clock, 2
10 o'clock, 3 o'clock in the morning, to cover the 6 o'clock shift.

So if you couldn't find someone, what would you do?---Well, you either get someone to, you know, if someone wants to do it, then just stay behind then you can stay behind.

So someone might work an additional shift after they finish their rostered shift?---Yeah.

What if you couldn't find someone like that?---That's it, then just nothing
20 you can do.

But you didn't leave gaps in the roster, did you?---No.

No. So what did you do? You found a name that you could use and you inserted it in to the roster?---Yeah.

And in those circumstances, no one turned up to do the job?---No.

Is that right?---Well, yeah, if, yeah.
30

Yes. And so in those occasions you might, for example, have been paid when you put someone name in the roster who never turned up, correct? ---Well, it depends on whose teams that, that's on.

THE COMMISSIONER: But it happened, though, didn't it?---Hey?

It happened, didn't it?---Yeah. Depends on whose teams is, is on.

MR ENGLISH: And clearly that's dishonest, isn't it?---Yeah.
40

And so you'd, at times you'd find the name of someone who could be used to be placed into the roster, you'd call the SIG office and ask for names, is that right?---No, they gave me a list of names.

Did they give you a list when you first started in August, 2016?---Yeah.

So this is before you've even - - -?---No, no, no. Before August, 2016, no.

No. When did you first get a list of names?---Probably after, after, just straight after then.

I might just ask if maybe we can just establish this timeline with a bit more specificity. If Exhibit 36, page 40 can come on the screen, please. So have you seen this email before?---Yeah, yes.

Unfortunately we can't tell what the email address is but it's you who sent it, is that right?---Yeah.

10

Who's Ali Syed?---That's the one that used to do this.

And he worked at SIG, did he?---Yeah.

And he's the one who sent the list to SNP when he shouldn't have?---Yeah.

So when you started, you said you'd never seen that list, though, didn't you?---No, the email?

20

Yes.---No, no.

So here you've sent it to Ali Syed. Did you blind carbon copy anyone in on this? Because you've said "hello all" or "dear all".---I think, I, I, I, with this, I, maybe I done it on the, no, I don't, I don't know. Maybe I did. I can't even remember if, if I sent it. I think I've sent it to everyone.

MR COLEMAN: Sorry, Commissioner, can I just ask my learned friend to identify the exhibit number? I missed it, I'm sorry.

30

MR ENGLISH: It's Exhibit 36, page 40.

MR COLEMAN: Thank you very much

MR ENGLISH: The subject heading's a question mark. Do you see that? See at the top, there's a question mark?---Yeah, yeah.

Is that something you'd from time to time put as a subject heading in an email?---No.

40

And so you can't assist the Commission in understanding why it appears that you sent this to Ali Syed but you've written "Dear All"?---Oh, wait, let me think. Let me think. Maybe I sent it to someone to see if that's good enough or not to, to, to say.

Well, you've taken Mr Syed's job and you've said it's due to personal issues. Are you sending it to him to approve or something?---Yeah. Yeah, I want to send it to him to, maybe, maybe I did. I can't, it was a while ago, so maybe I did just send to him to see if that's - - -

It's okay by him.---Yeah.

All right.---To say, yeah.

And there's a number at the bottom ending in 900. Is that the work number?---Yeah. Yeah.

10 Now, can we go to page 55 of Exhibit 36, please. Okay, so start at the email at the bottom of the page.---Yeah.

That's an email from info@sigservices to SIG rosters. SIG rosters, I know that's not the email address written out in full there, but is that an email address that you had access to?---Not info. I think I got the SIG rosters email address. Yeah, I got that rosters.

So if you look at the top from roster@sinternationalgroup.com, and it's called Roster SIG. Do you see that?---Yeah.

20 Is that the email address you had access to?---Yeah.

And did you have that on your phone?---Yeah.

Was that the phone that Tommy provided?---Yeah.

Now, if we're just looking at that earlier email in time, it says "Names for Coverage". "Hi, Frank. Please find attached the names for coverage," and you've given a list of names with numbers that follow. See that?---Yeah.

30 What are the numbers?---Phone, oh, security numbers. Security licence numbers.

And what's your understanding of what these names could be used for?
---Just to cover the shift or people if they, if they work too much, and just so if they did seven days in a row or whatever, it can be used for, it can be used by them.

Seven days in a row?---Yeah.

40 You say that people were working at Sydney Uni seven days in a row?
---Yeah.

Without a break or - - -?---Oh, no, no, no. Like, seven days, no, no, no, not like 24 hours but, yeah, 12 hours. Seven shifts in a row.

So is it fair to say that these are names of people who can be inserted onto the roster who won't turn up to do a shift at Sydney University? So you can use these names to enter into the time sheet but they're not going to turn up

to complete a shift?---No, maybe, yeah, no, no. Only, only a few of them ever came to Sydney Uni from the, from this, these names.

So they're names that can be used when you need to fill a shift.---Yeah.

And on occasion someone might stay back and work that shift using one of these names.---Yeah.

10 And on occasion no one would turn up and you'd just use the name.---Yeah.

And on occasion someone would be on a shift and you'd ask them to perform another task and they might have to use one of these names to perform that other task.---Yeah.

Now, in that circumstance that I've just referred to, that is someone's already on a shift and you're asking them to perform another shift using one of these names, the university's not getting what it paid for, is it?---No.

20 It's paid for two guards and only one is doing it, correct?---Yeah.

THE COMMISSIONER: I think we've got some material which suggests that on occasions guards were working 24 hours straight.---Yeah. Yeah.

Is that right?---Yeah.

And sometimes I think periods even longer than that. They might do 24 hours for two or three days. Is that right?---Maybe not two or three days. Just, just one day then – I can't remember two or three days, no. Just - - -

30 Thank you.

MR ENGLISH: What's the longest you've seen one guard or you've known of one guard to stay on-site working for?---Probably 36 or 30 hours.

Have you stayed on-site working that long?---A few times. Not, not much.

40 I mean are you really working the entire 36 hours or are you skiving off somewhere?---No. I, I would probably go to sleep for few hours and then wake up again and continue on.

What, in the car or something?---Yeah.

And did that happen a bit, that guards would do these long shifts and go and nod off in the car and then come back onto the shift?---Some people wants to do it but then if I had people to cover it, no. I don't, I don't want them to do these sort of things.

Well, it's a fatigue issues, isn't it?---Yeah.

You don't want guards patrolling the university who haven't slept for 24 hours, do you agree?---Yeah.

Yes. Creates problems in how they can effectually do their duty, correct? ---Yeah.

10 Now, what if, for example, there was a guard who'd worked a 24 shift and then you had an urgent bus run that had to be filled? Would you ask or would you consider asking that guard to fill the bus run?---No. Well, probably if they did some, some of these long hours, what they do is just normally static jobs, you know, over the weekend or some, something, just, like, you don't need to do, you don't have to, like, run around or do something.

20 THE COMMISSIONER: What's a static job?---Just say, just say, just say this door's broken or whatever, then someone just, just sit at the door or something like that. In the room, in the, with the, you know, so they got access to food and fridge and toilets and it's like, you know, just to be there.

MR ENGLISH: Now, at some stage, Fisher Library, a decision was made to keep that open for 24 hours a day. Is that right?---Yeah, with the, with the, with the swipe card, yeah.

So that required extra guards to be on-site at the uni, didn't it, in the library?---No, just, just three.

30 So three but they had to be there – was it in the Fisher Library for 24 hours a day?---Depends on which, which period it is. Like, during the, because it's open during the, during the daytime. You know, they don't have, they don't need a, like, they, they have a guard during the day, then one who shuts and they have another set of guards at night.

And you're familiar with reports, aren't you, of guards being seen to be asleep on the job in the Fisher Library?---Yeah.

Did you get reports like that often?---No, but I do remember there were a few, a few people that done that.

40 So I was just asking you earlier about payments that Tommy made to you and you spoke about the \$300, \$400, \$500 weekly payment. Did he ever give you any other gifts or money?---He probably gave me once Christmas, \$100 or something in, in Myer gift card. Yeah. 100, it was \$100.

And did you share gifts around the office?---No.

Did you ever give any gifts to – do you know who Dennis Smith is?---Yeah, the boss, my boss.

Yes, from the university. Well, he's not actually, he's from the university, right?---Yeah.

And did you ever give him any gifts?---I think I gave him 100 in Myer card, in, like, 2017.

And did he accept that?---Yeah.

10 Did he say thanks or something?---Yeah, I just gave him that 100 and I made Tommy to pay for it.

So, what, did you speak with Tommy first and say, "I want to give this to Dennis," or did you say - - -?---I, well, well, sorry.

Or did you just say, 'Tommy, I've given a \$100 gift card to Dennis, you can pay me back,' what happened?---No. What happened was, I was, I was, during Christmas I just, I had been buying two bottles of wine or whatever, like, you know, \$15 wine or something, \$30 wine and then he said it's
20 against his religion to do that, if I would do that for him. Then I said, all right, then what do you want? And just, well, no, just I can get a gift card. Then, yeah, so, he goes all right.

So you got the gift card?---Yeah, I did.

Gave it to Dennis?---Yeah.

And then got Tommy to pay you back?---Yeah, yeah.

30 And that only happened once?---Yeah. It was \$100 or something. I got it from Shell.

Bought it from where, sorry?---Shell, the servo on Parramatta Road.

Shell servo, okay. And tell me this, are you aware of anyone else in the SNP team giving gift cards to Mr Smith?---No.

What about Tommy? Did he ever tell you he gave a gift card to Mr Smith?
---No.
40

Have you ever met Mr Smith outside of university hours?---No.

You ever met him off campus?---Off campus, no.

You never socialised with him?---I messaged with him, that's it.

Text messaged, have you? Or - - -?---Yeah. Yeah, text like on the phone.

What did you text message with him about?---About some horses.

Gambling?---Yeah.

Would you text message him about work duties?---Yeah, that as well.

10 You'd go direct to Dennis, would you, about, you'd have a communication line via text with Dennis, is that right?---All depends if there's major stuff happening, you know, I will let him know things that he needs to know or aware of, I will let him know.

Okay. But you've only ever seen him face-to-face on the university campus, is that fair - - -?---Or he comes in, you know, after work maybe on the weekend or pop in or something, that's the only time I see him.

But that's again at the Campus Security Unit, is it?---Yeah.

20 All on the campus?---Yeah, on the security unit, like when he comes in there and he pop in I will see him there.

All right. Is that a convenient time Commissioner?

THE COMMISSIONER: Just one matter.---Yes.

I'm just trying to understand the physical location of the security services on campus. Was there an office or a control room?---Yes, there is.

And is the office within the control room?---Yes.

30 Okay. And did Mr Smith, did he occupy space within that area?---No.

No.---No, he's outside.

Outside where?---Just like, this is a control room, you know, just how you walk out and out the door and he's the first like closest to the door to the control room.

He is.---He sits, yeah, in the open, in the open office area.

40 He had a desk.---Yeah.

And his desk is next to Emir, is it?---Yeah.

All right.

MR ENGLISH: Can I just ask, did you have a desk in that other office where Emir and Mr Smith has a desk?---No.

So you only worked within that area in the actual control room, is that right?---Yeah.

THE COMMISSIONER: All right. You'll have to come back tomorrow. ---Yeah.

Thank you. You can stand down now if you want.

10 **THE WITNESS STOOD DOWN** **[4.02pm]**

MR ENGLISH: Commissioner, I've just been provided with a copy of Mr Elredi's compulsory examination transcript.

THE COMMISSIONER: Good.

MR ENGLISH: That's ready to be handed out to the parties. Might that be marked and also there might have to be a slight variation to the 112 order
20 that was made by you, Commissioner, on 19 September, 2018.

THE COMMISSIONER: All right. I vary the order made by me on 19 September, 2018, being satisfied that it is necessary and desirable and in the public interest to do so. I direct that MFI 3 being transcript of – which witness was it?

MR ENGLISH: Taymour Elredi.

THE COMMISSIONER: Taymour Elredi can be made available to
30 effective persons and their legal representatives.

#MFI-003 – TRANSCRIPT OF COMPULSORY EXAMINATION OF TAYMOUR ELREDI DATED 19 SEPTEMBER 2018

40 **COMMISSIONER VARIES THE SUPPRESSION ORDERS OVER EVIDENCE GIVEN BY TAYMOUR AT THE COMPULSORY EXAMINATIONS HELD ON 19 SEPTEMBER 2018 SO AS TO PERMIT ACCESS TO MFI-3 TO AFFECTED PERSONS AND THEIR LEGAL REPRESENTATIVES.**

THE COMMISSIONER: While we're on that, Mr Coleman, I think you can assume that your client is an affected person, although perhaps in a very different way, an affected person in the sense that they are obviously a substantially and directly interested in what's occurring down here.

MR COLEMAN: Quite so. I was talking about the affected person within the meaning of the guidelines and the practice directions and other obligations which - - -

THE COMMISSIONER: I'd still regard it as, what, you don't regard your client as an affected person?

MR COLEMAN: Oh, no, we're affected but it's a question of how we're affected.

10

THE COMMISSIONER: Ultimately, yes. I should say the same applies to the university.

MR COLEMAN: Yes, quite.

THE COMMISSIONER: Obviously in a different way between the other people.

MR COLEMAN: Quite so, and that was the point that I was seeking to make, perhaps. Can I ask whilst I'm on my feet, Commissioner, through you to my learned friend, tomorrow we will have Mr Elredi back, perhaps briefly, and then Mr Lu. Do we think that we'll finish with Mr Lu tomorrow?

MR ENGLISH: We're hopeful.

THE COMMISSIONER: I think you should assume that we will, yes. Is that going to cause you any difficulty?

30 MR COLEMAN: No, no, no, just for planning purposes. Thank you.

THE COMMISSIONER: Is there likely to be any other witness tomorrow, Mr English?

MR ENGLISH: If we do finish Mr Lu, we'll start Mr McCreadie.

THE COMMISSIONER: But we wouldn't finish him, would we?

MR ENGLISH: We would be very unlikely to finish Mr Lu and Mr McCreadie tomorrow.

40

THE COMMISSIONER: Yes, okay, thank you. All right. I'll adjourn until 10 o'clock tomorrow.

**AT 4.05PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.05PM]**