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INDEPENDENT COMMISSION AGAINST CORRUPTION

STEPHEN RUSHTON SC  
COMMISSIONER

PUBLIC HEARING

OPERATION GERDA

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 13 FEBRUARY, 2019

AT 10.00AM

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 English.

MR ENGLISH: Commissioner, if Mr Elredi can be brought back to the witness box. I understand there are some questions that are sought to be asked at least by one party. Mr Dean might have questions for Mr Elredi.

THE COMMISSIONER: Come forward, thanks.

10 MR C. WATSON: Commissioner, yesterday I indicated that I had no questions for Mr Elredi, but at a later time you release the compulsory examination. As a result of that, I do wish to ask a question.

THE COMMISSIONER: That's fine, Mr Watson. That's fine. Take a seat. Actually, we might have the witness re-sworn. I think you took an oath on the Koran, is that right? Yes.

MR ENGLISH: I don't have any questions.

THE COMMISSIONER: You're finished. Who's next?

MR DEAN: Commissioner, I seek leave to ask questions of this witness.

10 THE COMMISSIONER: Yes.

MR DEAN: Mr Elredi, you gave evidence yesterday that you performed security guard work for Mr Sirour's companies.---Sorry?

Taher Sirour, you know him as Tommy, don't you?---Yes, Tommy.

Yes. You gave evidence yesterday that you performed security guard work for Tommy's companies.---All the security guards working for Tommy. I have no one, I have no idea about anyone from there.

20

Before you worked as a security guard, you got a personal licence to do that, didn't you?---Yes, yes.

And it was the case that you also had an ABN, Australia Business Number? ---No, no. I was working with my security licence only.

Now you still own Pharaohs Group Pty Ltd?---I think so. I, I didn't check but I think so, yes, because I didn't close it or I didn't ask for it closing.

30 No, it's still operating, isn't it?---It's still, still like, still live but I don't use it.

You don't use it?---No.

You know it has a website?---Yes. The SIG girls, they make the website for me and they have full access. I don't have any access to the website.

So you have no explanation why it's been updated with a 2019 copyright? ---No, I have no idea.

40

Now, you gave evidence yesterday about being paid by Tommy, but in other parts of your evidence you referred to going to the offices and meeting the office women that were at the SIG offices.---Yes.

When you say you were paid by Tommy, is it the case that you, what you mean by that is that you collected money from his offices?---I mean Tommy, it's mean, like, when I talk about Tommy, I mean SIG.

SIG, yes.---Yeah, I'm not talking about Tommy personally, I'm talking about SIG.

So it's a lot of the time in your evidence yesterday, when you referred to Tommy, you meant SIG?---I mean SIG but that was, the main person who was, like, giving me the instructions, it's always Tommy and Lynn.

Lynn.---Yes.

10 That's Lynn Li?---Yes.

Now, I want to suggest to you that before you set up Pharaohs Group that you approached Tommy for further work?---Sorry, I can't understand.

You had a conversation with Tommy where you asked him for further work, you weren't happy with the amount of work you were receiving from him? ---Yes.

20 And that I want to suggest to you that Tommy told you that he had too much work for one company and suggested that you set up your own company? ---He said, I can remember he said he has another company, not SIG, and he's decide to close off those company and he is going to make company for me.

Well, what I want to suggest to you is that he had extra work, he told you he had extra work.---Yes.

30 And he told you he could give you that extra work if you set up a new company.---Yes.

And I want to suggest to you that you wanted that extra work so you could make money?---It doesn't matter for me because he asked, he said to me he's going to give me \$1,500 a week, so wherever that work leads or extra, it's for him not for me.

I want to suggest that your plan in setting up the company was to start a security guard business, wasn't it?---Yes. I was - - -

40 MR ENGLISH: I object. I don't think that's a reflection of the evidence about who set up the company.

THE COMMISSIONER: I think he's just putting it. I think it can be – it is what it is.

MR ENGLISH: If it's just a, yes. Okay, I'll withdraw the objection.

MR DEAN: In becoming the owner and director of Pharaohs Group, one of your intentions was to start your own security guard business?---Yes, yes.

And your intention was ultimately to run a company like Tommy's?---Yes. It was, like, big, something big for me so I want to, like, be, like, same, like him but - - -

And after you started Pharaohs Group in fact you entered into a subcontractor contract, Pharaohs Group did with SIG, didn't it?---When I start with him, he didn't, I didn't sign any contract with him but the last six months of the trading before the warrant search, he come to my workplace.  
10 Actually I went to, first in the morning in the office and Lynn asking me to sign the contract, I refused and Tommy come back to me at the same day at my workplace and he ask me to sign this contract and he's going to give me, like, he's going to find me office and he's going to give me \$3,000.

I want to suggest to you that that contract was put to you in June 2014, not in six months before April 2018, but in June 2014.---I signed the contract on two thousand and, two thousand I think seventeen. Six months, I didn't sign 2015 any contract.

20 Now, from 2014, you were attempting to develop your security guard business?---What you mean?

You tried to set up a security guard business, didn't you?---No, no. I, I did everything last six months before the search warrant.

On occasions you provided your own security guard services to SIG while Pharaoh was in existence?---Last six months he was asking me to find some people for him to work so I was asking for my friend if anyone work, want to work. So always, like, send to him.  
30

I want to suggest to you that that happened earlier than the last six months. ---No. Everything was last six months.

Now, when you became the owner and director of Pharaohs Group, there was an arrangement, wasn't there, that SIG would direct security workers for you, that they would then contract off Pharaohs Group but you would pay them, wasn't there?---No. I have no idea about that.

40 Is it still your intention to develop a security guard business?---No, not really after, after what happened, not really anymore.

No further questions.

THE COMMISSIONER: Thank you. Mr Watson.

MR C. WATSON: Thank you. Mr Elredi, you recall giving evidence in a compulsory examination before the Commission?---Yep.

On how many occasions did you do that?---How many?

How many times did you come and give evidence before the Commission?  
---Last time.

Was there only the one occasion when you came and gave evidence - - -?  
---No, yesterday and I think one or two times before.

10 That's what I'm asking you, I'm not talking about yesterday. Prior to  
yesterday, how many times did you come and give evidence?---One time.

Just the one time, thank you. And do you recall when you gave your  
evidence you were asked some questions about conversations that you had  
heard that were played to you by Tommy?---What - - -

Conversations that had been recorded you said by Tommy?---Yeah, he told  
me that. He told me he had record for Emir and Frank. He told me but I  
didn't hear it, no.

20 You didn't know Mr Daryl McCreadie, did you?---I know him but I never  
deal with him at all.

And you didn't know what his voice was like?---No.

And I just want to clear up, if you could, please, what was it you say you  
heard in terms of recorded conversation?---Tommy told me in person and  
the phone he has record for, for Emir and Frank wishing him to pay some  
gift for Sydney University management.

30 So Tommy was telling you that there was a conversation that he had a  
record of?---Yes and he ask me to contact the ICAC and he can set up, like,  
a video conversation with ICAC and, but he didn't make it.

You didn't hear any conversation in which Mr McCreadie was a party?  
---No, no.

40 And you didn't hear any conversation in which Tommy was telling you that  
Mr McCreadie was doing anything?---No, I didn't hear anything about Mr  
Daryl.

Yes, thank you.

THE COMMISSIONER: Thank you, Mr Watson.

MR ENGLISH: Commissioner, there's two areas that I wish to ask further  
questions of this witness. I probably should have done it in my  
examination-in-chief, so I might need your leave.

THE COMMISSIONER: Yes. You have that leave.

MR ENGLISH: Thank you.

THE COMMISSIONER: If anything arises, then we can deal with it.

MR ENGLISH: Thank you. Mr Sirour [sic], you were asked by Mr Dean about entering into a contract with Tommy or SIG. Do you recall that?

10 ---Sorry, can you repeat - - -

You were just asked some questions about entering into a contract with SIG or Tommy. Do you recall that?---Yes.

I just want to show you a document on the screen. It's Exhibit 38, page 149. Do you see this document here?---Yes.

20 Is that the contract that you were just referring to in your evidence when Mr Dean was asking you questions?---All right, I can't remember, I can't remember, I can't remember this paper. He, Lynn ask me to sign it once.

Just hold on for a second. You were just asked some questions about a contract between perhaps Pharaohs and SIG or with Tommy. Is this document that contract or is this something separate?---No. This, the other, the other contract he give me, like, four/five pages.

So this document's something separate?---Yes. Something separate.

30 What's this document?---It's subcontractor statement.

And it's got your signature down the bottom, does it?---Yes.

And how were you first shown this document?---I just, Lynn ask me to sign this one paper once, and I think she was making copy from my signature every time she send receipts because I find that one, and every time she send the receipt from my, she send the invoices from my email, she has to send that one as well, and every time she send it she has to attach that as well.

40 So when did you see these additional versions of this document?---Every time I saw, like, I, I went for send the item, see the invoices, I see that one.

The sent items of the Pharaohs email address?---Every time, yeah and I ask her where did, where did you get my signature from? She said she has copies, too many copies from the, the one I signed first time.

And the version you signed, was it completely blank or did it have some - - - ?---It was blank.

So if you see there, it says subcontractor, that's in a typed script, do you see up the top, "Pharaohs Group Pty Ltd"?---No. It's not, I didn't write that. I have no idea - - -

And that wasn't on the form when you signed it?---No.

And the handwriting wasn't on the form?---No. It's not my handwrite as well.

10 What about, do you see in the middle of the form, "I, Taymour M. Elredi," was that on the form?---No, I didn't keep attention for that, no.

But what about - - -?---That one is, that one, yes.

Pardon?---That one, "Taymour M. Elredi," like, next to my signature, yes.

If we can just go please to Exhibit 37, page 29. Have you seen this document before that's on the screen?---This GIO work - - -

20 It's a certificate of currency for workers' compensation insurance.---Yes, yes, yes.

You've seen it?---Yes.

Did you obtain that certificate?---I, she did, I can remember when I set up the, when we, like, they were setting up the company, they give me the GIO contacts and is booked someone and she was, like, sitting next to me and she - - -

30 Who's she?---Lynn.

She was sitting next to you and - - -?---Yes, in Mascot office and she ask me to make it, like, exactly what here, in workers and what wages and everything.

So the number of workers and the wage amount was provided to you by Lynn when you applied for the workers' compensation policy?---By Lynn, yes. Yep. Actually, I can't understand what the certificate of currency, what, there's two type work, work compensation and public liabilities, yeah.

40

And Lynn assisted you with obtaining both, did she?---Yes, yes.

Yesterday you gave some evidence whereby you were talking about the arrangement whereby Paragon would deposit a certain amount in the Pharaohs Group bank account, you'd return roughly 90 per cent of that amount to Lucas Webber.---Whatever he asking me to return, to give Lucas, I give Lucas and the rest for Tommy.

When you say “he”, is that Tommy asked you?---Tommy, yes.

And your evidence was that you observed around 10 per cent, Tommy would ask you to give to him?---I’m not very sure how many per cent but I noticed later, every, all the amount next the GST section, is this the one Tommy was always asking me, me to bring it back to him.

10 Because these Paragon invoices, were they completed by you?---In the first beginning it was SIG girls, and after that they teach me how to do it, and after that Lucas was direct me to sometimes I do, like, Lynn ask me to make invoice for Lucas, like, let’s say 50,000 but, like, one hour later Lucas sending me email, “Please amend this invoice with 60,” so I change it to 60.

So on certain occasions – because sometimes you saw the Pharaohs Group invoices but sometimes you didn’t, is that right?---When - - -

I mean, earlier in time, you said you never saw the invoices until you looked in your sent items, is that right?---Yes.

20 But for the invoices to Paragon, sometimes you created them yourself?---In the last, last six months when I start my office, they teach me how to do it.

And so did you, in relation to the invoices that you prepared yourself for Paragon, did you observe that the amount that Tommy asked you to pay to him matched the amount claimed by reference to the GST component in the invoice?---I, yes, I think so.

30 And yesterday you gave this answer, at transcript page 149, starting at line 17, “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, I give it to Lucas, and 5,000 I give it to Tommy. I think the 10 per cent, the 10 per cent was GST, so I take the GST and give it to Tommy.”---I noticed that one later when I started doing my, the invoices. Every amount next to GST, that’s, that Tommy always asking me to bring it back to him.

40 And did you at that time have any expectation as to whether or not Tommy was going to remit that GST component to the ATO?---I have no idea. Actually I ask him once why Paragon didn’t pay, like, GST to the tax straight away. So why is they give you that GST and put some more work in your company. He said they doesn’t want to show big amount in the statement, something like that.

Now, when you gave those moneys to Tommy in accordance with his instructions, was that before or after you found out that Tommy hadn’t been paying tax on behalf of Pharaohs?---It’s, I think after.

And did you ever ask him not to do that because that represented moneys that - - -?---I always, I always - - -

Just if you can let me finish. That that represented moneys that Pharaohs should have been remitting to the ATO?---He, I always ask him about that. He always say to me, "I will fix everything. Don't worry, I will fix it. I'm not going to leave you alone."

They're my questions, Commissioner.

THE COMMISSIONER: Yes.

10

MR BENDER: I have some questions, Commissioner. I apologise to my learned friend, I should have asked them before he got up again.

THE COMMISSIONER: That's okay.

20

MR BENDER: Thank you. If you require me to, I can give you an outline of the topic. Mr Elredi, you worked, didn't you, as a security guard for some shifts for the university in 2015 and 2016?---I can't remember what date exactly or what period exactly but I did, like, probably couple shifts only.

At about that time?---Sorry?

At about that time?---I can't remember but I am very sure, when I start to work with Tommy. Like, probably '14, '13, I can't remember exactly.

When you went to work at the university, you wore a uniform, is that correct?---Yes. He give me the uniform.

30

And that was the same uniform as you saw the other guards that were sent there wearing?---Yes.

That uniform I think has a university crest on it, is that correct?---I think it has, Campus, Campus Security. Like, shirt, I just got shirt.

Does it say SNP on it as far as you can recall?---No. I don't think so.

40

When you were at the university working, presumably you spoke to some of the other guards, is that correct?---When?

You had conversations with other guards working there?---Yes, of course.

Were you able to tell whether those guards were rostered on as SNP guards or SIG guards?---Not really. I have no idea who work for who.

Was that a topic that you were ever told should be kept secret?---I didn't keep attention for this stuff at all.

Were people advertising to you whether they were for SNP or SIG? Were they making it very clear when they were speaking to you about it?---No. But by my experience I was seeing, like, the, all the team leaders and, like, the people sitting in the control room always from the big company.

When you say the big company, what do you mean?---It's mean, the, the main company.

10 You mean SNP?---Yeah, probably. I was not very sure they called SNP or Campus Security because they were all, in this time, I have no idea what's different between Campus Security and SNP security, so I have no idea about it.

Thank you. Nothing further, Commissioner.

THE COMMISSIONER: Thank you.

MR ENGLISH: Nothing arising from that, Commissioner.

20

THE COMMISSIONER: All right. So where do we go?

MR ENGLISH: This witness can step down. I think, Commissioner you - -

THE COMMISSIONER: I should say to everyone here, I have to take a little bit of time off shortly, maybe 20 minutes to half an hour and would it be convenient to do that now?

30 MR ENGLISH: Yes.

THE COMMISSIONER: It would. Mr Elredi, I'm not going to release you from your summons yet. I don't think you'll have to come back but it's just in case an issue arises during the course of the inquiry and we need your assistance further. I won't release your summons, so if you are contacted by the ICAC and I tell you, you must come back, then you must come back. Do you understand that?---Yeah, I understand.

40 Otherwise you're free to go. Thank you. You're free to go.

**THE WITNESS STOOD DOWN**

**[10.32am]**

THE COMMISSIONER: So where do we go from here, if I can just have an indication?

MR ENGLISH: Pardon?

THE COMMISSIONER: Where do we go from here? I'm going to take an adjournment in a moment but - - -

MR ENGLISH: We've got Mr Lu, he's up the back so he can continue his evidence and that should, I anticipate, take if not all of the day, at least well into the afternoon session.

THE COMMISSIONER: And then we have?

10

MR ENGLISH: Mr McCreadie.

THE COMMISSIONER: Yes. All right, I'll adjourn and we'll come back in about half an hour.

### **SHORT ADJOURNMENT**

**[10.33am]**

20 THE COMMISSIONER: My apologies for the delay. I've varied the section 112 order that I made in respect of Mr Lu's transcript to enable affected persons and their legal representatives to have access to that material and I understand it has already been distributed.

MR ENGLISH: It has, Commissioner.

THE COMMISSIONER: Thank you. Yes.

30 **COMMISSIONER VARIES THE SUPPRESSION ORDERS OVER EVIDENCE GIVEN BY FRANK LU AT THE COMPULSORY EXAMINATION HELD ON 11 JULY 2018 SO AS TO PERMIT ACCESS TO THE TRANSCRIPT OF THE COMPULSORY EXAMINATION TO AFFECTED PERSONS AND THEIR LEGAL REPRESENTATIVES.**

MR ENGLISH: If Mr Lu can be brought back up to the witness box, please.

40 THE COMMISSIONER: I'll have the witness re-sworn.

THE COMMISSIONER: Mr Lu, I made a section 38 declaration yesterday in relation to the answers you give.---Yeah.

The evidence you give and the protection that that section offers you.  
---Yeah.

10 That order is to continue but do bear in mind that it won't protect you if you give false or misleading evidence.---Yeah.

Thank you.---Yeah.

MR ENGLISH: Thank you, Commissioner. Mr Lu, I was asking you some questions yesterday about occasions when security guards called in sick and you had to fill the roster at short notice.---Yeah.

20 You said at the start you'd try and fill those shifts with guards who would turn up to the campus to perform the work.---Yeah, yes.

And later in time you just entered names of guards into the roster who didn't turn up.---Yes.

30 And that became the regular practice, didn't it? If someone called in sick for example you would use one of the names that you knew could be inserted into the roster without having that person turn up to perform the shift?---I'll give, I'll give the names probably to all the team leaders so whatever, whoever call in sick on which team then they will half it with someone.

They'd halve it with someone?---Yeah.

So what do you mean though, you'd, so someone would call in sick - - -?  
---Yeah, depends on whose team that that person is on.

And then so is this for example if you're not working at the time, if you're not on campus - - -?---Yeah, yeah, that's what I mean.

40 - - - someone calls in the phone and they say I can't come to work today, you'd then call the team leader who was on duty?---Yeah, sometimes but then sometimes I would call the, or whoever wants to continue on or, you know, doing something else and finishing up then we'll get that person.

So you'd make some inquiries about who could assist?---Yeah.

And then you'd supply a name of a guard that could be inserted into the roster with the knowledge that that person wasn't going to turn up for the

shift themselves. That's right?---Yeah, with someone, sometimes with someone's name, yeah.

And that sometimes, it became more regular, didn't it? As you stayed in the role of managing rosters for SIG that practice became more common, didn't it, that you'd provide a name and no one would turn up, that person wouldn't turn up?---Yeah, gradually, yeah.

10 And it became more common too, didn't it, that rather than asking if someone would stay on to cover the shift you would not arrange for anyone to cover the shift and a name would just be inserted to the roster and someone else would claim payment. Is that fair?---Yeah, that's right, yeah.

You said before sometimes it'd be split. So is it the case team leaders would sometimes agree to split the money amongst themselves for that shift even though the person hasn't turned up to perform it?---Yeah.

20 And who were those team leaders that would agree to do that?---All, all of them.

Well, can you give me some names, please.---Amyna, Karem, Ben, Salam and Gol.

So you said Amyna. What's her last name?---Huda.

Karem. What's, him or her?---Him.

What's his last name?---I think it's Akkan or something, A-k-k-a-n.

30 Ben. What's his last name?---That one Pfitzner.

There was Gol I think you said.---Yeah.

Is Gol a man?---Yeah.

Last name?---Amiri.

Amiri. And I think you said Salam.---Yeah.

40 What's Salam's last name?---Al Zayadi I think.

Al Zayadi. And tell me what about Emir Balicevac?---Yes, as well.

So he'd often to your knowledge make claim for payment in respect of shifts where another guard who didn't turn up had been entered into the roster, into the site time sheet, sorry?---Well, that, that depends how he talks to the team leaders.

So when you say he'd talk to the team leaders, can you explain what you mean by that. Did he operate on his own, under this scheme talking to team leaders himself?---Yeah.

Even though you're the rostering manager?---Yeah. Well, yes, yes.

So he would be responsible for entering on occasion false names into the time sheet would he?---Yeah, yes.

10 And sometimes he'd have other team leaders do it on his instruction would he?---Yeah.

Now, there was a core roster that had to be filled at the university 24 hours, seven days of each week of the year. Isn't that right?---Yeah.

Can you say what positions had to be filled within that core roster?---Core roster. Team leader, control room operators, just one, and three patrols.

20 Three patrol guards?---Yeah.

Now, those people had to be on campus?---Yeah.

Or there had to be a person filling those shifts for every minutes of the year. Correct?---Yeah.

They couldn't leave the campus?---No.

30 Now, what about requests for ad hoc security guarding services to be performed. Do you know what I'm talking about?---Yeah.

So would an ad hoc request relate to something, for example like, when a protest is occurring on campus?---Yeah, yeah.

And how would you be notified that there was a request for ad hoc guarding services to be provided?---Oh, they would give me an RFS.

What's an RFS?---It's, it's a request for service, you know, that docket, or they would do, do it verbally or message me on the phone or email.

40 When you say "they", who would you receive an RFS from?---I would get it from Emir.

And sometimes you said you'd get a message on your phone. Would that be from Emir as well?---Yeah, like a, if, yeah, if it's urgent one, probably he will say some, you know, he needs it, that's an urgent request. If he's not on-site and he doesn't have time to fill it, he will just send it to you.

So sometimes Emir would fill an RFS himself, would he?---He, he, he fills it himself.

But sometimes you said he'd pass it on to you and ask for assistance in filling it, would he?---I don't, I don't touch the RFS. I don't fill that RFS. He would just send a message and what time to what time and what guard and stuff like that.

10 But you're the rostering manager for SIG, aren't you?---Well, you can't really say a manager, no.

Well, okay - - -?---Like a, yeah - - -

You were responsible for the roster.---Yeah.

So why was it that Emir was filling the position? Shouldn't that have been your responsibility?---To fill the position? Like, he will message me to tell me to fill the position.

20 Okay.---Yeah.

When he messaged you to fill the position, would you try and find guards who could actually turn up to perform the work or would you just find the names and licence numbers of people who could be entered into the site time sheet but weren't going to turn up to perform the shift?---Depend, depends on what he wanted.

30 Well, when you say what he wanted, what, did Emir tell you, for example, find some names of guards that can be used falsely, who aren't going to turn up?---Yeah. Yeah.

He'd say that to you on occasion, would he?---Yeah. And - - -

Was that most of the time when there was an RFS, he'd say, "I want false names"?---I don't know. I can't work out the percentage of how many - - -

Well, was it more common or less common that he'd ask for false names to be supplied?---I think more common.

40 And what about Daryl? Did he have a role in requesting you to find names to cover shifts?---No, very, very, very rare.

Now, you're familiar with the phrase ghosting, aren't you?---Yeah.

What does ghosting mean?---Just write someone's name and get the money.

So that's what was going on at the university, is that right?---Yeah.

And did you learn of the practice of ghosting before you were involved in it at the university?---I was thinking about this last, yesterday, about the questions you asked me in the beginning yesterday, like, you know, near the, at the start. I think in the beginning before this 2016, I think you said did I take, did I get some money or, from, from the, from the, you know, claiming the money, yeah.

10 Did you use some ghost guard names prior to 2016?---Now, I thought about it, yeah. That's, I think was a library lock-up, yeah, was a library lock-up, but very, it's like very rare. Used to be done by this guy called Taleb, but whenever he calls in sick, then Lynn would just call you and say just put it, you know, 'cause the Sunday, I think it was a Sunday or Saturday shift, then that's how, then let's just put a name and, you know, and you can get money.

And did you turn up and perform the work when Taleb requested you to do that?---No, Lynn, Lynn gave, Taleb was sick and they couldn't get someone like, you know, on the, on the weekend.

20 So you used a ghost guard's name and then you went to, to the uni and performed the shift, did you?---I, I was on the shift, so, yeah.

So you were performing two shifts at once?---Yeah.

So the university had paid for two guards but it was only getting one to perform the job?---Yeah, but, yeah.

That's fraudulent, isn't it?---Yeah.

30 It's dishonest too, I suggest to you, would you agree?---Yeah.

And so what would be your main rostered shift that you were performing when you also set about performing another shift in the library, or was it library lock-up?---Library lock-up. No, it was a different, back then it wasn't, it was a different library, sorry, in three buildings that you had to lock up on the Sunday for, and it was a four-hour shift.

40 So would you leave, for example, you might be a patrol guard that day and you'd stop your patrols and then go and lock up buildings?---Oh, yeah, I'm a team leader so I'll just go and lock it up at certain time and get the people out and just lock it up if - - -

And so you'd leave the, when you're a team leader, you're stationed in the control room?---No, well, anywhere in the, just on the campus.

So you'd go and do the lock-up duties. Would you take a radio with you so other patrol guards and the control room operator could contact you?  
---Yeah.

And locking and unlocking duties at the library, how long would that take you?---Max 20 minutes.

And so how much would you be paid for performing those tasks in addition to your rostered shift? How many hours?---Four hours.

And that was the standard hours to be paid for a locking and unlocking task, was it?---That's the standard hours for, I think the minimum hours per job.

10

And you could perform that task in 20 minutes?---Yeah.

And is that from – I withdraw that. Now, I asked you before and I don't think you answered my question, but you gave that helpful evidence. When did you first learn of the phrase ghosting in the security industry?---First time I heard this, probably the first time I heard this was from an email, ghosting, from an email from SNP.

20

Where were you working then? At the university or somewhere else?  
---Yeah, no, no, at the uni.

So SNP sent you an email about ghosting?---No. No, no, not to me. Back then they sent it to, I can't even remember was it, was it to Aly or was it to Daryl or was it to Emir, and it was forwarded. And I remember Troy sent one.

30

And what's your best recollection of what was in the contents of the email?  
---It was about, something about changing the name, like, like Liquid Paper the names out the time sheet and put a different, like, change the name with, like, you know, Liquid Paper and fax it through.

So there was a concern raised about a practice of Liquid Papering names in a time sheet, was there?---Yeah, that's when Troy Swadling was still there but I think he left long time ago. I don't, I can't really remember when that was, that was happening, so - - -

40

Can you remember when you learned of that email, when you saw that email?---No, but then I remember not long after that Troy left SNP, I think. It was just that, that period. I think back then that was the only time I seen that something called ghosting.

THE COMMISSIONER: Was he telling you not to do it, was he?---No, not to me but, like, to personally, no, because that's now, I, I, I didn't, wasn't doing this roster before.

No, no, no.---But - - -

But was he telling, whoever the email was sent to, was he telling them that there should be no ghosting? Is that what he was saying?---Like, no, but the email was saying that if, if it gets Liquid Papered out and you just, if others looks at it, it looks like he's ghosting.

So don't use Liquid Paper.---Liquid Paper or the, the, you know, the sticky tape thing, yeah.

10 Really telling you to be more careful.---I think, like, he didn't tell me personally, but it was just the email (not transcribable) yeah. It was like that. Just say, well, just saying just don't do these sort of things, you know? Just, you know, if people see it, like, you know (not transcribable) email and (not transcribable) people think. Yeah.

MR ENGLISH: So don't use the Liquid Paper, that's what he said, was it? ---Yeah, so don't, because, like, he, he's saying, I remember this email saying something like the Liquid Paper, don't, if you use Liquid Paper it's, you know, that looks like, like, you know, someone's changing the names and the time, so, and it can be called ghosting.

20

So did you gather from Troy's email that he was aware that the practice of ghosting was going on at the university?---No, but the email, what I understood is telling you (not transcribable) stop, don't use, stop using these, you know, changing the names and time all the time.

So it was it was an instruction to not ghost and to also not use Liquid Paper on time sheets?---Sort of, yeah.

30 Have you got any knowledge as to whether the practice of ghosting is common in the security industry, have you heard it from anyone else at other sites?---How do I say, because I did that for 10 years. Like all the, you know, all the subbies are like, like that, you know, wants to be paid in cash, you know, with a security guard so, yeah, the people I come across we've, you know, everyone's, you know, or if they're subbies that's it, they're, everyone's on cash.

So that's a common practice that you've encountered through your 10 years at SNP with the subcontractors that contract to SNP, is it?---Yeah.

40 THE COMMISSIONER: Not limited to the university site?---Sorry?

On other sites?---(not transcribable) whatever like, you know, you see some security at a pub or whatever, you know, or in the building at night. You know, yeah, it's like kind of common.

MR ENGLISH: So it's not just SNP subcontractors, it could be anyone doing that. Is that right?---Yeah.

Only subcontractors or any type of security guard service provider?---I think it's just only the subcontractors.

And for how long have you heard other security guards mention to you that this practice was occurring?---Which one, the cash?

Yes. That the subcontractors were getting paid cash.---A long time. Ever since he brought the subcontractors in in Sydney Uni.

10 Okay.---Yeah.

So that's at Sydney Uni.---Ah hmm.

So subcontractors going back prior to 2015?---Yeah. I started basically end of 2008, so when did they come in. Probably 2009/2010. Because when I start I don't know anything about this, the whole industry, so probably 2009/2010.

20 I just want to take you to some email correspondence now if I can starting with Exhibit 38, page 24, please. If that can be brought on the screen. So here's an email sent by you to Emir and Lynn. Do you see that?---Yeah.

Now, you've sent an email to Lynn at sigservices.com.au. Did you understand that to be her email address?---Yeah.

30 Did other people from time to time seem to have access to that email address?---What she told me before, like she's saying that the girls will have, will have this access to the, like the, from the office will have access to it as well.

So you've said, "Hi, all. Names for Kirky protests 7000 to 1700."---Yeah.

And you've listed some names and have included a slash between the names on each row. What does that indicate Lina Chami/Oliveria Bejatovic?  
---That means Lina is using the name Oliveria.

And does that apply for Salam and Kashif?---Yeah.

40 And so why, well, do you remember this incident? It's a protest, isn't it, that occurred, well, you've said Kirky and main quad. Is it two protests?  
---Yeah, yeah, because they protest at Kirky first and they move on to the quad.

And Kirky is the Rozelle campus isn't it?---Yeah, that's it, yeah.

So what, the protesters would go from one venue to the other?---yeah.

But they wouldn't all leave Kirky, the just might set up a second protest at the quad. Is that right?---Majority leave, just like a few stayed at Kirky.

Well, they occupied Kirky for some 62 days didn't they, the protesters?--- Yeah, one, one of the, just one of the rooms. Just one of the rooms, like the building. One of the buildings.

And sometimes, but they stayed there 24/7 for 62 days, isn't that right?  
---Yes.

10

So sometimes would they come down and conduct a more active type protest in the grounds during those 62 days, rather than just sitting in the room upstairs?---Yeah, during the day, yes.

So what, people were actually sleeping on site as well?---Yeah, at night.

Okay. So, here for example, you've said Lina Chami is using Oliveria Bejatovic's name. Why would Lina need to sign in under that name?  
---Maybe they were more than 60 hours or 70 hours so they've got to use another name.

20

Is this for, to overcome fatigue prevention limits?---That's what we, yeah, that's what we've been told so if the, if they want to work more than that's it, they've just got to use another name.

Would that apply to Salam and Kashif as well?---Yeah.

And these names that you've identified are going to be used Oliveria Bejatovic, Moustafa Elkholy and Mehdi Forati, do you see those names?  
---Yeah, Mehdi Forati, yes.

30

Yes. Did those three people ever turn up to do work at Sydney University?  
---Which three?

The one's I just read out, Oliveria Bejatovic, Moustafa Elkholy and Mehdi Forati?---Yes, they did.

How frequently did those three people turn up, can you say?---He used to come, these people used to come I think back in '14 or '15.

40

Oh, okay. So in 2016 - - -?---'14, '16, sometimes they come and - - -

They wouldn't appear commonly on campus - - -?---No, no.

- - - these three people that we've just mentioned, from 2016 onwards?  
---No, no, no.

So if we see their names in rosters – I withdraw that. In time sheets - - -?  
---Ah hmm.

- - - it's a fair assumption that the names just been used on a ghosting basis?  
---Yeah.

So when you've identified who's working at the quad, do you see that,  
there's Ahmed Amira, Ali Nayyef, Raed and Assad.---Yes.

10 You haven't put a slash next to their name with another guards. Do you see  
that?---Yeah.

Does that mean they're actually performing the shift?---Yeah.

Sometimes people who are actually performing the shift were referred to as  
real players, is that right?---Yeah, well, yeah.

Okay. So they're the real players who were going to actually be in the  
quad?---Yeah.

20

If we could turn to page 29, please.---Yep.

Now, this page starts with an email from Emir to Lynn. "Please send us  
names for the attached RFS," do you see that?---Yeah.

Now, you were responsible for rostering for SIG, right?---It wouldn't like, I  
was responsible, that's what Tommy said but - - -

30 You were getting paid by Tommy to perform that task, correct?---Yeah,  
yeah.

So do you know why Emir would ask Lynn for names for the attached RFS?  
---Well, Lynn is in the office with Tommy so, like sometimes he liked to do  
it themselves.

Well, do what, find real players or find ghosting guards?---Ghosting.

40 Okay. Then, I don't think you were copied into that first message, but then  
Mr Balicevac forwards it on to you and says, "Bro, send me names for this  
one too." Do you see that?---(No audible reply)

It's in the middle of the page.---Yeah.

So is he, that's Mr Balicevac also requesting you to send ghost names is  
he?---Yeah.

Then you provide two names, do you see Sibel Isli and Ihssan Bataineh, do  
you see that?---Yeah, yeah.

And you've said 1800 to 2200.---Yeah.

Are they ghost names or are they real players?---No, they work on-site these two, but I don't know if, I can't remember, I can't recall if that day was used as a ghost or not or just, yeah.

10 But these people might have been turning up on this particular occasion?  
---Yeah, from this email may be, I can't remember, may be, may be they  
were used for ghost these two for this one, because they do work there just  
they don't come just like rarely.

All right. Page 31, please. Message from Mr McCreadie to Mr Sirour, to  
Lynn, to Roster SIG. That's your email address, isn't it?---Yeah, yeah.

With Mr Balicevac copied in.---Yeah.

See that, "We're all working on coverage. This is for Rozelle."---Yeah.

20 At the bottom, "Emir, Frank and I working on names and numbers."---Yeah.

Is that ghost names and numbers or real players you're working on?---(not  
transcribable) for tonight, could be some ghosts and some, some real ones.

Page 39, please. This is an email from you on 25 August to Mr Balicevac  
and to Ms Li.---Yeah.

30 You said, "Changed. Have a look." And then if we go to the next page  
there's a site time sheet. What's been changed there? Are you able to  
identify that?---Yeah. The, oh, the, the, I think the patrols.

It's a bit hard to – so there's - - -?---No, the first one, the first, first, firstly,  
you know, for, count five rows down, the first day shift, Eslam Aly, I think  
that's the, that's the one that's been changed. Yeah, yeah, that one.

Has that been Liquid Papered?---Yeah.

It looks like (not transcribable). Okay.---Yeah.

40 So that practice was still occurring, notwithstanding the email you spoke of  
earlier from an SNP, Troy, was it, saying not to use Liquid Paper?---Yeah, I  
think he left by then.

MALE SPEAKER: Sorry, I think that's an incomplete recollection of what  
Troy's alleged to have said in the email that no one's seen. It was an  
instruction not to ghost, as I understood it.

MR ENGLISH: Well, no. I thought, with respect, that there was two parts to the instruction. One was not to ghost and one was not to use Liquid Paper. That was the evidence I recall.

MALE SPEAKER: Well, that was the evidence you gave.

MR ENGLISH: Well, no, I think it was agreed to.

THE COMMISSIONER: Ask it again.

10

MR ENGLISH: You recall you gave some evidence in relation to an email from Troy.---Yeah.

Remember his last name?---Swadling.

And that was about, I asked you some questions about ghosting.---Yeah.

And you mentioned a concern about Liquid Paper.---Yeah.

20

Did Mr Swadling ask you not to use Liquid Paper in time sheets in that email? Or not you. Is that what he raised in the email, not to use Liquid Paper?---Yeah, not to use, yeah, not to alter the names, like Liquid Paper or the, you know, yeah, to change them.

So notwithstanding that there's, you've just given evidence that, the name Eslam Aly on page 40 was applied after or on top of some Liquid Paper, is that right?---Yeah.

30

Can that be brought back on the screen, please? And is that the only change you can recognise to this time sheet on page 40?---Yeah.

So do you know, did Eslam Aly turn up for this shift, can you recall?---No, that's too long ago. Too, it could be used by someone or, you know, it could be used by someone else just, like, that turned up.

Page 43, please. Here an email from you to Mr Balicevac with Ms Li copied in.---Yeah.

40

There you've identified nine guards can be used for the shift from 1800 to 0600. Again that's in relation to the Rozelle protests, is that right?---Yeah.

Now, some of those guards have words in brackets after them.---Yeah.

Are they the ghost, if there's a bracket after the name – for example, “Mina Azer (Salam Al Zayadi)” – does that mean that Mina will be completing the shift signed in as Salam?---No, it's the other way around. Salam would be completing the shift signing as – oh, it could be because, yeah, because Mina Azer was still there back then.

And when you - - -?---Yeah, yeah.

- - - put “Malenka (not sure)”, what does that mean?---Who, where the - - -

See Malenka, and then it says - - -?---Oh, Malenka, yeah.

And then it says “not sure” in brackets.---Oh, not sure if she’s coming or not.

10

Oh, okay.---Yeah.

(not transcribable) is that you’re just not sure of the last name?---Yeah.

What does “Mohammad Qa’qour (ME)” mean?---Oh, that’s me.

So you’re signing in as Mohammad Qa’qour, are you?---Qa’qour, yeah.

20

Now, were you a team leader as at 24 August, 2016?---I can’t, I, I, I can’t remember. I have to look at the time sheet if I was signed on. Maybe. Maybe I’m, yeah.

If we can go to page 55. So this is Wednesday, the 24<sup>th</sup> of the 8<sup>th</sup>, the time sheet. Do you see that?---Yeah, yeah, yeah.

You’re signed in as team leader. Do you see that?---Yeah.

From 1800 to 0600.---Yeah.

30

And then if we go to page 57, you can see Mohammad Qa’qour, 1800 to 0600.---Yeah.

So if you’re a team leader for that shift, you’re meant to be stationed at Camperdown.---Well, I can, I can go, go around, like, you know, to the, how do I say, external campus, yes, as well.

But isn’t your responsibility to ensure that patrol guards are performing their function and the control room operator at Camperdown?---Yes. Yes.

40

And surely it must be a difficult task to do that if you actually leave the campus.---Yes, yes, kind of, yeah, it was kind of hard to do, to make sure all the, everything’s just going, running at the same time.

Yes, well, you can’t – so here you’re claiming payment for a shift at Rozelle for 12 hours when you’re rostered on for 12 hours on the main campus. ---Yeah.

So you certainly can't be doing those two things at once. That's fair, isn't it?---Yeah.

Did you even turn up to Rozelle to do any security guarding work?---Yes.

10 So, what, you'd leave your post at Camperdown and go to - - -?---Go there for, go there for a while, then come back, and if nothing's happening, then come back, then, you know, just, just make contact with the guards there. If something's happened, then go back there and, yes, just sort of, that's how it worked.

If we go back to page 43, please. So you've identified the guards in your email on the 24<sup>th</sup> and then you forward something, you forward that on to Mr Balicevac on the 25<sup>th</sup>. So "Sign them in, bro. I've got to go home directly from there and told them you will fix them on time sheet." What does that mean?---Oh, oh, that means that he told the guards to go home, to go home directly from Kirkbride instead of coming back to sign off.

20 Well you've said, "Sign them in bro."---I said sign in and sign off because I think they just, when, went directly there to Rozelle instead of coming to the control room.

Aren't they required to come into the control room to sign on and off?  
---Well, yes, supposedly.

Irrespective of what campus they're working on?---Yeah.

30 If we go to page 45, please. You see there's a repeat of – or some similar content to your email which you sent on 24<sup>th</sup> has been repeated in that email on page 45 where you identify those nine names.---Yeah.

Then Mr Balicevac sends an email to you copying Ms Li saying, "Send me full details I mean what Frank couldn't finish with security licence number." So, what do you understand he was requesting from Ms Li there?---The numbers, the security licence number.

40 What, where you've read, where you've identified that you're not sure what the details were, is that right?---Yeah, because I don't, I don't have, I don't have it.

Then Ms Li provides the complete details for those eight, nine guards that you've identified?---Yeah.

Page 61, please. This is again about Kirkbride, an email from you to Mr Balicevac and Lynn. Day shift protest and you've identified some names two of which contain a further name in brackets.---Yeah.

So in relation to Salam Al Zayadi and in brackets Mina Azer, what does that mean?---That means that he's using Mina Azer as, as the - - -

So Mina's signing in as Malenka - - -?---Docmanevic.

Okay, thanks. It says Magdy Aly.---Yeah.

Was Magdy Aly, do you know, working that shift or - - -?---Yeah.

10 So he'd actually turn up and sign in under his own name?---Yeah.

Just go back to page 48, please. You can see here this is an email about Wednesday's time sheet?---Yeah.

You are the top of the page send an email to Mr Balicevac and Lynn, where you identify four guards Jawad, Moustafa, Fatima and Oliveria.---Yeah.

So they did 0700 to 1700 for the Kirkbride protest.---Yeah.

20 And Gol Amiri did the same from 1800 to 0000, do you see that?---Yeah, yeah.

So you will see there's some other names and then at the bottom you say, "Four guards," and you identify them in brackets and you say, "Did 1100 to 1500 for main quad protest, yes, real players."---Yes.

So those guards turned up for the main quad protest, right?---Yeah, from that email all these guards turned up.

30 Oh, everyone turned up?---That's what I understood because this, yeah, because it's during the day, during the day and it was actually a protest so they would have turned up.

Well, there's times that guards were identified on the site time sheet who didn't turn up for protests, weren't there?---Yeah, that's for the, majority would be at night, night time.

It mainly occurred at night, did it?---Yeah. The day time, if, yeah, if real protest yes, there will be people turning up.

40

Go to now Exhibit 40. Now, before I do this I just want to give you a copy of Exhibit, I think it's Exhibit 36, page 55. Perhaps that can just be brought on the screen quickly so everyone knows what I'm handing up and I've just got some copies, Commissioner, for yourself and the witness. It's that list of names that we saw yesterday just so there can be a reconciliation between those names and some of the questions I'm going to ask.

THE COMMISSIONER: Sure. What do you want me to do with it, mark it as an exhibit?

MR ENGLISH: It's already an exhibit. It's just for ease of reference. Perhaps an MFI number.

THE COMMISSIONER: We'll mark that MFI 4.

10 **#MFI-004 – EMAIL FROM ROSTER SIG TO LYNN TITLED ‘FWD: NAMES FOR COVERAGE’ DATED 1 NOVEMBER 2016**

MR ENGLISH: Just so everyone is aware that's what's been, it's up on the screen now. That's MFI 4 that's been handed to the witness. So you received if you see that list of names from info@sigservices.com.au on 30 September, 2016.---Yeah, yeah.

20 And was your evidence yesterday that these are people who didn't really turn up to perform the shifts? I can't quite remember clearly. I might not be right on that.---2016, November.

Well, the first email is from the 30<sup>th</sup> of the 9<sup>th</sup> 2016, "Hi, Frank. Please find attached the names for coverage." Do you see that?---Oh, yeah, yeah, yeah.

And those 10 names were they ghost names that could be used or did these people turn up?---No, these are ghost names.

30 And then it seems you asked for another 10 ghost names did you on 1 November, 2016?---Yeah.

And why did you have to ask for more, do you recall?---Maybe there's a big requirement of guards that day so all these names can't be used or they're already used, they were used already and maybe - - -

There might have been a clash with these first lot of names so you needed more. Is that right?---Yeah.

40 If we can turn to page 20 of Exhibit 40, please. So just at the bottom of the page you can see it's an email from you to Mr McCreadie, Mr Balicevac, Lynn and Tommy.---Yeah.

So, "Dear all, guards tomorrow at Kirky protest starting at 0500 to TBC." ---Yeah.

Now, it goes over the next page. Can you identify, there's some familiar names there but can you identify if we go back to page 20 which of those names are ghost names and which are real players?---That one, that one, I

think the, I'm not sure if the ones during the day, I can't, I can't really remember if they were ghost name or the real, real ones that came. From one to 12 they are the normal guard at the uni.

They're normal guards are they?---Yeah.

Well, what about Lincoln Nock, was he a guard that turned up to perform shifts at the uni?---Yeah. At that time, yes.

10 What about, is it Mohammad Qa'qour, that's who we referred to earlier?  
---Yeah, he was still there back then, yeah.

What about Seif Motari?---Yeah, Seif Motari, yeah.

He was a real player?---Yeah.

Over the page. Oliveria that's - - -?---They were, yeah, they came for the Kirky, Kirkbride protest but I don't know if that was, I can't remember if it was real, not now.

20

But so, I mean, just Oliveria I think you mentioned earlier was someone who didn't really turn up on campus when I showed you those names earlier today.---Yeah, in 2016 onwards I think no.

Yes, so we're looking, we're now in October of 2016, so - - -?---She could be there. I remember she came for these, sometimes for the Kirkbride protest. Oliveria and Malenka. They came together.

30 So you'd be surprised if you were paid for a shift that Lincoln Nock did around this time, would you?---I, I wouldn't be surprised but he, he came for the protest here and there at that time.

So there's a message from you. If we can just go back to page 20, please.

You're responding to Mr McCreadie's message, "Do I get Kerem to come in as well 5.00am or ask him to do night shift as normal?" And then you say, "Up to you. I got 20 guards already but Lincoln needs to leave at 1.00, so maybe we can use Kerem and Amyrna can do the night." See that?  
---Yeah.

40

So that probably suggests that you've got Lincoln actually on-site but he's leaving early, is that right?---Yeah.

Can page 22 please be brought on the screen. Do you remember seeing this request for service? It's about a power shutdown.---No.

You haven't seen this one?---Like, the request I haven't seen, no.

Do you remember a power shutdown occurring at around that time? It says the 29<sup>th</sup> to the 30<sup>th</sup> of October.---Which building? Oh, it says there.

I think it says electrical switch, new electrical switch room at the rear of the Heydon Laurence Building.---How many, oh, so Monday, just one day. It's just, oh, no, Friday to, yeah, yes, yes.

Yes, so from the 28<sup>th</sup> to the 31<sup>st</sup>.---Yeah.

10 So do you recall this occurring?---Yeah.

And did you arrange coverage for this task?---Yes, a little. I think I only covered a little bit of this one.

Who covered the most of it? Emir, did he?---Yeah.

Do you have a memory of whether real players turned up to cover this work or whether ghost guards' details were used?---Both.

20 Both.---Both.

Now, if you go to page 26, please. Here it's an email from you to Mr McCreadie about Kirky protest guards.---Yeah.

25/10/2016 night shift.---Yeah.

This is about the time that the eviction occurred of the protesters, didn't it, from Kirkbride?---I, I can't remember when was the eviction.

30 Were you there present on-site when the eviction occurred?---No. Not that day. Not that day.

Are you aware the NSW Police were called to assist?---Yeah, I know, yeah.

Potentially a high-risk activity that was occurring, evicting the protesters? ---Yeah.

40 Now, you've identified here on page 26 guards for the night shift. Do you know whether they're ghost names or real players? Can you remember? ---This one, these names are, I can't remember. Maybe they're real. I can't remember this, to be honest with you, on these ones. If, if it was the eviction, yeah, because these names are not, yeah, I haven't, I can't remember these ones.

Page 32, please. This is an email on Wednesday the 26<sup>th</sup>, "Summary of hours for SCA eviction," from Mr McCreadie to you, Mr Balicevac copied in and Lynn. It says, "Summary of hours for SCA eviction." Do you see that?---Yeah, yes.

Now, do you see about the middle of the page, it says, "Question 0500 to 1900, Lina Chami, 14 hours," and it says the same thing for Kerem Akkan, do you see that?---Yes.

And it says "Lina and Kerem 0500 to 1700, use SNP and 1700 to 1900 via SIG as the swapped shift to help cover." Do you know what Mr McCreadie's referring to there?---Oh, well, the other two hours. The two hours goes with, goes on SIG. So instead of getting paid by SNP, the two hours goes, that's, yeah, instead of getting paid by SNP from 1700 to 1900, that, you know, the two hour go with SIG.

And would that be Ms Chami and Mr Akkan using their own names or using a ghost name?---I can't, for that, that, that, from that email, I can't say but I know what he means. So - - -

And why did there need to be that swap between SNP and SIG for those two guards?---There's no, no overtime, you know, you can't do overtime with SNP so you've just got to, yeah, you've just got to, if anything exists over original shift, you've just got to go with SIG.

Are you aware of the Microster system at SNP?---I seen it, I seen it, yeah.

Have you ever used it?---No, no.

If we go to the names at the bottom, then you can see, it says, "Then ... after eviction guards." Now, we see the name Adam Bokour at the bottom and you can see on that MFI 4 document, Adam Bokour's on there.---Yeah. That, this one.

Yes, the one that you've got there. Yes, the single sheet. And you've got Sherif Hafez, do you see that?---Yeah.

So that would suggest that those two people aren't turning up to the perform the shift, is that right?---Look, I can't really remember. If you had that, if there is a time sheet, I can tell. I can tell by the, by the writing.

Can you? Oh, we'll come to the time sheets.---I can tell by the writing. I don't know, because, because these are evictions. I don't think, like, that would be anything ghosted for the, with evictions.

But this is the night shift. I thought your evidence was that it was easier to put ghost in the night shift.---Yeah but I, I have to look at, I have to look at the thing to see who, who wrote it.

See this name, Bishoy Girgis?---Girgis, yeah.

That's a name you claimed under quite frequently, isn't it?---Yes.

And what about Ryan Larsen?---I don't remember this one, no.

Have you claimed under Ryan Larsen frequently?---Maybe, maybe. I don't know. I know Bishoy Girgis.

What about Noman Soni, is that someone who recall turning up on-site?  
---No, no.

10 Zekhy Bishara?---No.

So you didn't see him on-site or her?---Yeah. These, these, these, these ones, yeah. I don't remember.

Himanshu Verma, did you see that person on-site?---No.

Bikram Jit, did you see him on-site?---No.

20 Can you answer that?---No, no. No.

What about Malakia, did you see that person on-site?---No.

Now what about Dennis Smith of the university? Did he have any knowledge of any ghosting practices, to your understanding, that were going on?---No. No.

Nothing at all?---No.

30 Did he know that people were signing in under other names just so they could work overtime?---No, I don't, like, he never mentioned it to me.

THE COMMISSIONER: Say again. What did you say?---He never, like, he never mentioned it to me. He doesn't come in to check this, these sort of things often, so - - -

40 But would he, would he have been able to observe guards that have been on-site for more than 12 hours? That is, they did a morning shift and the night shift. Would he be aware of that as you understand it?---Well, I believe, well, if they, they are there all the time, believe they, they would. But no one said, no one said nothing, it's, so it just - - -

It just happened.---Yeah. Like, they don't talk, like, they don't come and say, "Oh, this, you know, need to change" or, you know, "That guy needs to go home" or "He's been here too long." So, like, they don't really check these sort of things.

MR ENGLISH: Did you ever see him check the rosters?---No.

Sorry, I should say the site time sheets.---No. No.

He worked in the office behind you, didn't he? I think that's what your evidence was late yesterday.---Yeah, yeah, that's right. Like (not transcribable) yeah.

And the, yes, the site time sheet was in the control room, was it?---Yeah.

He had access to the control room?---Yeah, yeah.

10

But you never saw him come in and look and - - -?---No, no. Never.

THE COMMISSIONER: What did he do? What did he do?---Hey?

When he was there, what did he do?---Well, just, we'd have a talk in the morning about if anything happened or, and check the emails and see if he got any meetings and stuff to go to or anything outstanding, any complaints, stuff like that. So he'd mainly just, like, I don't know, like some, these long emails from this lawyer, from that professor or whatever that he needs to answer. So, like, he doesn't come in to check these names and all the, who's, who's working or what, yeah. As long as, as long as, um, there's no issues, like, they wouldn't, they wouldn't really check these sort of things, yeah.

20

MR ENGLISH: Thank you, Commissioner. Page 42, please. Here you can see at the bottom of the page, and it goes over the page, an email from Mr McCreadie to Lynn and yourself, 28 October, 2016, saying, "Just wanted to check that I'm right to send SNP these hours." And you see there's a list there of persons.---Yeah, yeah.

30

And over the page if you want to see it.---Yeah. Yeah, I got it. Yeah, I've got it.

So you responded, "Hi, Daryl. Check it a few times against the guards organised. Three guards didn't sign on. Ali Nayeff, Abdou Algohary and Oliveria Bejatovic. They all didn't sign in. Salam went home, so he signed on after his own Kirky shift night." Do you see that?---"He signed on after his," yeah. Yeah.

40

So do you know if any of those guards in that list at the bottom of the email are real players or – I withdraw that. Do you know if any of the names in that list are ghost guards?---Not sure, yeah, this one, this one I'm not sure, because if that's for, yeah, this one's during the, if that's when the eviction occurred, I, I don't think there would be any ghost, because I, yeah - - -

Well, the names that you've identified, the three guards, they're different to the people that appear in that list, and if you go over the next page you can see as well. So you've identified Oliveria, Abdou and Ali?---Yeah.

I don't think I can - - -?---Oh, yeah, three guards didn't sign on, yeah. Ali, Abdou and, yeah.

So I'm just, but those three people don't appear in the list below so does that suggest that the three people you've identified are the ghost names and the real players might be in the list. Is that right?---No, no, no. This one, this one, I think this one is the, they just didn't sign on.

10 So this is a further three people that didn't sign on?---Yeah.

If we can go to page 53, please. So here's, this is a section shutdown. Do you remember I showed you that request for tender?---Yeah.

A request for services?---Yeah.

So there's a number of guards identified in your email there to Mr Balicevac. Now, if we start at the bottom Gabriela or Gabrieli Matia, Adam Bokour and Salman Saddique.---Yeah.

20

They're in the list that's MFI 4 in front of you.---Yeah, yeah.

So they're not real players?---Yeah.

If we go up two spots you can see Matthew Matehe, Norman Hussain, Sharif Hafez and Adam Bokour.---Yeah.

They're in your list so they're not real players and you'll see Eugene Kerr in the middle of the page as well.---Oh, yeah, yeah.

30

So he's also in the list on MFI 4.---Yeah.

So he's not a real player?---No.

If we go to the top now. What about Isaac Yanni, is Isaac Yanni a real player?---Well, with this one he used to come quite often but then back then he could be.

40

Could have been a real - - -?---Yeah, yeah.

Could have been a ghost?---No, could be a real player back then.

Could be a real player?---Yeah.

What about Peter Walsh?---Oh, that's real.

Oliveria, that's a ghost isn't it?---Like if these people actually works there I can't like, that day I can't, I can't really recall if that, that person really came or not.

Well, Oliveria Bejatovic, Malenka - - -?---Docmanevic.

Ghost or real?---They are the real people. They work there but I don't know for that day if - - -

10 THE COMMISSIONER: They might have worked there but their names could have been used too for shifts that they weren't there?---Yeah, yeah. So basically my name can be used for someone as well.

MR ENGLISH: But you'd have issues because you're already working a full roster so - - -?---I'm just saying if for example just say someone wants to do a shift and there's no name they can use mine.

20 What about John Dirienzo, do you see that on Saturday, 29?---29. I think that's real. That's, that's a traffic guy.

So a traffic buy has been used to work at a power shutdown has he?---Yeah, John Dirienzo, yeah. Yeah, because there's no traffic on the Saturday and Sunday, like they're not required on Saturday/Sunday.

Go to Exhibit 42, please, page 43. This is, it says RFS in relation to a vice chancellor's staff Christmas party.---Yeah.

Remember that Christmas party?---Yeah, they have every year.

30 And so you'd have to organise guards to attend that function?---Yeah.

So there's your email at the bottom of the page to Daryl McCreadie.---Yeah.

Do you remember if - - -?---No, this one I don't think will be ghost. No, not, not, not at the VC parties, no.

Then there's a question from Mr McCreadie to you. "Do I tell SNP that Lina," that's Ms Chamo, I assume, is that right?---Yeah, Chami, yeah.

40 Ms Chami, thanks. "Is 0600 to 1600 patrol and then 1600 to 2000 at the event." See that?---Yeah.

Then you say may be let them know Oliveria Bejatovic is covering the second time slot for the VC party.---Yeah, so Lina - - -

So Lina's covering the shift but there's a ghost name being inserted into the - - -?---Oh, wait just let me have a look, maybe have another look. Yeah, could be, yeah, yeah. Looks that way, yeah looks that way.

Page 47 please. This is an information day, Saturday 16<sup>th</sup> December.

---Yeah.

An email from Daryl to yourself with Mr Balicevac and Lynn copied in.

---Yeah.

10 Daryl says, "Hi guys, info day shifts attached. I can confirm the six names on the sheet." It says, Froml is on day shift. Is that a person?---Yes, that's Wayne, Wayne.

Okay. Camden tried to get him here as well. So he said, "I can confirm six names on the sheet." If we go over to the sheet.---Yeah.

There's six names there but it appears that there's a number of shifts that are blank that don't have names assigned to them.---Maybe, maybe, maybe I didn't put them in yet.

Okay.---Yeah.

20

Do you recall this event?---Sort of, sort of this, this large events but um, I remember these events I think it was me and Daryl that actually worked there that day, these info days and stuff that would be there and - - -

They might have worked there, they wouldn't have worked under their own names would they? They couldn't have put in the time sheet their own names?---Maybe they can, maybe they can for stuff like that they can.

30 Would it surprise you if they claimed for more than one person if they attended on those days?---Yeah, no, well, wouldn't surprise me. I don't know if I'm working that day or not, if I'm not like, I really, I don't do this one.

These sorts of, this is a reasonably large request for ad-hoc services, isn't it? ---Yes, this like the main events stuff like that.

Sort of right to put names down of people who weren't going to attend and then to claim payment perhaps yourself?---I can't remember if I did or not that day.

40

What about Emir, do you recall him on large events like this claiming payment in respect of guards who didn't turn up?---On these ones maybe, maybe he would, maybe he would one.

One extra guard?---Yeah, these one, yeah, maybe one.

Is that a convenient time, Commissioner?

THE COMMISSIONER: Yes, certainly.

MR BENDER: Before you rise, Commissioner, may I just raise one matter by way of question, really. The compulsory examination transcripts for Mr Lu and Mr Elredi which have been made available includes some answers that I will wish to refer to in submissions and ask you to take into account into your report. If that's a course that's satisfactory to you, it means I won't need to ask as many questions, if any, of Mr Lu, which would otherwise be simply confirming matters he'd already answered in the compulsory examination.

THE COMMISSIONER: It's a matter for you. I don't see a problem with that, do you, Mr English?

MR ENGLISH: Well, there's, I understand where my friend's coming from. The variation of your order, Commissioner, allows access but perhaps not wider dissemination - - -

THE COMMISSIONER: We can tidy that up I think at some stage.

MR ENGLISH: I think that's something we might need to think about.

THE COMMISSIONER: Yes.

MR ENGLISH: I don't have a problem at all with what my learned friend's proposing, is to making submissions in relation to materials that are the subject of the present variation orders, and if we need to tidy something up in due course to allow that to occur I think that's what we should do, with respect.

THE COMMISSIONER: I mean, on one view, as we go along the section 12 orders that I make just should, perhaps just vacate it as we go along.

MR ENGLISH: That may be an appropriate course.

THE COMMISSIONER: All right. We'll have a think about that and thank you for raising it.

MR BENDER: Thank you Commissioner.

MR COLEMAN: The other course, may I say, Commissioner, if you're going to do that is to receive them as evidence because at the moment they're just MFIs.

THE COMMISSIONER: Yes, I appreciate that. What we're trying to do, to the extent possible, is to make them available, I'm not saying in a timely manner, obviously they're not, it's not a hundred per cent fool proof but, I

accept that if they are going to be relied on then they should go into evidence.

MR COLEMAN: Yes.

THE COMMISSIONER: My main concern at the moment is to make sure the parities have them in time or in a timely manner so that we can just keep proceeding.

10 MR COLEMAN: Yes, we're grateful. Thank you.

**LUNCHEON ADJOURNMENT**

**[1.06pm]**