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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 WEDNESDAY 13 FEBRUARY, 2019

AT 2.00PM

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: I vacate the section 112 orders which applied to MFIs 1, 2 and 3 and I'll mark those as exhibits. MFI 1 will become Exhibit 48.

**#EXH-48 – TRANSCRIPT OF COMPULSORY EXAMINATION OF QIN LI DATED 6 JUNE 2018**

10 THE COMMISSIONER: MFI 2 will become Exhibit 49.

**#EXH-49 – TRANSCRIPT OF COMPULSORY EXAMINATION OF QIN LI DATED 4 FEBRUARY 2019**

THE COMMISSIONER: And MFI 3 will become Exhibit 50.

20 **#EXH-50 – TRANSCRIPT OF COMPULSORY EXAMINATION OF TAYMOUR ELREDI DATED 19 SEPTEMBER 2018**

THE COMMISSIONER: And as we move along and if there are further compulsory examinations transcripts made available, I think we'll just put them into evidence.

30 MR ENGLISH: Commissioner, I think you might need to consider doing that in respect of Mr Lu's compulsory examination transcript, which hasn't yet got an MFI number. It probably doesn't need it now.

THE COMMISSIONER: Why don't we tender it now, or you tender it now. We'll mark it Exhibit 51.

MR ENGLISH: I'll tender that, thank you.

THE COMMISSIONER: Thank you. It's marked Exhibit 51.

40 **#EXH-51 – TRANSCRIPT OF COMPULSORY EXAMINATION OF FRANK LU DATED 11 JULY 2018**

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

THE COMMISSIONER: Mr Lu, thank you.

MR ENGLISH: While he's doing that, if page 41 of Exhibit 42 can please be brought on the screen.

THE COMMISSIONER: Thank you, take a seat.

10 MR ENGLISH: If we start at page 52 and we can see at the bottom of the page, there's a message from nationaloperations@snpsecurity.com.au to Lynn and the email address you were using, roster@sinternationalgroup, and to Mr Sirour with Mr McCreadie and Mr Balicevac copied in. Do you see that?---Yep, yep.

If you go to the next page you can see who actually sent this email, it's Dominic. Do you know who Dominic is?---Yeah.

20 What's Dominic's last name?---Giodini or something. I, I, I can't remember. It was some - - -

And he says in the email, Dominic, "Hi Lynn. Please cover," it says CRO and then there's a box and if you go to the next page, it says "patrols" and then there's a box. It's a little hard to interpret. Can you assist in any way with what's being said there?---Yeah, CRO, control room operator, and then I think the box might be the time and the day.

30 And so patrols, so is, to your understanding, Dominic requesting Lynn to cover some contracted shifts that SNP were required to fill for a control operator and a patrol room operator?---Yeah.

Is that something that happened a lot, that there would be a request made to the SIG office to cover those shifts?---Yeah.

By SNP?---Yeah. That's what they, that's what they're supposed to, like, that's what they're supposed to do, that's what they used to do all the time. So Lynn used to cover it, the, the rosters.

40 So if it was for a non-ad hoc shift, someone at SNP Rosters would either try and cover it themselves or, if not, contact Lynn to try and find a guard to cover that shift. Is that right?---Yeah.

And then you write back, this is on 7 December, 2017, and you say, "Hi Dom," and you provide some information about control room operators and patrols and you say, "I will cover the rest throughout the week. Kind regards, Frank."---Yeah.

So that's you responding to Dominic's email and you're using the roster@sinternationalgroup.com.au?---Yeah.

Now, you've signed off as Frank. To your understanding, does Dominic know that that's you signing off as Frank?

MALE SPEAKER: I object to that.

THE WITNESS: He should.

MR ENGLISH: Don't answer.

10

THE COMMISSIONER: Sorry?

MALE SPEAKER: How can he speculate as to what Dominic knows or doesn't know.

THE COMMISSIONER: He's just asking his understanding. I'll allow the question.

MR ENGLISH: So, to your understanding, when you signed off on that  
20 email, "Kind regards, Frank," using that email address, roster@sinternationalgroup, was Dominic aware that was you?---Yeah. He should be.

THE COMMISSIONER: How was he aware? Had you met him in the past?---Yeah. Yeah, I know this guy. Like, we worked at the uni once, once he finished off UNSW. All the operations, like, the Rosters people, well, not all of them now, but majority of them worked in the Sydney Uni for, like, for a week up to a month or whatever, yeah, whatever period.

30 MR ENGLISH: You can see the email continues and then there's an email again from nationaloperations@snp on the 15<sup>th</sup> of the 12<sup>th</sup>, 2017 at 11.33. This time it's signed off by Thomas Draper. Do you know who Thomas Draper is?---No. This one, I don't know.

You don't know?---No.

And you've responded again, "Hi Thomas," from roster@sinternationalgroup, with some details and signed it off Frank.  
---Yeah.

40

And then he responds back, "Thanks, Frank. Roster has been updated."  
---Yeah.

Were you communicating with in this case the national operations centre at SNP regularly using your roster@sinternationalgroup email?---Yeah.

Did anyone from S International Group ask you why you were using that email?---They gave it to me. They told me to use the email.

Sorry, maybe I asked the wrong question.---Yeah.

Did anyone from SNP ask why you were using an S International Group email?---No.

10 But when you started at the university working for SNP you were assigned an email address at what, Sydney Uni or something? Were you given a Sydney Uni email address?---Oh, I got that uni email address probably 2010/11 or '12, yeah. It wasn't at the start. No one's got an email address, and once the uni key came in, that's when we all got an email address.

So that's the SNP guards working at Sydney Uni?---Yeah, we got a Sydney Uni one and I think SNP whenever you join them they give you one anyway.

So you've said a uni key, is that some sort of Internet access through Sydney University is it?---Yeah, yeah.

20 And then when you, and would you use the Sydney University email address to email SNP once you received that email address from 2010 or whenever it was? If you needed to contact SNP would that be the email address you used?---Yeah, that's right.

So you wouldn't, you also had a, did you have a Frank Lu at SNP Security or something like that?---Yeah, I did but I never used that email a lot.

30 And then when you were issued with the roster@sinternationalgroup.com email address that would have been in around August, 2016, is that right, when you took over that job for Tommy?---Yeah.

Was that the only email address you were then using when you were at work?---Yeah.

And you just used that exclusively to email anyone at that time for work purposes?---Yeah. Or I could've used the Sydney Uni email but I doubt it. Yeah, I used them two.

40 And so that would include, well, I'll ask you this first. Did you ever email a Mr Smith using the roster email address, roster@sinternationalgroup?---No, I don't, I don't recall that.

You didn't?---No.

If we can go to page 58, please. This is an email from Mr McCreadie to lynn@sinternatinalgroup, roster@sinternatinalgroup and Mr Balicevac. Do you see that?---Yeah.

It's about an info day.---Yeah.

It says, "Lincoln equals Emir, Oliveria equals Daryl." So does that mean Emir is signing in under Lincoln and Daryl is signing in under Oliveria?  
---Yeah.

"Not sent to SNP yet. Will send Monday." Now, if we go over the page you can see that there is the, is this the sign-on sheet for the info day on 16 December, 2017?---Yeah, yeah.

10

Do you know whose handwriting has, well, firstly, you see Lincoln Nock and Oliveria Bejatovic, do you know whose handwriting has been used to make those entries?---No. Not mine, no.

You said before you're pretty familiar with sign-on sheets. Have you seen this one before?---Look, if I was on that day I would have seen it, yeah, but it definitely wasn't my handwriting.

And you don't recognise whose it is?---No. This one I don't.

20

Just give me one moment, please, Commissioner. Just go to page 156, please. This is an email from you, this time you are using your Sydney University email account.---Yeah.

And you're emailing nationaloperations@snpsecurity.---Yeah (not transcribable)

Yes?---Yeah.

30 Is there a reason why on this occasion you used your Sydney University email account when you were emailing nationaloperations@snpsecurity?  
---It's easier. It's easier to scan the thing. I've got an attachment there. There might be the time sheet or something.

Yes, if you go to the next page.---Yeah.

Yes, you can see that.---Yeah. Yeah, so it's easier to scan it because he's already put in the fax, like, the scanner, so, so, like, the email address is - - -

40 The scanner was linked to that email address, was it?---Not to, like, he just, you, my email address is saved in there, the Sydney Uni one, so it was easier to use, so I just sent, just done it that way.

And you've said in the email, "Hi, all. On 12/12/2017, 1600 to 2000, Oliveria Bejatovic forgot to sign in for the VC party. Sorry for the inconvenience caused."---Yeah.

Oliveria Bejatovic didn't turn up to that VC party. Is it a he or a she, Oliveria?---She.

She. Did she turn up?---I don't know.

I asked you some questions about it earlier today. If we go to page 43. So you said towards the top, "Maybe let them know Oliveria Bejatovic is covering."---For Lina, yeah. Yeah. Yeah.

10 Yes, so that was the ghost name, wasn't it?---Yeah, yeah.

So then you, if we go back to page 156, you're suggesting that Oliveria Bejatovic did turn up for the VC party but forgot to sign in. Would you agree?---Yeah.

Why did you say that to nationaloperations@snpsecurity?---Because I think the, I think they send the time sheet already and Lina didn't sign on, so she will not get paid if she doesn't sign on.

20 But for this shift Lina wasn't signing on under her own name. Isn't it - - -?  
---No. No, no, no. She, she signed the extras under, under, from what I can see from the email, she signed, she signed her own name, and if she did extra, under this name.

She was meant to use this name but she forgot to?---She didn't, maybe that's a, maybe nobody told her or she forgot to or something.

But wasn't it your responsibility as the rostering manager to make sure that these ghost names were entered into the site time sheet when required?  
30 ---Not, not all the time. Like, you know, sometimes they do it themselves.

You didn't have oversight of the sheet to make sure that there weren't any slip-ups?---Well, if I'm there, I have a look, then normally we get a list, fax it through to SIG, and they review it and they count, they, they, they cross-check and that's it. And once they say it's good to go, then we send it.

Exhibit 44, please. Page 7. It's an email to you using the roster@sinternationalgroup email from info@sinternationalgroup.com. Do you see that?---Yeah.  
40

And it says attachment Name List Frank.docx.---Yeah.

If we go over the page, you can see that there's a list of 21 names and these are all names of ghost guards that you can use on the time sheets of Sydney Uni, isn't it?---Yep.

Now, this has been sent to you on 10 April, 2018. Did you receive a similar list to this – I withdraw that. Where did you keep this list?---In the phone.

In your phone. On the SIG phone?---Yeah.

Did you have a list that you'd kept on the phone before 10 April, 2018?---I think I got two or something, got two lists or three lists, I can't, yeah.

So this is just an update, is it, of the names that you can use?---Yeah.

Have you still for MFI 4 there?---Yeah.

10

If you just look at that, you can see that from MFI 4, which was on the 30<sup>th</sup> of the 9<sup>th</sup>, 2016. If we look at this, we can see Adam Bokour, which is on that list, right?---Yeah.

Sherif Hafez, number 2 on the list.---Yeah.

Gabrieli Matia is on the list?---Yep.

Noman Hussain's on MFI 4?---Ah hmm, yep.

20

So those names have been used, you know, for, what, about 18 months, at least by you, as ghost names?---Yeah.

And what about some of these other names, Bishoy Girgis, that's a name you used a lot to claim shifts for, isn't it?---Yeah.

He rarely turned up on campus, if ever, is that right?---Yep.

30 Oliveria, we've spoken about Oliveria. You said that Oliveria almost never turned up, is that right?---Yeah, in the end, no. In the end, no.

Seif Motari perhaps turned up early on but, what, stopped turning up later and you just kept using his name?---Yeah. These, these ones left, they used to work in the team.

So when they left the team, their names were just still used to fill shifts?---Yeah.

40 And Lincoln Nock, there's a note to you there that the security licence would expire in June.---Yeah.

So you'd have to make sure you couldn't use him after that date, is that right?---Yeah.

If Exhibit 47 can be provided to the witness in hard copy. We'll have some documents brought on the screen, Commissioner, but there might need to be some flipping here.

THE COMMISSIONER: That's all right.

MR ENGLISH: I just want to go through some documents in this bundle with you, most of which relate to your personal timesheets, Mr Lu.---Yep.

So if you turn to tab 1, which is Exhibit 39, page 85. Now, you can see here, you've made a claim for the week ending 28 August, 2016, 210 hours.---Yep.

10 Plus \$600. You've said the \$600 is broken up into \$300 and \$300. What do those payments represent, 300 plus 300?---No, they meant to pay me \$300 each week at the start, so he forgot to pay me, Tommy and that, forgot to pay me for one week.

So that's just catching up phone number payments owed?---Yeah, yeah.

And then you've said 210 hours you were claiming that week.---Yep. Maybe one or, maybe few shifts in there's mine, I went there myself and the rest is claimed, yeah.

20

Most of them, no one turned up to perform the work?---No.

I mean, you can't work 210 hours a week, can you?---No, no.

And you were already doing an equivalent of 40 hours that week as well for SNP. So if we go to the next page, you'll see a list of names that you say you've entered on the time sheets and you want to claim payment for that week. See that?---Yep.

30 So you're pretending to be these people that you've identified for the purposes of performing that shift or purportedly performing that shift? ---Yeah.

And you'd agree that's pretty dishonest?---Yes.

And you've done it with a view to get paid, haven't you?---Yeah.

Now, you see the names on the 24<sup>th</sup>? Nader Gad, Peter Walsh and Mohammad Qa'qour.---Ah hmm. Yeah.

40

And you see that's in relation to the protest at Kirkbride. I just want you to turn to the second tab, which is volume 4B, page 10.---Yeah.

I'm just waiting for it to come on the screen. This is a chronological summary of a SIG document in relation to the names for which you've been paid using another guard's name or in two circumstances your own name for this week. Do you see that?---Yeah. Yeah.

There's some details missing at the bottom entry, Frank Lu/Peter Walsh. There's not a day of the week identified, but just for the record, Commissioner, that can be found in the new sheet, which was in Exhibit 39 on page 47, and that Peter Walsh entry is for Wednesday, 24 August. So I just want to draw to your attention those three entries that you've included in your personal time sheet, because what's happened here is the office staff at SIG have identified you as a person to be paid for those shifts. So there's Mohammad Qa'qour who signed in, you can see, on Wednesday and you're to be paid for his shift.---Yeah.

10

And there's Nader Gad.---Yeah.

See that? And then there's Peter Walsh.---Yeah.

So they're the names that I just drew to your attention. You can have a look if you like over on the, behind tab 1.---No, that's all right.

Yes. Then if we skip over to Exhibit 39, page 20, and that's behind tab 7. ---Tab 7, I don't - - -

20

Tab 7. And page 20. It's not - I'm sorry, it's not in chronological order but you'll see it come on the screen. Here it is here.---Yeah.

But you see there, you can see that this is the Wednesday, 24 August. ---Yeah.

You've claimed a team leader shift.---Yeah.

30

And then you remember you claimed a shift for Nader Gad.---Yeah.

And for Peter Walsh. And if we go to the next page, which is page 21. ---Yeah - - -

Hang on, I might, sorry, it is on the screen. You can see that you've claimed the shift for Mohammad Qa'qour as well.---Yeah.

So on this occasion, if we go back to page 20, it's the night shift, so that's your rostered shift.---Yeah.

40

So you're the team leader. Then you're also claiming for the control room operator.---Yeah.

But doesn't the control room operator have to stay in the control room for the entire shift?---Yeah.

And then you've claimed for a patrol guard as well, and so that's person's roaming, is that right?---Yeah.

And then you've also, and these are all 1800 to 0600 hour shifts. And then on the next page you've claimed to be at the protest at Kirkbride.---Yeah.

So, I mean, if you were there at all that day, the reality is you were probably in the control room the whole time, weren't you? But people couldn't leave that room I thought you just said.---No. Well, unless there's another Kirkbride or someone that could have come back and do the control room. Just, just number of people and, you know, they can do any job, so to cover  
- - -

10

Well, you certainly couldn't have done those four jobs at once, could you?  
---No, no. They can, some people can do the control room and, yeah.

And then if we can turn, please, to again Exhibit 39, this time page 75. So this is the bill from S International Group to SNP Security for that same week. You can see the bill is dated 31 August, 2016.---Yeah.

So then if we turn to page 77 you can see there's that entry for Peter Walsh on Wednesday.---Yeah.

20

From 1800 to 0600 so there SNP has been billed by SIG for that ghost shift that you've claimed?---Yeah.

And if we turn to page 80, please. You can see around the middle of the page there's the Mohammad Qa'qour shift. If the cursor comes down a little bit. There it is there.---Yeah.

See that Wednesday, 24 August 1800 to 0600, SC protest Kirkbride. So SIG has billed SNP in respect of that ghost shift that you've been paid?  
---Yeah.

30

And then if we go to page 83 you can see in the second-last column there's the Nader Gad Wednesday shift from 1800 to 0600.---Yeah.

And so again SNP has been billed by SIG for that shift that you used ghost guard details?---Yeah.

Do you see that?---Yeah.

40

So would you agree that where the names you've nominated on this occasion have been included in the invoice to SNP, would you agree that you've been paid because SNP was deceived into believing that the person you falsely nominated actually performed the shift?---Yeah.

So I just want to ask you some questions if I can, or before we do that I want to go to, back to volume 4B, page 10. Now, here I was just asking you some questions about this and you can see that the total of the hours is 206.  
---Yeah.

So you've claimed 210. Remember I showed you that? If you go back to tab 1 you can see that you say, "Hi, Sue. Last week's total is 210 hours." You've got the folder in front of you. Go to tab 1.---Oh, yeah.

So you've said 210?---Yeah.

10 And then if you go to tab 2 you can see, and that's volume 4B, page 10. According to SIG's worksheet they say you've claimed 206 hours. Do you see that?---Yeah.

And if we go to Exhibit 39, page 64 which is behind tab 8. If you go behind tab 8.---Yeah.

If you go down the bottom there line 47 you see that you have been paid for 206 hours?---Yeah.

See Frank?---Yeah.

20 Frank Lu and then it goes, and it says total hours 206 and they've worked out that week you get your 600 that you've asked for when you said 300 and 300.---Yeah.

And then they've worked out that you're getting 12 hours at a team leader rate of 23 plus 194 hours at \$21.---Yeah.

So that week you got paid \$4,950?

30 MR O'BRIEN: I object to that. Commissioner, that document doesn't say that this witness got paid that amount. It says it's apparently owing given those hours. But whether he got paid that amount, it doesn't necessarily flow from that spreadsheet documentation. Now, I'm just concerned about gratuitous concurrence following from leading questions such as that.

THE COMMISSIONER: Well, can you put it back on the screen? I mean, is the suggestion that these records don't purport to demonstrate in some way that these amounts were actually received? Is one step missing? Is that what you're putting?

40 MR O'BRIEN: Well, I've not seen – and I'm not going to profess to having read every volume in this brief, which is very extensive and only provided in recent days – but I've not seen any evidence nor heard any elicited before you, Commissioner, that demonstrates that these amounts set out in this column that's been referred to were in fact paid to these witnesses, and I think that if that's going to be led, it needs to be led fairly. The fact that a figure is written down there by someone who was named Sue but not called and apparently not to be called doesn't - - -

THE COMMISSIONER: No, I wouldn't assume that for one moment.

MR O'BRIEN: Well, I say that obviously with respect, but - - -

THE COMMISSIONER: And didn't we have the witness yesterday or the day before saying that here's the template, here's the instructions I gave them, the system worked like this?

MR O'BRIEN: Yes.

10

THE COMMISSIONER: Are you really saying we go through now every payment and prove every payment individually?

MR O'BRIEN: Well - - -

THE COMMISSIONER: For what purpose?

20

MR O'BRIEN: - - - this witness, apparently, according to the way in which this case is flowing, this investigation, is demonstrating was paid a sum of money. To suggest that he was paid it based on a document that has already been shown to be a deceptive document in so many respects or that is prepared by people who are engaged in deceit - - -

THE COMMISSIONER: What do you mean by that? In what respects is it deceptive?

30

MR O'BRIEN: Well, I withdraw that and say simply that it has been acknowledged by the first witness in this inquiry that the people who prepared this were engaged in a deceit against various authorities, including the Taxation.

THE COMMISSIONER: That doesn't make it inaccurate, though.

MR O'BRIEN: That is so, but it doesn't mean that the people who are expected to pay it, who've been, whose character in relation to honesty or otherwise has been put in question in this investigation, did in fact pay it.

40

THE COMMISSIONER: Well, with one exception, I don't think anyone suggested to the witness yesterday that in some way these records didn't record what they purport to record.

MR O'BRIEN: She accepted I think from me and perhaps others that she didn't organise the payments.

THE COMMISSIONER: Here we have a fellow who says, one of the people who says, "I was paid on this basis. I used false names." Are we really going to have a debate about whether it was 4,700 or 2,600? Does it really matter?

MR O'BRIEN: Well, it may not matter, it may not matter in terms of the conduct, but it certainly matters in terms of the quantum.

THE COMMISSIONER: Just remind me who you appear for.

MR O'BRIEN: Emir Balicevac.

10 THE COMMISSIONER: Right. What do you say, Mr English?

MR ENGLISH: I'm with you, Commissioner. I don't want to be pushed into a position where we've got to take extra time in this inquiry to prove bank records and the like.

THE COMMISSIONER: Well, that's all right. I mean, if we have to do it, we'll do it after hours.

MR ENGLISH: I can ask some questions of this witness perhaps in a different way that might allay some of my friend's concerns. Perhaps I'll  
20 try that way and we can move on, and if it arises, it arises. Mr Lu, you recall in your time sheet you said that you were to be paid for 210 hours.  
---Yeah.

And you said that you were, on your own calculation, to receive an extra \$600 – 300 for this week and 300 for the week before – that Tommy had forgotten.---Yeah.

And when you submitted a time sheet and identified hours and any payments that were outstanding, yes, like the \$600 amount - - -?---Yeah,  
30 they gave it to me.

Yes. You expected that that would be paid to you that week, wouldn't it?  
---Yeah.

And there might have been a few hours here and there where there was a discrepancy like 210 compared to 206, would you agree with that?---Yeah.

And sometimes did you speak to the girls and say, "You've underpaid me a couple of hours?"---Yeah, but if, doesn't matter sometimes 'cause so much -  
40 - -

THE COMMISSIONER: Well, you could pick it up next week, couldn't you?---If I don't pick it up or, whoever gets it gets it.

MR ENGLISH: Yes. And every week you went into the office and you picked – did you go into the office and pick up an envelope?---No. No.

So how did you get paid?---Oh, someone from, whoever's on, the team on the Wednesday will go. I think it was Wednesday.

THE COMMISSIONER: And pick it up for everyone?---Yeah, pick up for everyone. At, yeah, at the start it was someone picking up for their own group and then in the end, everyone just, just someone go out, to go on Wednesday.

10 MR ENGLISH: And so, what, these envelopes came back that had names written on them?---Yeah.

And you'd go and get the Frank Lu one?---Yeah.

You'd open it, count the cash?---Yep.

And it would be roughly what you thought you were owed, correct?---Yeah, yeah.

20 If not exact?---Yep.

And that happened every week?---Yeah, every week, yeah.

And was there a practice whereby envelopes were actually weighed because some of them looked so big, other people in the guard force wanted to know what everyone else was being paid?---Yeah, I heard, they, they, they do, they do, they do, they do weigh it. Depends on who goes, and they would just look through the (not transcribable) or something, see how much is in there, how thick that is.

30 And was there ever a complaint that someone might have been pinching other people's money when it was transported from the SIG office to Sydney Uni?---No, no. Never. No one, yeah, no one took each other's money.

So you're satisfied that by looking at the document that was on the screen, which is Exhibit 39, 64, that at least in relation to this week you were paid \$4,950 for your SIG work?---Could, yeah.

40 If we can go back, please, to volume 4B, page 10. So here's this document I showed you, \$206 it says, they're the hours pursuant to which SIG paid you, and then what I want to do is show you these, really the same data but spread out in a different manner, illustrated in a different manner. If volume 4B, page 11 can be brought on the screen, please. So what this is, this is the same week. You can see from 22 August through to 28 August, and this is a layout of the shifts you've claimed payment for in the 24-hour period, do you see, from 6.00 to 6.00?---Yeah.

So you can see on the 22<sup>nd</sup> you've claimed, well, you've had a rostered shift with SNP, the blue is SNP, we can see down the bottom, and then you've claimed to be paid for another shift using Ben Pfitzner's name.---Yeah.

If you look on the next day, you've had a rostered SNP shift.---Yeah.

And then you've done a one hour double up and you've gone in to a claim for a shift under Isaac Yanni's name as a ghost. Do you see that?---Yep.

10 Then the following day, so I think the Wednesday, you've claimed the Nader Gad shift, then you've had a rostered shift and you've had then, at the same time, you've claimed for the Peter Walsh and the Mohammad Qa'qour. Do you see that?---Yep.

So if we just look at those three days there, you've been paid for, I think 72 hours straight. Do you see that?---Yeah.

Shifts for 72 hours straight. So there's clearly no way you were on campus for 72 hours straight, is there?---No.  
20

And you can see in this way, you can see where you've been paid – if you look at the 25<sup>th</sup>, you're paid for your rostered shift and then you're paid in an overlapping or a concurrent period for three other shifts, although some of that's been split between Emir, Daryl and Frank, at least for Sibel Isli. Do you see that?---Yeah.

If you look from 25 August through to 28 August, it appears you've been paid for three and a half days with a three-hour break.---Yep.

30 Consecutively, except for that break, you accept that?---Yeah.

There's no way you could have done that, is there?---No.

THE COMMISSIONER: Mr English, am I right in assuming that this document was prepared by the Commission just to pull together the records you've already taken us to or is that - - -

MR ENGLISH: That's right. It's a reflection of, if we go back to 4B, page 10, it's a reorganisation of that data, which you might recall, Commissioner, was taken from the new sheet, which is Exhibit 39, which commences on page 47, and that's just filtered by reference to the day of the week so it's in chronological order, and then it's transposed into this different format to show where there's shifts that have run across days and also with other concurrent shifts.  
40

THE COMMISSIONER: Thank you.

MR ENGLISH: Mr Lu, if I can just go to the time sheets for this week. So that's behind tab 7 of Exhibit 47.---Which tab?

Tab 7. And if we can start with page 27, please. And I apologise, these are in reverse chronological order. It creates some problems. Now, if you have a look under – I think it says, is that Rozelle? It's cut off on the side halfway along the shift. You can see "elle".---Yeah, yeah, yeah, that's, yeah.

10 So down there, there's some names.---Yeah.

Now, the signatures appear to have some similarity. Do you see that?  
---Yeah.

Do you know if those people from Rozelle to F, so from Salam Al Zayadi to F. Malik, you said you were pretty familiar with these shifts.---Yeah, so Salam, I think they might be, be his, his, they might be, yeah, they might be his own, own writing.

20 What about John Dirienzo and is it Osama? That signature looks pretty similar, would you agree?---Yeah.

Have you got any familiarity with those persons' signatures?---Well, if, I know that Ben Pfitzner might be mine, but - - -

So the Ben Pfitzner, well, there's no signature there on the Ben Pfitzner one.---So that might not be mine, but - - -

30 What about, you see for bus runs there's two people, there's no guard number, there's no licence number identified?---No, the, the, they are there.

Yes, but they haven't put a security licence number.---No, that guy doesn't put it. It's, I think it's Younan Shiba.

And at the top your security licence number isn't provided, neither is Nader Gad, neither is Charlesworth, neither is Syeda Fatima.---Yeah.

40 So on this page we're missing two signatures and a number of security licence numbers. These would be scanned and sent to SNP, wouldn't they, these time sheets?---Yeah. Yeah.

Did anyone ever ring you up from SNP or get in contact with anyone, to your knowledge, and say, "These sheets haven't been filled in properly"?  
---Very, no, very little. Very little. Because, because I think once the sheets goes in there and they see it, then when they, when they press on their system, it's there. So - - -

Sorry, what was that?---Like, once they, they, they enter these details from their system, these people's licence number will come up anyway.

I see.---Like, in their system will come up.

So you understand that when these are received at SNP, someone enters the data on this sheet into their, what, their Microster system or something?

10 ---Yeah, if you are SNP that day, if you are SIG, then they just, you, I think you, look, if you're SIG, it will just go into S International or something column. It's like a, it's a, it's a, you know, SIG1, SIG2, SIG3, so you get a number. And, yeah.

Can I ask if page 23 comes on the screen. Up the top there's an entry for Fisher Library, Ikhlass and Sam.---Yeah.

Signatures look identical, would you agree, for those two people?---Yeah. Yeah.

20 Do you know whose handwriting that might be for those two names?  
---August. Who was on that day? Was I on that day?

Let's have a look. It's Wednesday.---I don't have - - -

I think you've claimed to be on every day this week.---Hey.

And you are, you're the team leader, if you look at page 20.---What did I, I don't think that that should be mine. I don't think it's my writing.

30 So you're talking about Ikhlass and Sam?---Yeah. Because there's - - -

What about down the bottom of page 23, these lock-up services. Do you know whose handwriting - - -?---Oh, that's their own, I think. It could be their own.

That's their own, is it?---Because I, I didn't write these, these ones.

There seems to be, under Aymna, there's seems to be some white-outing that's been done. Would you agree with that?---Yeah.

40 If we can turn to page 15, please. This is for Friday the 26<sup>th</sup> of the 8<sup>th</sup>, when it comes up. If we look at the bottom, I think it's, is it Sameh, something with an H, under Additional Services?---Yeah. Where, whereabouts?

See Sameh - - -?---Oh, Sam Haroun?

Yes. Do you see some similarity in the signatures between Sameh, Mohammad, Syed and Rami and maybe even Isaac Yanni?---No, I know that's not Emir but - - -

When you say you know it's not Emir, what do you mean?---No, it's not his, his one's - - -

It's not his handwriting, is that what you mean?---No, no.

Can you identify any of Emir's handwriting on page 15?---I think the Omar Imaran.

10 Pardon?---Omar Imaran, the one below me.

In the capitals?---Yeah. Either, maybe that's Sam Haroun himself. I don't know, you have to go, cross-check with the SIG payment thing. Yeah. That one, I didn't write it.

Page 11, please. The first three entries from Malenka, Mostafa Elkholy and Anthony Chan. See those signatures look very familiar, I withdraw that, look very similar?---Yeah.

20 Do you agree?---Yeah.

Do you know whose handwriting that is?---I think these are Emir's one, these are Emir's one.

Can I ask that Volume 4, which is Exhibit 38, page 169, be brought on the screen? This is the sign-in sheet for the open day.---Ah hmm, yep.

30 So I said it's a sign-in sheet. It only requires one signature. Do you know, do guards sign this in when they start or when they finish do you know?  
---Oh.

You don't know?---They're supposed to sign in when they start, yeah.

And you see those names Yahya Alabdulla, Ashlee Parker, George Boutros and Nader Gad?---Yeah.

Do you recognise that handwriting in the middle?---No.

40 Down the bottom you see the name Rob Basselly.---Yeah.

Is that a name of a person that ever turned up on-site?---I can't remember. This, this one I think turned up before and he was doing some unlock or lock up or something. That was long, years back. Yeah, yeah, a few years back.

Do you remember seeing him on-site - - -?---Yeah, yeah, a few times, yeah.

- - - in the period from August, 2016 and following?---No.

Did you say no?---No. Well, yeah, I can't, like this guy Rob Basselly I know, I know he does the unlock or something, lock up.

If you can go, please, to Exhibit 40, page 334. This is your time sheet for the week ending 30 October, 2016.---Yeah.

If we just go to the next page. You can see you've identified the ghost names in respect of which you're to be paid for.---Yeah.

10

Have you still got MFI 4, that one sheet page in front of you?---Yeah.

So if you see you've used the name Sherif Hafez which is on that list on MFI 4?---Yeah.

You've got Adam Bokour?---Yeah.

Noman Hussain?---Yeah.

20 Gabrieli Matia?---Yeah.

Matthew Matehe?---Yeah.

And then there's a few repeats. And you've used those same names or some of those same names over the page.---Yeah.

As well as Bishoy. I think you've said Bishoy is just a ghost name. Is that right?---Yeah.

30 What about Samir Abbas, was that a ghost name?---Yeah.

It's the case sometimes, isn't it, that although probably on most occasions these people didn't turn up, sometimes guards were told to do a shift and yourself or Emir would just be paid in respect of the work they did. Is that right?---No, no, no. If they do a shift then it's theirs, the money is theirs.

What if they were asked to do another shift while they were performing their rostered shift? Would they get the money for the second shift?---No.

40 No.---Not all, not all of them, no.

So sometimes you and Emir would claim that money if they would do a second shift?---Yeah, or the team leader or something on that day will, will claim it.

What about Daryl? Was he involved in claiming money in respect of other people's second shifts that they performed?---He, like to my knowledge I, I

know it's very rare but he deals with, talks, he deals with Emir more so I don't deal with him much.

If we go to volume 5B, page 11. And just while that's coming on the screen, if you go back to tab 10, which is the document you were just looking at, it's page 336, and you'll just see that your total hours for that week, you've claimed 155 hours.---Yeah.

10 So if we go to the document on the screen, you can see that once the office staff at SIG computed the hours for the week, you were actually give 161. ---Okay, yeah.

It's on the screen, the one on the screen. It's behind tab 11.---Yeah.

And then if we go to Exhibit 41, which is marked volume 5A, page 68. So this is the SIG document that I showed you before, this time for the period we're looking at. If we go to the next page, page 69, if that can just be increased a bit, you can see your name, Frank, at number 49. See that? ---Yeah.

20

So this says you're to be paid for 161 hours plus 800. Now, just flip back if you can to tab 10. You got that there, the last document on tab 10?---Yeah.

Last page of tab 10?---Yeah.

And it says your total, "Total 155 hours plus 300 plus 500 (take out of EB pay) equals 4,055."---Yeah.

30 See that? And you've been paid, if we look at the document on the screen, this says you're to be paid for 161 hours plus 800, and that's a total of 4,181. So, you know, some 80-odd dollars better than what you asked for or what you thought you were entitled to.---Okay, yeah.

That would be about right, wouldn't it?---Yeah.

And if we can go to volume 5B, page 12. See again there's this layout that we looked at before for the same period. See that?---Yeah, yeah.

40 So if you look at the 25<sup>th</sup>, the 26<sup>th</sup> and the 27<sup>th</sup>, you've claimed payment for 72 hours, I think on my reading, with a one-hour break.---Yeah.

Certainly couldn't have happened, could it?---No.

You've claimed on the 25<sup>th</sup> in the evening shift to be paid for the work of three people.---Yeah.

All concurrently.---Yeah.

And you can see as it goes down, on the 27<sup>th</sup> you're paid for a period for the work of four people concurrently.---Yeah.

And if we go to the documents behind tab 16, which is the time sheets, and that's Exhibit 41. If page 16 can be brought on the screen, please.

Here, so this is for Thursday, the 27<sup>th</sup> of the 10<sup>th</sup>. See there's a licence missing for Seif Motani, guard's licence number. See that?---Yeah.

- 10 Come down to the entries for, well, the writing for Ashlee Parker, Gabrieli Matia and Matthew Matehe. Do you see that that looks like it's similar handwriting?---Yeah.

Do you know whose handwriting that is?---(not transcribable) that's probably Emir's.

And then you can see there's some similarity, especially in the signatures for Gabrieli, Matthew and then Sameh. Do you see that?---Sam - - -

- 20 Sameh Haroun.---Yeah.

Do you agree that they look similar, those signatures?---Yeah.

There's no signature for Atif Ali, at least as a sign-off signature?---Yeah, that's his, that's his own.

What, he writes Ali, just A-l-i, does he?---Yeah. I think that's his own.

- 30 Does Nader Gad sign NG?---No, that's not, that's not Nader.

Do you know whose handwriting that is?---Yeah, if it's, well if it's during that time, it's either mine or maybe Emir's.

And then there's no licence number for Sameh or Nader, do you see that? ---Yeah.

And there's no signature for Yahya Alabdulla, either sign-in or sign-out? ---Yeah.

- 40 So is your evidence that no one from SNP ever came back and made any queries in relation the state of the time sheets at Sydney University?

MR COLEMAN: I object to that. There is no evidence that it was sent to SNP in this form.

THE COMMISSIONER: Mr English?

MR ENGLISH: Whether this has to be a subject of evidence, if we're put into that position we can deal with it in due course.

THE COMMISSIONER: As you understand it, was this material sent to - -  
-

MR ENGLISH: I'll just get instructions as to the source of this material.

THE COMMISSIONER: Yes.

10

MR ENGLISH: Commissioner, I'm instructed that the document ID in the top right-hand corner, this document - - -

THE COMMISSIONER: Can we have it back up on the screen?

20

MR ENGLISH: The document ID in the top right-hand corner, there's a document ID for all these documents and this document ID states that this is a document that came from an email sent from Sydney Uni to SNP, and I'm instructed that the continuity documents in respect of that chain can be made available.

THE COMMISSIONER: All right. Well, maybe it's something you want to take up a little later with Mr Coleman, if need be. I'm going to allow it at the moment, Mr Coleman. If it turns out not to be the case, then of course the evidence will be of somewhat limited utility.

MR COLEMAN: Just on the face of it, I think the objection is well taken because there wasn't any evidence.

30

THE COMMISSIONER: No, no. I accept that.

MR COLEMAN: We just need to know.

THE COMMISSIONER: I'm told, more or less, that there is evidence and we can give you access to that if need be I think.

MR COLEMAN: Thank you. I'll talk to Counsel Assisting about that.

40

MR ENGLISH: I thank my learned friend for that. So I'll just ask you again, is it your evidence that there was never, to your knowledge, a complaint raised by anyone at SNP as to the state of the time sheets at Sydney University?

MR GIVORSHNER: Commissioner, I object to that. I mean, the best he can say on this issue is whether any complaint was made to him. The question that whether he was aware of any complaint made to anybody else is probative of nothing and it's open to an adverse inference based on lack

of evidence. I mean it begs the question as to whether he is the person to whom complaints might be made. It assumes that.

THE COMMISSIONER: Well, that's right. And who else would there be? I suppose there's a number of candidates. Limit it to his knowledge.

MR ENGLISH: So was a complaint ever raised directly with you, from anyone at SNP, about missing information on time sheets?---I, I don't remember.

10

MALE SPEAKER: I'm sorry, I can't hear that answer.

THE WITNESS: I don't, I don't remember. I don't remember. We'd been sending all these time sheets, just, I don't know how many times we just sent it and that's it.

MR ENGLISH: So no one raised an issue with you?---No, not to me personally.

20

You personally. And did anyone from SNP ever raise a specific concern about a lack of signatures on a time sheet with you?---I can't remember.

So you can't remember if anyone did or they didn't?---Like - - -

Or you can't recall it ever occurring?---It could occur a few times but no one, (not transcribable) just put some signature on and just send it and, yeah. You'd put some signature on and just send it.

30

So if someone did raise the concern, you'd put any signature on and resend it, would you?---And send it, yeah. Because I don't remember if there was any fuss or any issues about time sheet, too much issues about it.

If we go to page 17, please, which is the next page of Exhibit 41. Do you recognise any of the handwriting for the names under Additional Services? ---I think Bishoy Girgis is mine.

Sorry, can you speak into the microphone.---I think Bishoy Girgis is mine or maybe Adam's mine.

40

What about Noman? Is that yours?---No, no, no.

There's two Nomans, there's Noman Sony and Noman Hussain. Are either yours?---Norman Hussain may be mine, yeah. Not Sony.

So there's no signature for Noman Hussain and there's no signature for Ahmed Salah in respect of signing off. Do you agree?---Yeah.

And there's no signature at all on this page for Sherif Hafez?---Yeah.

And there's no sign-off signature for Emad Gorgoy. Do you agree?---Yeah.

And Malik?---Yeah.

You agree?---Yeah.

10 Page 13, please. Again do you recognise the handwriting of the names under Additional Services?---Maybe Oliveria is mine and Mehdi Forati is mine, Malenka.

Oliveria?---Yeah, Oliveria, Malenka, probably, yeah, the other one Mehdi Forati.

Is that yours or not?---Yeah, I think it's mine but I, I don't, like I think I changed the way I write. I don't know.

There's no signatures for Oliveria, Yahya or Gabrieli, yes?---Yeah.

20 It looks like Salman's had some Liquid Paper applied, would you agree, to the signature?---Yeah.

And do you recognise any of the signatures on this page as being written by the person whose name appears under the heading Additional Services?  
---No, no.

Page 7, please. Under Additional Services you see a series of names.  
---Yeah.

30 Do you recognise the handwriting of any of the names?---The small writing, no. The small writing - - -

So the small, what's that Mohammad and Salman and Lincoln Nock and Malenka and Mehdi?---Yeah, yeah.

You don't recognise that handwriting?---No.

40 What about Assad at the top to Nader or Sherif? Do you recognise that?  
---Maybe Assad, oh, no, that's not him. He's one. Yeah, the Magdy Aly, that's, that's his. Nader Gad's not, I, I, I don't know. Could be anyone that wrote these.

Well, if you've got MFI 4 there, so MFI 4 has Eugene Kerr, has Matthew Matehe, Sherif Hafez.---Yeah.

Salman Saddique.---Yeah.

So those people wouldn't have signed in themselves, would they?---No.

And you can see that there's nine occasions where there's no licence number - - -?---Yeah.

- - - included on that page. Lastly, page 3, please. Do you recognise the handwriting of the names under Additional Services?---No. These ones, no. Yeah, I, I know this Raed Ali, that's his own. Salaam's one is his, his own.

10 We've got the same names, Adam Bokour, Sherif Hafez, Noman Hussein, Matthew Matehe, Salman Saddique. They're the people from MFI 4 who you'd agree haven't filled in a sheet themselves, correct?---Yeah.

At least. If you can go, please, to Exhibit 42, page 107. That's behind tab 19, Mr Lu. I mean, this is your sheet, your personal time sheet. Maggie at the office has sent it to info@sinternational with the subject heading "Frank". Do you see that?---Yeah.

20 That's for the week ending 17 December, 2017. On this sheet, if we go to the bottom, you don't actually provide a total.---Yeah.

So sometimes did you just leave it up to the office girls to work out how much you should be paid?---Yeah. Yeah, I left.

If we go to page 110, please, you can see this is Emir's sheet for the same period.---Yeah.

He's sharing a lot of hours with you, as you can see down the page.---Yeah.

30 And then over on page 112, you can see that Emir provides a total for himself and for Daryl but not for you.---Yeah.

Then if we go to page 101, please. It's just if you keep flipping along that same tab, you'll find it. So you'll see this is George Boutros's personal time sheet for this period.---Yeah.

And he's claiming hours and sharing them with you as well?---Yeah.

40 So a somewhat difficult task, you might agree, for the people in the SIG office to work out how much money you should be paid for that week. ---Yeah. Yeah.

If we go to the next tab, which is tab 20, which is volume 8B, page 8. Can I just ask you this, why was it that you were, with George Boutros, saying that you and he should be sharing hours claimed using ghost guard's details?---Well, with the library, so the Fisher Library, so in beginning I think the Fisher Library was run by SIG, so Lynn took over it and there were so many, and why we taking it, so there were too many issues so the, the, the guards there, so anyway, they started gradually to leave and we

swapped them and on the, in the weekend, in the weekend it's not, if it's off semester, it's not busy. So, yeah. So we just came up with this idea.

That you should use, what, this is you and George came up with the idea, did you?---Yeah. In the, in the, on the weekend, yeah.

What, so out of semester on the weekends, you could use ghost details, no one would turn up and do the shift, but you two would split it?---Or we will go there and he's there as well. He, he, he will be there.

10

What, while performing another shift or just to do that?---Just to do that, majority of the time. Yeah.

And was it your proposition that even though he's doing the work, he should split it with you?---Well, I was, I, I, I go down there sometimes as well, so he came, he told me, you know, that's what we're going to do, that we can do it.

20

But why do you need to go down there if he's doing the job himself?---He's not, he's not doing, because he needs three guards.

Oh, so he's doing the job of three, claiming for three guards?---Oh, no, maybe just one or something. Him and his brother will do it.

I don't quite follow. How many guards were required, three?---Three, yeah.

So sometimes he'd do it, he might have his brother with him sometimes? ---No, all the, most, most of the times.

30

And so, what, there'd be one shift that no one would turn up but you'd still claim?---Yeah.

And do you'd turn up sometimes and you'd get half?---Yeah, do the check and that's it and, yeah.

Did your agreement with Mr Boutros have any connection with you gambling and you not having access to money to gamble?---What do you mean?

40

Well, when you discussed this agreement with George Boutros to split hours, was the reason why you came up with this agreement in any way linked to – you like gambling?---Yeah, I do.

Yes. Was it in any way linked to your gambling or trying not to gamble as much?---To split the, go again?

So you came up with an agreement with George Boutros to split the money for the Fisher Library. Was that linked in any way to a need for you to have

less access to money for gambling purposes? And I'm sorry if this is sounding foreign.

THE COMMISSIONER: It sounds foreign to me, so what's - - -

MR ENGLISH: Maybe I don't understand it right, yeah. Look, I'll withdraw the question, I might come back to it later. I'm sorry, Mr Lu. Forget I asked that. Can we go to volume 8B, page 8, please?---Does this have a total at the bottom? Can you just go down a bit? Oh, it's on the next  
10 page. Great. If we can just go to the first page, please. So, you see again, this is the chronological organisation of the SIG document showing which shifts you were to be paid for under which names. You can see that on two occasions you've used your own name.---Yeah.

And if we go over the page, you can see the total is 246.25 hours. So that's what, you agree, the SIG girls had to work out using those three sheets, yours, Emir's and George's, what you should be paid for that week?---Yeah.

And then if we go to Exhibit 43, page 42. We might go to the next page.  
20 You can see that this is the SIG schedule that I showed you last time. ---Yeah.

And then if you go to page 43, you can see your entry at 82. So you've been paid for 246.25 hours.---Yeah.

You've got, you've been paid an extra 800.---Yeah.

And you can see you got 48 hours at the team leader rate of \$24.---Yeah.

30 198.25 hours at \$22.---Yeah.

Then you get your 500 a week and you got a 300, seems like Emir owed you some money.---Yeah.

And so that week you got \$6,313.50.---Yeah.

And you'd accept that's about right?---I, I can't remember but, yeah, just, yeah. I don't know how much I get each week. I don't remember it.

40 Yes, but you wouldn't say that, it doesn't take you by surprise to learn that you were paid in cash that much for a particular week, does it?---No. No, no. Well, during that time, yeah, no.

And if we go back to volume 8B, page 10, you can see where you've claimed for concurrent shifts there, particularly on the 16<sup>th</sup> and the 17<sup>th</sup>. ---Yeah.

I think at one stage you're doing five shifts at once on the 17<sup>th</sup>, and you do 48 hours straight from the 16<sup>th</sup> to the 17<sup>th</sup> you get paid for. See that?  
---Yeah.

If we can go, please, to Exhibit 44, page 49. This is for your personal time sheet for Monday, 16 April, 2018.---Yeah.

You've sent it to, it says Wang, Amy. Do you know who that is?---Oh, no, I never met her.

10

Well, do you know who she is?---She took over from, she took over from Maggie.

What, at the SIG office?---Yeah.

So you've identified some shifts. On some occasions you've identified some names, some ghost names.---Yeah.

20

And then you've said you should be paid for 147 hours at \$23.---Yeah.

And then plus 48 plus 500 plus 24.---Yeah.

Now if we go to page 55, which is the next page behind, that's behind tab 28 I should have said, sorry. This is George Boutros's time sheet for the same period. And on the Friday and the Sunday, he's identified some shifts to be split with you.---Yeah.

30

So it seems like the library agreement you had extended to Fridays as well. ---Yeah, from the weekend, yeah.

Oh, so, okay.---So whenever it closed on the weekend.

I see. Now if we go to volume 9B, page 8. There you've got your chronological shifts you're to be paid for with the names, the ghost names that have been inserted on the time sheet?---Yeah, yeah.

And you see it's 147 hours in total.---Yeah.

40

That matched your personal time sheet if you flip back to behind tab 28 you'll see it there.---Yeah, that's, yeah.

So if we go to volume 9, page 9. You can see there's some concurrent shifts on the 9<sup>th</sup> and the 10<sup>th</sup>, and then on my calculation on the 14<sup>th</sup> and the 15<sup>th</sup> and really stretching over to the 16<sup>th</sup>, because you'll see there's a concurrent continuing shift that works into the next morning, you do 39 hours or you're paid for 39 hours straight, the equivalent of.---Yeah.

I asked you some questions yesterday about fatigue.---Ah hmm.

You said you thought the longest you saw anyone on the campus was, I think, 36 hours.---Yeah.

So I've just shown you some examples of where you've at least been paid for stretches where the hours when you tally them up suggest you've been up to 72 hours.---Yeah.

10 You've never seen anyone on campus working a straight shift that long have you?---No, no, no, no.

And I asked you about fatigue issues yesterday.---Yeah.

I asked you about filling the bus run and you said, "It's normally only static guards, you know, they do those long shifts back to back when it's static tasks." ---Yeah.

20 What about on occasions where the only person who could fill, say, a bus run was someone who was a static guard who'd just worked a long shift, say, 24 hours.---That doesn't happen.

Didn't happen?---No.

Are you certain of that?---Yeah.

30 It would be a concern for student safety, wouldn't it, and other road users if someone so fatigued was behind the wheel?---Yeah, that's right, bus, buses you need the bus licence, I think the bus driver licence so not everyone can just do it.

Can you go please to Exhibit 45 which is volume 9A, page 19. You can see there from your name, you're the team leader and then following.---Yeah.

There's only two occasions where a licence number's been inserted.---Yeah.

There's no signature at all for Mohammad, Yoseen or Mostafa Gofar?---Yeah.

40 What do you say about the similarity, if there's any, between the signature for Charlesworth and Miralem P?---Oh no there's definitely a similarity because they are there.

They turned up?---Yeah, yeah.

If we could go to page eight please. See those three entries under Fisher Library extension Bernadette, Magdy Aly, Oliveria Bejatovic?---Yeah.

See any similarity in the handwriting for the names?---Yeah, I think they're mine.

Okay. You did all the signatures did you?---Yeah, yeah.

There's no licence numbers there?---No.

10 What about below there's no licence number for Adam Bokour, Jawad or Hani or Bishoy Girgis?---I have no doubt that Adam Bokour - - -

No licence number?---Yeah, yeah.

That's not, I thought Adam Bokour is on the list of MFI 4 here you said. ---Yeah, yeah.

That's not Adam's signature is it?---No. Yeah, I can't remember who wrote that.

20 Then if we go to page 2, please. You see here under Fisher Library Extension, do you recognise the handwriting of the names?---No, they're mine. These ones are mine.

And the signatures are yours where they exist on the page.---Yeah. Yeah.

Was there ever a time when fingerprint scanners were used for signing in and signing out activities at the university for the guards?---No (not transcribable) would have used I think 2015.

30 For how, what, it was used or it was - - -?---I think once, with, Aaron Lucas was the site manager back then. They brought in the finger-scanning thing. But then I don't know what happened.

So it was, do you know how long it lasted?---Not long.

40 So, what, it was there for a while and then it was just taken away and you went back to handwriting in the time sheets?---Oh, the machine, yeah, but I think, I think the issue back then was that SIG's hard to get, what did the say, no, I know what the issue was. They, they said, because, because some people starts at 5.30, some people starts at 6.00 and they can't do it on the, in the system. I don't know. That was - - -

Who couldn't do it in the system?---Apparently it's whatever the fingerprint thing, Microster or whatever that updates it, it's hard to update the shift, because it's meant to be 6 o'clock for everyone, all the team leaders, patrols and, you know, I'm talking about the five guards, but team leaders gets to start at 5.30 and some people wanted to start at 5.30 and, you know, there was a fight about it, so then it just couldn't work out. SNP just couldn't

work out if it's, if it's, the automated system was introduced, so that's why it wasn't used back then.

What about the radios that you and the patrol guards and the other team leaders carried around?---Yeah.

Did they have a GPS tracking capability?---Yeah.

10 So have you ever seen a report or something from those radios, how it gets transmitted?---Yes.

Can you print a report out about where the guards have gone every day? ---No, we can't, we can't print it.

Who has access to information like that?---I think just, I think the management has it. We can't touch it.

20 Management of what? Of who?---Sydney Uni has it. The radio belongs to them.

And are you aware at any time of any question being raised concerning the GPs movements of any guard?---No. No. Not for a while. Like, maybe when they first brought the system in, you know. After a while, after a while then just, um, you know, just left it.

I mean, you saw that example where you, you're covering three campus shifts at once and also a Kirkbride shift.---Yeah.

30 Do you know whether you would have been wearing the radio the whole time?---Yeah.

And do you know if, the GPS tracking's not just limited to the university. It would have picked up if you went to Kirkbride, would it?---Yeah, that's right.

Yes.

40 THE COMMISSIONER: Are we moving on to a different topic, Mr English?

MR ENGLISH: If I can just briefly wrap something up.

THE COMMISSIONER: Sure.

MR ENGLISH: Thank you, Commissioner. Are you aware of Mr Smith, Dennis Smith, ever doing any headcounts at the university of guards?---No.

Anyone from the university?---No.

Were you ever told that anyone was taking any samples or anything of the number of guards that turned up, to test it against anything to see if everyone turned up on a particular day?---No.

Now, I asked you some questions earlier about guards that were fatigued while they're on shift. You agree, you know, that's really an OH&S issue, having fatigued guards patrol the university?---Yeah, but some of these guards, they, if you don't give them shifts like that, then they get angry.  
10 Like, I know it's like, you know, you - - -

That might be a hazard to you if you don't give them the shifts, but - - -?---I know it sounds funny, but that's a fact.

So think about campus and student safety.---Yeah, well - - -

It's an OH&S concern to have fatigued guards patrolling the campus, would you agree?---Yeah.

20 And on occasions when guards are meant to turn up and no one turns up, that's another concern for the safety of students if an incident occurs and there's no one there, you agree?---Yes.

And also if a guard's doing two or more concurrent shifts, that might also pose a risk to campus and student safety because the guard's not in the right place to respond, would you agree?---Yep.

And did Mr Smith, to your knowledge, ever attend at Kirkbride to see how the guarding activities were going out there when the protest was on? Did  
30 you ever see him out there during the protest?---Maybe during the day he would do, yeah, during the day he would go there or Daryl or Emir and myself would go there and yeah, that's, that's about, that's about it.

And what about a power shutdown? That happened more than once, a power shutdown in campus?---Ah hmm.

Did anyone from the university come and supervise or look or inspect at what was happening out there?---No. Because they, they, because, no, because they have the, I think their own CIS managers or whatever the  
40 project managers would show up and, you know, and - - -

So as I understand, for a power shutdown, you might be working with a contractor, is that right?---Yeah, yeah.

And so there'd also be someone from, what, the CIS, what's that, an infrastructure part of the university there?---Yeah, yeah. They probably will come and sometimes they will be, show, show their head and, yeah.

But no one from the university's Campus Security Unit would turn up, is that right?---I can't remember.

So you never saw Mr Smith at a power shutdown, for example?---No, no, no.

Did you know someone called Mr Ledford?---Yeah.

10 Did you ever see him at a power shutdown?---Maybe if it's too, if it's, like, a really big and it's, like, has this building, probably he will go have a look and yeah, because - - -

And how long do you recall him ever staying for?---No, not long, not long.

Do you know a Mr Morgan Andrews?---Yeah.

Did you ever see him at a power shutdown?---Morgan, no, no.

20 Anyone else from Sydney Uni, did you see at a power shutdown?---There would be from, people from infrastructures. No, not from security, not - - -

Sorry, I should have, yes, anyone else from Sydney Uni security?---No. Like, I can't remember.

And what about at Kirkbride. Did you see anyone from Sydney Uni Campus Security other than Mr Smith there ever?---Like, Sydney Uni staff, like - - -

30 From the Campus Security Unit, Sydney Uni staff.---So, Emir and all of us doesn't count?

No, no. Mr Smith, Mr Ledford, Morgan Andrews, anyone along those lines?---No.

Thank you, Commissioner.

40 THE COMMISSIONER: Just a couple of general questions, Mr Lu. Did you have any arrangement with Tommy that, in respect of the money you'd make out of ghosting, you had to pay any of it back to him?---No. The, the, the story with this one was, it's just, I don't know if I mentioned it last time, he would get Lynn to call you up, right, just make up some excuse, say he's losing money, he's got to pay payroll tax, this and that, I remember that. And then he said he would take, so he wants to take 20 hour one week or 40 hour one week and then a few weeks, then you don't agree to it, he will get, he will get all the girls to come and talk to you, and then after that, you know, you have a fight with him then he will forget about it, you know. Then when he does, what else he does is that he will come up with another idea, you know, just, just that he always getting 21/22 or whatever the rate,

yeah. So he said how about I take \$2 and held it from you from each, each week, like drop your rate. You know, he did this once, he did this once with me. He got Emir to come and talk to us so Emir said just drop it, you know, drop the rate and I already dropped it.

But did you ever have a situation where for example you got say \$4,500 and you had to pay 2,500 of it back to him?---No, I didn't give, I didn't give it back to him, no.

10 Well, I'm not suggesting this is the case but did Emir ever say to you that the money he was getting through ghosting he had to pay half of it back to Tommy?---He didn't, he didn't mention it to me because I don't even know how much he really got until - - -

No, no, you wouldn't.--- - - - until, until, until now. I thought he, yeah.

Well, is this right, certainly you didn't have to pay back half of what you got to Tommy?---No, I don't want to, don't want to give, no.

20 It was never suggested to you that Emir was paying up to half of what he got back to Tommy?---No. Well, Emir didn't tell me this and - - -

I'm not suggesting it's true by the way.---Yeah.

All right.---They, yeah.

Sorry, you were going to add something?---What was I going to say. Yes, so I don't know if like, no, Tommy didn't, didn't mention this to me.

30 What about Emir, Emir did?---Emir didn't, no. Everyone is like secretive, like he's like, everyone's like (not transcribable) so he talks to him and he, he talks to you, so whatever happen in between I don't, like (not transcribable) you don't know what happened so, yeah.

All right. 10 o'clock?

MR ENGLISH: 10 o'clock, Commissioner.

40 THE COMMISSIONER: Thank you.

**THE WITNESS STOOD DOWN [4.01pm]**

**AT 4.01PM THE MATTER WAS ADJOURNED ACCORDINGLY [4.01pm]**