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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 THURSDAY 14 FEBRUARY, 2019

AT 2.00PM

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This transcript has been prepared in accordance with conventions used in the Supreme Court.

Sensitive

THE COMMISSIONER: Yes, Mr English.

MR ENGLISH: If Mr Lu can return to the witness box and if volume 1A, page 114 can be brought on the screen, please, while that's happening.

10 Mr Lu, you've got Exhibit 47 in hard copy. You've got a folder?---Yeah.

Yes. I just want to go through that with you. If you can open up to tab 11, and for the record that's volume 5B, page 12, and I'll bring that up in a moment.---Tab 11.

Have you got that open? Just leave that open, tab 11, in front of you if you can. If we can just zoom in on what's on the screen please, just a little bit. If you look at the entries at 25 and 27 October, do you see those on the screen?---Yep.

20 I think I might have mentioned it to you, if I didn't before, if we just go to the top for a moment, sorry. This is a summary of TAB transactions for you, and if we just go, focussing on the 25th, you can see on that day, 25 October, 2016, SG, is that St George?---Yeah.

Do you have a St George account?---Yeah.

Don't worry about the number. It suggests that your account was credited with \$16,000 worth of winnings on that day. Do you remember winning that much?---Yeah.

30 And that was on 25 October, and if you look at the document that's open in front of you, behind tab 11. Did I say tab 11 or - - -?---11.

Yes, tab 11. You can see on the 25th you've also claimed a 24-hour shift at the university. Was it the case that sometimes when you were working at the university, you'd leave the university to go to the TAB at - - -?---No.

You never would?---No, no, no, no. It's, you can do it on the phone.

40 Oh, I see.---I never go in, like, really, go into the - - -

You never really go in?---Go into the outlets, no. Not much.

Well, have a look on the 27th, look back on the screen if you can. This is a debit but this one says TAB Limited, Ultimo. It suggests that you've actually been there.---No, no. No. These are the, just transactions. Sometimes you do the different times and it gets, I think you get charged different places. I think during the day it's in Ultimo and at night it's like

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Melbourne or something. I don't know. It, it, it, it will have, show different locations. Majority, all of them, all of them will show up on your bank transactions as Ultimo deposit.

So you say that you would gamble whilst you were on shift and still remaining at the university?---Yep, yep.

Excuse me. Did you ever make cash withdrawals around Central Station for gambling purposes?---I don't, I can't, I don't think so. Central train station?
10

Yes.---I don't think so.

What if you used your Visa card? Is that something you could do to bet while using your phone or would you have to go into a location?---No, no, on the phone, everything can be done on the phone.

If Exhibit 47 can be returned, please. Sorry, if Exhibit 47 can be returned. Are you aware whether Mr Sirour is currently in Australia?---Sorry?

20 Are you aware whether Tommy is currently in Australia?---No, no, he's not.

Where is he?---Egypt.

And do you know when he left to go to Egypt?---End of, sorry, end of March. End of March. Somewhere around there.

2018?---Yeah.

30 Did he give you a reason why he was going there?---His, his mum passed away or something.

Now, after the warrants were executed you had possession of the SIG phone.---Yeah.

What's happened to that phone?---I take that to, Michael and Leonie took it, yeah.

And did it have its contents still on it when you handed it over?---No, no.

40 What happened to the contents of the phone?---I deleted.

Why did you do that?---Well, I knew it's going to be, like they came for the time sheet and all that so I, I delete it.

And did anyone from within the guarding team at Sydney University make any inquiries of you in relation to that phone?---Yeah.

Who was that?---Heaps, heaps of, heaps of them.

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Who?---You've got Ahmed, you've got Summer and then all the other, other, other Egyptian background people. They will come, randomly come and ask you, oh, you still have the phone or you still have the phone. Then we leave the phone outside the control room, like I never, I didn't carry it. After like 18 April we leave the phone outside the control room and people trying to pinch it.

10 Did these people that came up to you and asked you about the phone say why they were interested in the phone?---Oh, they said Tommy wants it back and Tommy called me himself and a few other people called me and they said they want to meet up with me and give me the phone back.

Thank you, Commissioner. They're my questions of this witness.

THE COMMISSIONER: Thank you. Mr Coleman?

MR COLEMAN: Thank you, Mr Commissioner. Mr Lu, you've told the Commissioner that you became the SIG rostering officer, for want of a
20 better word, from August 2016. That's right, isn't it?---Yeah, well, yeah, I became, I helped them out. I can't be the main, yes, rostering person, yeah.

And in undertaking that role is it right that you would only roster the SIG staff, the SIG staff and not the SNP staff?---But everyone, it's just very confusing this thing. Like everyone became half, like it's very hard to identify if you are SNP or SIG anymore because when you do overtime you've got to do it through SIG anyway.

30 Leaving aside overtime, for normal duties undertaken by SNP employees - - -?---Okay.

- - - their rosters would be done by SNP?---SNP, yeah.

And you would do the SIG staff rosters, would you?---Yeah. Sorry, yeah.

Now, I want to ask you some questions about the evidence you gave about time sheets being sent to SNP. Do you remember yesterday, Mr English asked you some questions about you sending a time sheet to SNP?---Yeah.

40 And for the record, that's Exhibit 42 at pages 156 to 157. Now, who would ordinarily send the time sheets once they were completed to SNP?---The team leaders. Either the team leaders, Emir or Daryl or whoever, whoever's there, you know, just, whoever's on shift that day.

Was it something you would regularly do or not?---I would send it back, I would do it as well, yeah.

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And you gave some evidence to Counsel Assisting that you couldn't recall SNP ever, he used the word, complaining to you about omissions in the time sheets. For example, if there had been a security number missing or a signature missing. Do you remember that evidence?---Yes.

But you're aware, aren't you, that SNP did from time to time make queries of others about omissions in the time sheets, are you aware of that?---To, sorry, I, I, I - - -

10

You were shown a time sheet that you'd sent and it had – I withdraw that. You were shown some time sheets which had some missing security licence numbers.---Yeah, yep.

And you were saying, and also some of them had missing signatures. Do you remember that?---Yeah.

20

And Mr English asked you whether you personally had ever received from SNP what he referred to as complaints about that missing information. Do you remember giving that evidence?---Yes.

Now, but you're aware, aren't you, that from time to time SNP would make enquiries about missing information on the time sheets that had been sent to them?---Yes, yes.

And those enquiries would have been made to others, for example, to Mr McCreadie or to Emir?---Yeah.

30

And, indeed, to Lynn at SIG?---Yeah.

And – I withdraw that. Now, I want to ask you some questions about Exhibit 53, if that could be placed on the screen, please.

THE COMMISSIONER: Certainly.

40

MR COLEMAN: Mr Lu, this is the transcript of the telephone conversation between yourself and Tommy. I want you to turn to page 2. If page 2 at the very bottom could be put up, please. Do you see the last line, Mr Sirour says to you, "SNP sent, SNP sent an email before and then told, I just found about it today. SNP thinks we're doing frauds." You see that?---Yes.

And you say, "Why?" And he says, "We're, we're, I will show you the emails, I will show you the emails and Frank, Daryl fixed it before." What did you understand him to mean when he said, "Daryl fixed it before"? ---Fixed the issues between this, fixed the issue or something, fixed the issue of this, the, the, the, the, the questions SNP raised but I've never seen that email before. Like, something like that.

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Well, if you continue on, the email that he's referring to is, and I think you agreed with Mr English about it, was the email that Troy had sent?---That was a very long time ago I've seen it, yeah.

But that was the email you discussed yesterday with Mr English, the one Troy sent about not doing ghosting and not using Liquid Paper?---It, it was just about, no, it was just about that if Liquid Paper's used, it looks like it's been ghosted. It didn't say that this is happening. They didn't say we found this, this, this and this, this is our, or evidence and something happened.

10

So your understanding of that email was that it wasn't that Troy was saying there's ghosting going on, stop it, rather than if you do this it might look like there is ghosting?---Yeah, something like that.

Well, not something like that because you knew at the time, didn't you, that SNP head office did not know that the activities that you were engaging in at Sydney University were going on, that's correct, isn't it?---Sorry, say that
- - -

20

SNP did not know that you were engaging with others in the fraudulent activity of ghosting employees or submitting false time sheets? That's - - -

THE COMMISSIONER: As he understand it, as he understood it.

MR COLEMAN: As you understood it?---SNP, no, they didn't know, they didn't know.

30

Thank you. And that was your understanding right up until the Commission executed its warrants in April of 2018, that's correct, isn't it?---Yeah. Yeah.

Just pardon me for a moment, Mr Commissioner, please. I just want to ask you a couple of questions quickly about Exhibit 55, if that could be placed on the screen, please. Mr English asked you some questions about this and you gave evidence to the effect that SNP knew about the cash. Do you remember giving that evidence?---Yes.

40

By that did you mean that, to your understanding, in the security industry it was common practice or rife that subcontractors might have been paid cash for some of the work they undertook?---Yes.

And based upon that understanding did you therefore assume that SNP would have known that perhaps some subcontractors were being paid cash for some of the security work that they undertook?---Yes.

That was an assumption you made about whether SNP knew that?---Yes.

Yes, I have nothing further. Thank you, Mr Commissioner.

Sensitive

THE COMMISSIONER: Thank you, Mr Coleman. Mr English, maybe Mr Coleman can answer this too, this Troy's email, do we have it? Troy's email.

MR COLEMAN: Yes, well, there is, there is an email from Troy in the material that's been gathered by the Commission, yes.

THE COMMISSIONER: Thank you.

10

MR ENGLISH: Commissioner - - -

MR COLEMAN: I can identify it to my learned friend. I don't know whether it's been part of the material that's been exhibited. I know where it is and the date - well, sorry, when I say "it" I know of an email which fits the description.

20

MR ENGLISH: I am not aware of an email from Troy about Liquid Papering. If my learned friend has seen such an email, I'd be grateful for it to be brought to my attention.

THE COMMISSIONER: Yes, so would I. All right.

MR COLEMAN: Yes, well, I was assuming it had been in the material. I'll identify the document.

THE COMMISSIONER: There's a lot of it, so somebody may have overlooked it. Thank you.

30

MR ENGLISH: Thank you.

THE COMMISSIONER: Who'd like to go first? Next, rather.

MR BENDER: May it please. Mr Lu, when you finished completing - - -

THE COMMISSIONER: Mr Bender appears for the University of Sydney. ---Yeah.

40

MR BENDER: I'm sorry. My name is Bender. I appear for the University of Sydney. When you had completed the time sheets for each day you did them, it's the case that you've put them into Emir's drawer. That's right, isn't it?---Yeah, at the, at the later, later stage. Like, at the start we just left it in the control room.

And when that practice changed, was that because of something Emir told you to do differently?---Yes, sort of, yeah. So we just put it in his drawer.

So he said, "Now I'd like you to put them in the drawer."---Yeah.

Sensitive

About when was that?---It's been, oh, I can't, maybe 2017, sometime halfway through 2017 or something. I, I, or, yeah. Somewhere around there.

And after that time, time sheets weren't available to be inspected in the control room unless somebody went into the drawer. That's right, isn't it?
---Yeah.

10 Was the drawer kept locked?---At times, yes.

So you had a key to get into it.---Yeah, yeah.

And you accept, don't you, that the time sheets that included the names and signatures of ghost guards were fraudulent documents?---Yes.

So no doubt you were very sensitive about who could see those documents, is that right?---Yes.

20 Thank you, Commissioner. Nothing further.

THE COMMISSIONER: You might just, as you ask the question, just before you ask the questions rather just identify who you appear for, for the benefit of the witness.

MR O'BRIEN: I'll do that, Commissioner.

THE COMMISSIONER: Thank you.

30 MR O'BRIEN: My name is O'Brien, Mr Lu, and I appear for Mr Balicevac in these proceedings. You were aware of a policy within SNP throughout your time working with them that they did not permit SNP guards from doing overtime, that's right, isn't it?---Yes.

And that meant that you were expected to do 38 hours in your work as a guard at the campus, the university, and no more. Is that right?---Yes.

40 You were shown yesterday a document, an email in fact, between you and Domenic. It was dated in 2007 and you were asked about the use of the SIG roster email. Do you recall that?---Yeah, the, yeah, the roll (not transcribable) yeah, that one, yeah.

And you were asked by both Counsel Assisting and the Commissioner about SNP knowing that you were doing the rosters for SIG, right?---Yes.

And I think you said something to the effect that it was known to SNP or at least to Domenic, it was known to Domenic, I should say, that you as an SNP guard was doing the roster for SIG. Is that so?---Yeah.

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MR COLEMAN: I object. The true position was that was his understanding.

THE COMMISSIONER: Yes, I know. That's right.

MR O'BRIEN: Well, he knows he understands. I mean that's a difference with no distinction.

10 THE COMMISSIONER: All right. Go on.

MR O'BRIEN: Now, you were shown emails earlier this morning if you can recall that demonstrated also that SNP knew in 2018, early in 2018, that you were rostering for SIG. Do you remember that?---The email.

There were emails from a variety of people shown to you this morning and I think even someone asked you what was your role with SIG. Do you recall that?---Yeah, yeah, yeah.

20 So how long was it to your understanding that SNP, Dom or others knew that you were doing the rostering for SIG?---I think they knew all, all along because, because they know, because one day I think they called me and he goes, "Oh, it's not Ali. Who's this?" And I go, "It's Frank." I'm not talking about Dom that called, called me. The rostering called me and they said, "Oh, so you're doing that now." I goes, "Yeah."

So you began rostering in August of 2018. Correct?---Yeah.

30 MR COLEMAN: '16.

THE WITNESS: Well, '16.

MR O'BRIEN: Sorry, '16.---Yeah.

I beg your pardon. Thank you. August, 2016 and before that a bloke called Ali was doing it. Is that right?---Yeah.

40 And so your evidence to the Commissioner is that someone from SNP asked where's Ali when you sent a roster in. Is that right?---Yeah.

So from that you came to understand that those in SNP dealing with you as a rosterer for SIG knew that you were then doing SNP, SIG rostering within the university. Is that so?---Yeah.

Now - - -

THE COMMISSIONER: Can I just ask something there. When you talk about doing the SIG roster - - -?---Yeah.

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- - - SIG roster that would have included from time to time, would it not, SNP employees who were working overtime?---Yes.

Thank you.

MR O'BRIEN: Thank you, Commissioner. Following from that question that the Commissioner has asked, SNP must have known then that SNP guards were doing overtime through SIG. Is that so?---Yes.

10

MR COLEMAN: I object to that. It's a conclusion.

THE COMMISSIONER: Yes.

MR O'BRIEN: Well, it's a matter of (not transcribable)

MR COLEMAN: Make it a submission.

MR O'BRIEN: Based on an inference and knowledge that flows from the previous questions.

20

THE COMMISSIONER: Look, I think it is a matter of submission. I mean, I think it's pretty clear that what you're saying is right but at the end of the day, it's a matter of submission.

MR O'BRIEN: If I can continue.

THE COMMISSIONER: Sure.

MR O'BRIEN: Thanks, Commissioner. Now, if SNP had a policy that SNP guards would not work overtime within the university or would not work overtime, period, on this site, then how did SNP guards go about doing overtime through SIG?

30

MR COLEMAN: I object to that. I think it misstates the policy. I understood the policy was, as Mr Lu understood it, that SNP would not allow their guards to do overtime, would not pay their guards for doing overtime.

THE COMMISSIONER: That's as I understood it too, I have to say. It might turn out to be incorrect but my understanding was that the policy was that they just wouldn't pay them but it was a matter for them as to whether they did or they didn't. I mean, subject to this of course, but if SNP knew that they were working hours that went in to the territory of Workplace Health and Safety legislation that it might be problematic, but as I understood the evidence it was more that they just weren't going to pay them, so if they wanted more money they'd have to go to SIG.

40

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MR O'BRIEN: Well, I'd like to explore that if I might.

THE COMMISSIONER: Yes, if you want to, yes.

MR O'BRIEN: So far as you're aware, doing the rosters through from the period August 2018, did SNP come to be aware that SNP guards were doing work through SIG?---Yes. Only very, very few of them did do it but, yeah, majority done it.

10 The majority of SNP guards did work through SIG, is that so?---Yeah, I can only single out, like, a couple, not even a handful of guards that didn't do it.

Well, can you explain to the Commission, why would an SNP guard do work through SIG?---Why would they?

Why would they do that?---To do the, that's for the, that's, that's the only way they can do overtime.

20 They did so they could do overtime, didn't they?---Yeah. That's the only way.

Because the only way that they could get paid for overtime was to do it through SIG, is that right?---Yes, but let me add, like, only, like, now, only a very few, then fewer of them that are used on the other sites, they would just pay them the normal SNP, through SNP at times but when they requested, they would, SNP will pay it but, yeah, the majority just, just through SIG.

30 Now, one of the things that Counsel Assisting asked you about was this issue of fatigue. Remember being asked about that?---Yeah.

And obviously SNP were worried that if it became apparent that guards were working more than a 12 hours shift, they might be fatigued, is that so? ---Yeah.

And so how did an SNP worker – working beyond, an SNP guard working beyond a 12 hours shift – work for SIG in overtime? How did they do that?

40 MR COLEMAN: I object. I'm not sure that there's any evidence that they did. There's evidence that people claimed that they did and there will be evidence if it's not been brought to the Commission potentially already that there were concerns raised by SNP with respect of fatigue issues.

THE COMMISSIONER: I thought a bit of both and I thought - - -

MR COLEMAN: Well, there's evidence that Mr Lu said he worked 24 at a time I think but - - -

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THE COMMISSIONER: I think you'll find that there'll be some other witnesses who say much the same thing, that some of them, well - - -

MR COLEMAN: Well, I object to the question in that form.

THE COMMISSIONER: I'll allow it.

MR O'BRIEN: I want to ask that question a different way because I can't remember what it was, but I want to suggest to you, the way that SNP guards worked for SIG to do overtimes was that they used a different name.
10 ---Yes.

And that was commonly done from that period that you were doing the rostering in August of 2016, is that so?---It, it was not, not be custody officer me, it was always been like, that much that, yeah.

And so when this was being done, so your evidence is that it was being done commonly, it was always done that way, is that right?---(not transcribable) that's, that's why I only, I follow, just, I just follow them, what they did
20 before, and assumed it was okay. Just continued on.

So to your understanding, and as far as you're aware, was SNP aware that SNP guards were doing SIG work using a different name?---Look, the - - -

MR COLEMAN: I object to that. I thought I covered that off.

THE COMMISSIONER: I thought he had too.

MR O'BRIEN: Well - - -
30

THE COMMISSIONER: No, I don't allow that question. I don't allow it, sorry. Let me ask you this.---Yes.

Did you ever work overtime for SIG using your own name?---Yes.

So your name would have gone back to SNP as you understood it?---It, no, my name would have gone back to SNP, then SIG – it's just very, because it's been a very long time. Like, it's very, very - - -

40 I think I saw on some of the time sheets you had actually used your own name.---Yeah, I did, yeah.

Is that right, Mr English?

MR ENGLISH: Yes, that's right.

THE WITNESS: Yeah, I did.

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THE COMMISSIONER: Okay, thanks.

MR O'BRIEN: You also used, in order to achieve your overtime, other people's names, didn't you?---Yes. Yes.

10 And I want to ask you whether in your knowledge that was known to those people you were dealing with at SNP.---Look, the person, like, he, say, you know, like, if you want to say they told you, "Yeah, Frank, I'm aware of this," and I just said, "How can you know?" But, like, even anyone that just, look, I want to say this, if anyone just pulled out this time sheet, like anyone in the room, and if they start looking at it, they know it's not right. You know? So it's, then it's been allowed all this time, so you just assume that it's okay just to keep going.

You assumed it's okay because the - - -?---It's like so - - -

- - - attempts at falsification were so - - -?---Obvious.

20 - - - blatant and obvious.---It's like, it's like the same name would be written in a different, different handwriting, different font, different size, you know? Then it's been sent to them every day for, like, who knows how long. So anyone can pick, pick this up.

So does that draw the conclusion for you in your own mind that they must have known?---Yeah. Yes.

MR COLEMAN: I object. I object - - -

30 THE COMMISSIONER: I'm not going to act upon it. I mean, it's a matter of inference at the end of the day whether they did or they didn't. I assume your position is that they didn't know. Perhaps if it is as clear as this witness says, you could draw an inference that they did or they must have or they should have.

MR COLEMAN: Well, that will be a matter for you to determine based upon the submissions and the evidence, with respect.

THE COMMISSIONER: Yes. Yes.

40 MR O'BRIEN: But there's another facet to it, Commissioner, and that is this. The relevance of those people who are undertaking this conduct and what they thought was known and what was not known. I mean, that goes to culpability.

THE COMMISSIONER: I don't follow that. Culpability for - - -

MR O'BRIEN: Well, it goes to practice and therefore culpability (not transcribable). But that is a matter of submission.

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THE COMMISSIONER: All right.

MR O'BRIEN: And it's what I was endeavouring to - - -

THE COMMISSIONER: Okay, continue.

MR O'BRIEN: Thank you. Can you be shown, please, Exhibit 42, page 52.

10 THE COMMISSIONER: While that's coming, how many hours per day were you required to work or was a guard required to work for SNP?---12.

12.---It's a 12-hour shift, generally 12-hour shift, and if they're ad hoc it varies. Max you can do technically is 14 hours. Then you've got to have some break, sorry, you've got to have some break or something in between, eight-hour break or six-hour breaks.

So you can't go over 14?---No. (not transcribable) yeah.

20 Thank you.

MR O'BRIEN: Do you remember being shown this document yesterday, Mr Lu?---Yeah, yeah, yeah.

And what we have here is an email from you to Dom from 7 December, 2017. You see that?---Ah hmm. Yeah.

And CRO means control room operator, is that so?---Yeah, yeah.

30 So on each of these dates between the 11th and 20th, there needed to be someone covered to do the control room operating, is that right?---Yeah.

And under that it says "patrols", and each of those dates again there needs to be someone covering between the 11th and 20th, the patrols. Is that right? ---Yeah. Yeah.

And do I take it that two people were doing the patrols whereas only one person was doing the control room operator?---You mean the - depends. If you're on the, the CRO, so all, that's the, yeah, that's the control room
40 operator. Under the patrols, that's two people doing the patrols.

Now, so within the period, is this to tell us that within the period between the 11th and 20th of this particular month - - -?---Yeah, yeah.

- - - there was obviously quite a lot of gaps that needed to be covered?
---Yeah. He, yeah.

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And you've written down the bottom, "I'll cover the rest throughout the week." You see that?---Yeah.

What did you mean when you say, "I will cover the rest throughout the week"?---Because that's a, that's a, like, I get a, like an Excel file and so the, I think that the roster's done weekly, like every week in advance or something, and that's the remainder of the month, of the month that I will tell them, because there was no, I couldn't, I couldn't find anyone sometimes. Very hard to find someone.

10

So does that mean you personally will do that work that's not covered within the shift as set out in that email? Or you'll find others to do it from SIG?---I'll find others.

From SIG?---From SIG or even if, if SNP guards want to do it, then if worst come to worst, then they can do it as well.

Can I just ask you, of all of those guards that are mentioned by name in that document, do they all work for SIG?---Some of them, well, all of them worked with SIG and some of them are SNP employees.

20

So all of them worked for SIG and some of them were SNP?---Yeah, yeah, but this email is to tell SNP that the, well, supposed to tell SNP these guards are going to work through SIG, unless, unless the SNP employees, like, when they just go to tell them that I want to be with SNP, but this really happened. It's very, I know it's very - - -

Well, let's just go through. Lina Chami.---Yeah.

30 Did she work for SNP?---Yes.

Did she work for SIG?---Yes.

Mina Boutros. Did she work for SNP?---No, no, no. They weren't - - -

Only SIG?---Yeah, only SIG.

What about Haroun?---That's, that's only, what's him? Yeah, that's only SIG.

40

Al Zayadi?---No, that's SIG.

We've dealt with Boutros. Motawi?---Yeah, they're SIG.

And Eid?---Yeah, that's SIG as well.

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Right. And if we scroll up towards page 51, and then you see there's an email there, 15 December, 14.07, from you to Thomas. You see that?
---Yeah, yeah.

Who's Thomas?---Some guy from rostering. But this one I, I haven't really heard from, dealt with.

From SNP rostering?---Yeah, yeah.

10 I see. And it seems that you've got some more people to work within the roster.---Yeah.

And you've then covered the 19th and 20th, 21st, 22nd, 23rd, 24th, is that right?---Yeah.

And what if you couldn't cover the rest of the periods of time that have been mentioned within these documents? What happened then? What did you do?---Just trying to get the guards either put a different name on it and some, if some guards will continue on, and, or just, they just take, just take
20 it. Yeah, but with this period, I can't remember who's took what and who did what.

Were you in effect offering, if we can go back to page 52, were you offering to do overtime to SNP in that email there?---What do you mean?

Were you offering to do overtime to cover - - -?---Me?

- - - to cover the rest of the period that's not allocated, you personally?
---Like personally?

30 Yes.---No.

Thank you. Now, did SNP – that can be taken down thanks, operator. Did SNP conduct random checks or checks on guards within the campus?
---They, they come at night, they come at night and, no, I don't know, like if, it's random but they come some nights and they (not transcribable) hello, how are you and just go.

40 And who would come around?---The night shift supervisor, night shift supervisors.

From head office?---Yes.

And what, did they check your uniforms?---Oh, yeah, stuff like, they like see if you are, if they know you then they just put in the licence number and, and, yes, and that's it.

Sensitive

So they checked your licences?---Yeah, if you're wearing, if, if your licence is current or something like that.

Do you remember if they ever came around and checked on you personally when you were doing a ghost shift?---No, never, no.

They didn't?---No.

How did you avoid that?---They just don't do it.

10

They didn't do it?---They just come, ring the bell, sign, sign it on or some people sign on that they were here or certain people don't and how's everything. Ask you if there are any problems in the place and, yeah, and see, and just, just - - -

Did they ever happen to come across you when you were doing overtime with an SIG name?---No, no, no. No, they didn't mention nothing.

20

Now, you said that the, the effect of your evidence with Counsel Assisting was that ghosting has been going on for a very long time.---Yeah.

But I think that what we've discovered in this inquiry, at least I seem to have discovered, is that there's the ghosting where someone is taking money for a guard who never showed up. That's one type of ghosting is it not? ---Yeah, that's right.

And is it also called ghosting to your knowledge where you simply assume the name of someone else and do overtime, is that ghosting?---What do you mean?

30

If you're doing overtime with an SIG name, a false name, is that ghosting to your knowledge?---No. So ghosting is, like really to my knowledge the ghosting just someone not there.

And when you said that this has been going on for a very long time, were you referring to ghosting or were you referring to the use of someone's name who wasn't there?---The, the, the, when they just use someone else, someone else's name I didn't, yeah, I never, like I really never used this term ghosting before. Like I heard of it but never, it's not commonly used, commonly heard for me.

40

You understand the distinction, if you did work overtime and got paid for it for SIG. Do you see that?---Yeah.

You have actually performed the work, haven't you?---Yeah, yeah.

Sensitive

But you've done it fraudulently because you've done it in someone else's name. Is that right?---Like to, to me when we do it I didn't think it was fraudulent (not transcribable)

Because you got paid?---Yeah. Yeah, just, just do the work and get paid.

And you were working around the SNP policies, right, as far as you understood them?---Yeah.

10 And there was no ghost?---No. Like I thought it's just someone that's not, not there then you use their name, you're just like not doing the job. That's ghosting.

When did that start?---When people, when there's, sometimes when, what do you mean when what started?

When did it start that people actually wouldn't show up, the ghosts, and you or others would take money?---Oh, yeah, very, because as I said, me, I took it 2016, August, and then before when Ali, I don't know how long he's, he's
20 done it, maybe three months or four months, then as I said before, he, he, he sent in the emails to Rostering and, but I don't know they said anything big, it would - - -

So I understand your knowledge of the actual ghosting practice – where people would get paid and others who were meant to turn up didn't turn up – began in around the early part of 2016?---Oh, maybe earlier than that.

Well, when approximately?---Before, or two thousand, will be 2015 or end of 2015.

30 Thank you.---I don't, like, if you want me to say I personally, I can't, because as I said before I don't, I don't put much of attention but I, like, you know people have, like, you know, whispers and people want to talk and you just hear stuff like that.

THE COMMISSIONER: Can I ask you this then, on your understanding, the system was in place when you got there?---Oh, long before I got there.

40 Yes, okay.

MR O'BRIEN: Before you got there, meaning before you were rostering or before you got to working at SNP?---No, before I, I did the rostering, yeah.

Now, you were asked by Counsel Assisting about issues of fatigue and also about problems that arose or could arise if people that were supposed to be at a place were not there. Do you remember being asked about that?

---Yeah, yeah.

Sensitive

Were you ever concerned that an incident might occur where you had a ghost on the roster?---No. Like, I'm not, it's not that the ghosting, we would do, as I said before, I would, we cover it or the, whoever the team, they, they, they put like, the shifts belongs to, for the team that, team leader is responsible for it. So instead of, just say, just say instead of sitting in the control room or just do some email, paperwork or whatever, the reports, then you can, you can just get out there and, you know, just monitor it 'cause normally it happens at night. It's like, not many, not many people, like, students are, are around. That's, that's when, that's, that's normally the, this ghosting will happen.

And to your knowledge, there were no incidents that were brought to your attention, at least, related to periods of time where ghosting took place, is that right?---No. There, there was, to my knowledge, I, I don't know if I should anything this, I, I felt, personally actually the place, like, went better. Like, there's less thieves, less, less breaking in and, you know, less complaint. Like, I, I know it's, like, I know that it's been, been put on the news saying this, like, we have, you know, put students and everyone's safety in risk in a way, but personally, personally I think all these people worked, worked harder, so, just to cover it. That's, I, I don't know if I should say this or not.

THE COMMISSIONER: No, you can say it.

MR O'BRIEN: Thank you. I want to ask you now about the pinball machine. You know what I'm talking about?---Yeah.

You've said that you lent Emir some money, is that right?---No.

30 THE COMMISSIONER: He didn't say it was a loan, I don't think.

MR O'BRIEN: I beg your pardon, Commissioner?

THE COMMISSIONER: I don't think he said it was a loan, did he?---No.

MR O'BRIEN: Oh, right. Do you remember that you, you say that you gave Emir some money in 2016, is that right?---No, I said I paid, paid half of it.

40 Who did you pay it to?---Some pinball machine company.

A pinball machine company. You paid directly to a pinball machine company, did you?---Yeah.

Did you have an agreement that Emir would pay you back that money?
---No, no.

Did you ever lend money to Emir?---Yes.

Sensitive

And he always repaid you?---Yes.

Can I suggest that you lent Emir approximately \$4,000 towards this pinball machine, what do you say to that?---Hey?

Can I suggest to you that you lent – that is, that he would repay you – Emir \$4,000 for the pinball machine?---No.

10 And that the money that was, and that that was in around about October/November of 2016.---No.

Can the witness be shown Exhibit 41, page 68, please.---Yeah, I got it.

Ms Operator, can we go to the entry for Mr Balicevac, please, in that document.

THE COMMISSIONER: Entry 44, I think.

20 MR O'BRIEN: Thank you, Commissioner, yes.

THE COMMISSIONER: No, it isn't, sorry. I've got that wrong.

MR O'BRIEN: No, you're right. That's right. So can you see there, Mr Lu, an entry for Emir Balicevac?---Yeah, I can see it.

You see that?---Yeah.

30 And it's got right on the second-last column from the right-hand side, "Deduct \$500 for Frank."---Yeah. Yeah.

Do you recall that Emir was repaying you for money that you had lent him? ---No. No, that's not for that, I don't think.

You've got a memory of what this money is for, do you?---But it's not for the pinball machine.

It's another loan, is it?---Yeah.

40 THE COMMISSIONER: I reject that. He's said that there was no loan, and as I understood his evidence he says that's not repayment of any loan. He hasn't accepted your proposition that it was a loan. He's rejected it.

MR O'BRIEN: I understand. Thank you. Do you say that that was money that was going to come to you for some purpose or other, is that right? ---Yeah, probably that one, that one, "Deduct 500 for Frank," that one's not for, for the machine, it's for something else. Probably I lend him 1,000 or 2,000 the week before, I don't know, then he just paid me back.

Sensitive

So you lent him some money and he was paying you back?---Yeah. Yeah.

Is that the case?---Yeah.

Right. But you can't, I mean, you preface that question, you start, sorry, you start that answer with "probably". You can't remember precisely, is that so?---No, I can remember this. This, this is for, for the money that he personally borrowed from me.

10

Well, I want to suggest to you that you lent Emir around about \$4,000 and he repaid it in relation to that pinball machine. What do you say to that? ---The pinball machine, I bought it on the, on the what-do-you-call-it, the Amex card. It's more, I think I paid, I mean, I still, I think I've paid six or eight grand at least. I can't, oh, that figure I don't know.

THE COMMISSIONER: On your Amex?---Yeah, I've still got the card.

Yes, thank you.---Yeah.

20

MR O'BRIEN: And you'd be able to produce those records, would you? ---I, I, I - - -

MR ENGLISH: If it assists, I plan to re-examine on that, so I don't want my friend to fall into - - -

THE COMMISSIONER: You'll produce them, will you?

MR ENGLISH: I will.

30

THE COMMISSIONER: Thank you.

MR O'BRIEN: Can I ask you lastly, Mr Lu, about Tommy taking a cut of money from guards who are working for SIG. Do you know what I'm asking you about?---Yeah, yeah, you, you, you said that the other day, I remember.

Well, you were aware that Tommy tried to take a cut of your pay that you were doing through SIG, is that right?---Yeah.

40

And you said no and he then didn't take the cut, is that right? Is that how it worked?---Yeah, because, look, now I want to say this. If you ask everyone, everyone's heard these phone call conversations, the way I talk, so I just, you know, it just makes you angry this guy talking to you. Yeah, that's right. That's why I didn't accept it.

Sensitive

But you were not aware of the arrangements between Tommy and the other guards, were you?---No, no. He doesn't, he doesn't, even if he told you something, it would be a lie anyway. So - - -

Because he was well known as a liar, is that right?---No. I can't accuse him of that, very, very manipulative.

10 He was manipulative and he was secretive, wasn't he?---Just like the recording here, he put, he recorded, I didn't even know he recorded so he would do something like that to talk about something. So when you're angry or, he knows, like, he knows how to, he knows how to get you to talk. So, just you to fall into his trap and, you know, let him record you.

And because he was secretive and manipulative, you didn't know the arrangements that he had with Emir, did you?---No, no.

Nothing further, thanks, Commissioner.

20 THE COMMISSIONER: I think you might be under a bit of a misapprehension. I think I should tell you that those recordings were by way of telephone intercept, they weren't from - - -?---No, yeah. But, but the way, yeah, like, he would come call you as like, he, he, he, because if people hear that conversation, think I'm a very aggressive, very bad, very, you know, it's just the way, you know, you talk to him too much. Like, he just - - -

30 Makes you angry?---He just makes you, makes you angry and maybe this was the way to show him that I'm not, not scared of you or something like that.

40 No, I think you said yesterday that he often, sorry, he sometimes talked to you about reducing the hourly rate so that he would get more, is that right? ---Yeah. To, if you have a, if, if his cheques, like, he, he sits in the office, he sits in the office and the girls report to Lynn, Lynn reports to him as if it's her own business, then, then, then he will come up with some idea, random ideas or something, if he's bored or something, he will just say can I take 20 hours a week. And then after that, didn't work. He would get, no, he did, he would get, get them to talk to you, call you, message you, different people, to try to, you know, different way to try to get this and tell you how poor he is, then, then, now you've done the work, he will be quiet for a while, for few hours, then, then, he, something else will come up and then, you know, he will get Lynn or he will say, or girl will go get Emir or something to tell you, oh, he needs to, you know, we need to drop our rate. If that's, if, if no one's working that shift, the rate is drop, he wants to take some but obviously that's no, I don't know if that's a recording or what, no, but he did talk to me on the phone over, all of them asked for it.

Thank you. Who's next?

Sensitive

MR DEAN: May it please. I represent Mr Sirour. I'll refer to him as Tommy. You became responsible for the SIG rostering in August, 2016, didn't you?---Yes. Like, with, with assistance, with, yeah.

Yes. And ordinarily, day-to-day, your communications about rostering with SIG were with Lynn Li?---At the, in the beginning, yes. In the beginning, then - - -

10 And later it was other women in the SIG office?---Yeah, other two or three but I want to say this as well, like, certain things that the, like, you know, I have WeChat, this and that, I don't, I don't use too much SMS. I, so like, to, to my knowledge, that the, everything gets reported back to, every single thing gets reported back to him, gets reported back to Tommy. He just sits out the back and just listens to it. Everything, he knows.

So it's the case, isn't it, that your conversations were with the ladies in the office?---Yep.

20 And you're making an assumption that they reported back to him because he's the boss?---No, no, no, no, no. No. Because, look, see, like, see the, like, sometimes I'm kind of pretty, I talk, wait let me, let me say this. Sorry. Because these girls told me, because I, I, I will keep asking, I will (not transcribable) I will keep asking them questions, right? Just say something happened (not transcribable) Tommy coming up with this idea. They would all deny it at the start. You know, they would deny, deny, they would try to get, get, get, ask different girls in the office, and they will say of course, everything Tommy, Tommy, like, they're, everything Tommy would know. It's not like that he's in there and everything Tommy would know. You
30 just, you've just got to keep asking them until they get annoyed and they will tell you this. So - - -

But your communications were with the women, wasn't it?---No, and with Tommy. Tommy would call you up.

Occasionally.---I - - -

But day-to-day it was with the women, wasn't it?---Yes.

40 And you would only talk to Tommy if there was a big issue that needed to be resolved.---No, he will call, he will call you and tell you that, that, if, even if there's no issue (not transcribable) I will call him about the money, who gets paid what and, or his, he has a few of his close mates that works in the uni, and only issues related to his mates I will call him. Like, a pretty close friend.

Yes.---Yes.

Sensitive

But on a day-to-day basis you would get the names of real people to fill shifts and also ghost names from Lynn or the women in the SIG office?
---Yeah, the, as I said before, the ghost name came from, I, from my understanding it came from the SIG email.

Yes.---So, yeah.

And that was Lynn.---Oh, well, the ghost names. I remember there was a few times that Tommy sent me some names too.

10

I'm going to suggest that that never happened.---No, that happened. 'Cause, 'cause I, I worked a lot in the last (not transcribable) two years as well. Like, even, even though that I took some money but I still went on-site a lot. So, like, these sort of things, like, I pay attention to. There will be events that Lynn (not transcribable) when Lynn (not transcribable) not available and, or she'd (not transcribable) like, or not replying or the girls not talking to you, Tommy will send it to you.

I want to - - -?---He did, he did that a few times.

20

I want to suggest to you that Tommy never sent you an email with ghost names in it.---No, SMS. Sorry. Sorry, no, yeah, no email but SMS, on the message on the phone.

Oh, SMS now, is it?---I never, I never said email from Tommy. I, I said SIG, the info, the name list was sent by the SIG email but messages from Tommy.

That evidence you just gave is untrue, isn't it?---It's true.

30

And you know it's untrue, don't you?---I already told you I'm, I'm sitting here in the public inquiry, facing the public, and the Commissioner already told me five years if I start lying.

When you personally first dealt with SIG, it was so you could work overtime, wasn't it? The first time you had dealings with SIG.---Because I had to go through SIG.

Yes.---Yeah, I had - - -

40

To do overtime.---Yeah, there's no other choice.

Yes. And that was so you could perform as many shifts as you wanted to.
---No. From the beginning, before this rostering thing, from the beginning I just, I just did a, I just got to do, do it through SIG. I didn't, I, as said before, I didn't care much about, like, to work or not, about the place, like what's going on, until I took the roster.

Sensitive

It was your choice whether or not to do overtime shifts with SIG, wasn't it?
---How do you, how, how, that's, it's my, it was my only choice.

Yes, but - - -?---To choose SIG, to go through SIG.

You could choose not to do the work, couldn't you?---Well, who's going to, if you want to do overtime, there's no other way.

10 And it's the case that most security guards want to do as much work as possible, isn't it?---Yes. Yes.

And that's because they want to make as much money as they can.---Yes.

And in your experience, many security guards prefer to be paid in cash, don't they?---I, I don't know. They like, look, they have to be paid in cash.

You like to be paid in cash?---No, I said they have to be paid in cash but is a subcontractor. I thought subcontractors all cash than, yeah.

20 But you liked to be paid in cash, didn't you?---Well, I like to be paid by SNP but I couldn't have the option, so.

You didn't declare the cash you made from SIG on your tax returns, did you?---No.

And you liked that, didn't you?

THE COMMISSIONER: I reject that question.

30 MR DEAN: You used the cash to gamble?---Yes.

Now, you're aware that SNP was concerned about guards working too long or consecutive shifts, whether overtime or with SNP?---Well, I don't know this question you put it, like what do you mean, were they - - -

You're aware if a guard was to be on the time sheets working eight days straight, 24 hours a day, that SNP would have concerns about that?---At the start, at the start I don't know anything until the SIG told me.

40 I want to suggest to you that before February 2018 – and that's a call that was played this morning, the first call – you never had a conversation with Tommy about ghosting?---No, that's not true.

It was the case, wasn't it, that Tommy was very concerned about losing the SNP contract?---Yeah, he's, he's paranoid all the time.

Yes, paranoid.---Yeah, yes.

Sensitive

Yes. And he was very concerned that every shift was covered by somebody physically, wasn't he?---Well, he's the one that allowed this, he's the one that started this and now he's saying he's concerned so - - -

No, I'm putting, I'm saying to you he was concerned that there were actually security guards physically on the premises?---He knows that they are not.

10 I want to suggest to you that you never had a conversation with Tommy about payroll tax.---Hey, the - - -

You never had a conversation with Tommy about payroll tax. That never happened, did it?

THE COMMISSIONER: Did the witness say that he had?

MR DEAN: His evidence has been - - -?---No.

20 - - - a bit vague on this about who he had the conversation with.---I had a - - -

You had a conversation, your evidence was you had a conversation with Ms Li about that.---She told, Lynn told me, yeah, that, that they had to pay a lot of payroll tax.

30 Yes. But you didn't have that conversation with Tommy, did you?---That one, no, I can't, I can't, I can't, maybe he did. Maybe I did. I talked a lot of things with him and he made up a lot of excuses, so for something to sink in your mind I, like now if you want me to think clearly in the, in the, in the, in the live stream so maybe I can't, maybe when I'm quiet, like when I go home or something I can think of what happened.

Now, your pay for rostering, before I ask that question.---Yeah.

You dealt with Lynn Li a lot and it's your evidence that she acted towards you like it was her business.---To, to my, it's like, like now you're putting words in my mouth.

40 Your words.---Yeah. Go again, please.

When you dealt with Lynn Li she acted towards you like SIG was her business.---No, but to me that she cared about it a lot, too much, way, way beyond her responsibility. That's what I meant like, it's not your, it's not your business and it's like why do you even care so much. That's what I, that's what I meant by she acted like as she, if it's her business.

Now, your weekly pay for rostering increased from 300 to 400 to \$500 a week?---Yeah, yeah.

Sensitive

And on each occasion, you had a discussion with Tommy about that, when it was increased, didn't you?---Yes.

10 You never told Tommy when you were having those conversations that you were earning three, four, \$5000 from overtime in ghosting, did you?---He knows. He's the one that called me up and that's how he came up with this idea of I take some money off you. I take some money off these guys, I
20 take, you know like, Emir or, he's the one that came up with this idea because after, after the girls reported to him, the girls are the, you know, after these things that are done, I will call the girls and ask what's the problem, you know. That's when I said, if you guys really want this money, thinking I'm making a lot, you guys can have this job, you know, because it, it was headache as well, but then this amount of money's kind of worth the headaches and, yeah, so Tommy knows. Tommy knows exactly how much each person gets paid and also he creates problems between me and Emir so, like, my telling me, telling Emir that he got paid, Frank got paid more than you this week, so and go to Emir and just say something, something
20 else. You know, so make a conflict between us so that means he knows how much, exactly, we get paid.

That's all your supposition, isn't it?---It's not, it's the truth. I'm not going to, going to lie here.

Those are my questions.

THE COMMISSIONER: Thank you. Next.

30 MALE SPEAKER: I have no questions.

THE COMMISSIONER: No one. All right. Off you go.

MR ENGLISH: Thank you, Commissioner. If volume 2, page 228 can be brought on the screen. This is an email from Mr Balicevac to a Phil Bontwell and Shannon Keevers. It appears to copy you in and it says subject, "Spiderman pinball vault edition." Do you see that?---Yep.

40 Thursday, 10 November, 2016. "Please find attached credit card and driver's licence details. Frank will place call shortly."---Hey?

Do you see that, "Frank will place call shortly"?---Yeah, yeah.

Do you remember what this was about?---The pinball machine I paid, I, I paid, the, yeah.

You said six to \$8,000, right?---Yes, or, yeah.

Sensitive

Can we go to page 229. Is that your driver's licence?---Yeah, yeah.

Although it's had parts blacked out.---Yep.

If we go to page 231. That's your name and signature?---Yes.

That's \$6,000 towards Zax Amusements?---Yeah.

10 And then if we can bring up on the screen, please, page 275. This is your American Express statement of account for the period from October '17 to November 16, 2016?---Yeah.

If we go across to the next page, you can see that you've been charged by Zax Amusements Support Melbourne for \$6,240?---Yeah.

Is that for the pinball machine?---Yeah.

20 Did Emir even pay you back that \$6,240?---No. Well, he can pay me now if he wants. No.

All right, Mr Lu, you volunteered some evidence in the form of an opinion that you thought the university was safer back in the day when you were there?---That, that, that, that's why, I can't know if it's right or wrong but that's what I felt, like, personally. I, I didn't do this to, to cause, like, these safety issued for the students and stuff. So it's normally, will be a night, and there are times, there are times when, like, you listed, there was a few of them, like, you know, you cover the patrol, you cover the control room operator stuff like that, there are a few times, hey, you can't, you just have these people that you just can't get anyone and, and you, so just had to be, had to be done and - - -

30

I'm not suggesting for a minute you went about your business to try and make the university a less safe place, you understand?---Yeah, yeah.

But you don't honestly believe that it was safer to have fatigued guards or fewer guards than were requested turning up for security jobs at the university, do you?---Sorry, um - - -

40 I'll say it again.---Yeah.

You don't honestly believe that it was safer to have fatigued guards or fewer guards than had been requested turning up for jobs at the university, do you?---No, no.

Thank you. They're my questions, Commissioner.

Sensitive

THE COMMISSIONER: Thank you, Mr Lu. I'm going to let you go but I'm not going to release you from your summons yet. You've probably seen I've taken the same approach to other witnesses. I would hope we don't have to get you back, but it's just in case something comes up in the next few days that we need you to address.---Yeah. Okay.

But thank you very much and you're free to go.---Okay. Thank you.

10 Thank you.

THE WITNESS STOOD DOWN

[3.20pm]

MR ENGLISH: Commissioner, the next witness is Daryl McCreadie. If he can make his way up to the witness box. And while that's happening, you'll recall that we distributed the compulsory examination transcripts for Mr McCreadie at lunchtime.

20

THE COMMISSIONER: Yes.

MR ENGLISH: There are two transcripts. Might they now be tendered? And I'd invite you, Commissioner, to consider vacating the 112 orders previously made.

THE COMMISSIONER: Yes, I vacate those orders and I admit those exhibits, sorry, those transcripts.

30

COMMISSIONER VARIES THE SUPPRESSION ORDERS OVER EVIDENCE GIVEN BY DARYL McCREADIE AT THE COMPULSORY EXAMINATIONS HELD ON 26 APRIL 2018 AND 22 JUNE 2018 SO AS TO PERMIT ACCESS TO THE TRANSCRIPT OF THE COMPULSORY EXAMINATION TO AFFECTED PERSONS AND THEIR LEGAL REPRESENTATIVES.

THE COMMISSIONER: Can you give me a date for the first one?

40

MR ENGLISH: 26 April, 2018.

THE COMMISSIONER: The transcript of the witness's private compulsory examination of 26 April '18 will be admitted as Exhibit 65.

#EXH-65 – TRANSCRIPT OF COMPULSORY EXAMINATION OF DARYL McCREADIE DATED 26 APRIL 2018

Sensitive

MR ENGLISH: And 22 June, 2018 is the second transcript.

THE COMMISSIONER: And that transcript will be admitted and marked Exhibit 66.

10 **#EXH-66 – TRANSCRIPT OF COMPULSORY EXAMINATION OF
DARYL McCREADIE DATED 22 JUNE 2018**

THE COMMISSIONER: Mr Watson, will your client take an oath or an affirmation? I can't recall.

MR C. WATSON: An oath, Commissioner.

MR McCREADIE: An oath.

20 THE COMMISSIONER: Yes. And you seek a section 38 declaration?

MR C. WATSON: I do.

THE COMMISSIONER: We'll have the witness sworn now.

Sensitive

THE COMMISSIONER: Take a seat. Mr McCreadie, just let me remind you of your rights and obligations as a witness before this Commission. As a witness you must answer all questions truthfully and you must produce any item that I require you to produce during the course of your evidence. Your legal representative has sought a declaration pursuant to section 38 of the Independent Commission Against Corruption Act to give you some protection in relation to your evidence. The making of that declaration will mean that although you must still answer the questions asked of you or produce any item I've asked you to produce, your answers cannot be used against you in any civil proceedings and, subject to one exception in your case, in any criminal proceedings.

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

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

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

THE COMMISSIONER: Yes, Mr English.

MR ENGLISH: Thank you, Commissioner. Can you just state your full name for the record, please.---Yes, my name is Daryl Scott McCreadie.

Sensitive

Thanks. You're currently working?---Yes.

Who for?---I'm a casual employee for a company called Swetha International.

Is Swetha trading in the security industry?---No.

You previously worked for SNP Security?---Yes.

10

When did you first commence work with SNP?---2005.

And when did you leave SNP?---May, early May 2018.

You were at least for part of that time at SNP stationed at Sydney university?---Yes. Yes.

When did you first get tasked to work out there?---Roughly, roughly around about July or August 2015.

20

And when you first went out there in July or August 2015, what was your position title?---Account manager.

And when you left were you still an account manager?---No.

What position did you, I take it, be promoted towards?---No, it was a step sideways. I went from account manager to site manager.

And what's the difference between an account manager and a site manager?---I guess the level of responsibility was less.

30

Was less as an account manager?---The site manager was less authority and less responsibility than an account manager.

When you were an account manager, who did you report to at the university?---As an account manager I reported to Morgan Andrews and Dennis Smith.

There was an Aaron Lucas that worked at the university for SNP, wasn't there?---Yes.

40

Did you report to him? I don't know. I'm asking you.---No, Aaron reported to me.

Aaron reported to you. And then you became the site manager after Aaron left, is that right?---Yeah, there was an incident on-site and Aaron had, I can't remember if he said that he wanted to step down as the site manager

Sensitive

but it was in the process that he would have been removed from his duties as site manager at the university.

What was that incident?---There was quite a heated argument between Aaron and one of the team leaders.

So he left and you subsumed his position, is that right?---Yeah, I, I was still working out of the office and we didn't have anyone immediately available to backfill the role, so I just sort of based myself out of the university.

10

And in the university can you explain the location from which you worked, the layout?---It was an open office environment. When I first started working out of the university, I sat alongside Dennis Smith and then later I moved a few workstations away down towards, next to Morgan Andrews.

20

Was there anything that prompted you moving workstations?---We had the creation of the 2IC role, which was filled by Emir Balicevac. So Dennis spoke to me one day and he said I'm going to get Emir to sit where you're sitting, and because of the, the, the electronics and other aspects of the new contract, we'll get you to sit down next to Morgan.

But who were you reporting to at that time?---Both Dennis and Morgan.

Did you find that in any way peculiar that you were asked to sit further away from Dennis?---No. I had a lot of dealings with Brett Tamasauskas, the electronics manager for the, the electronics security manager for the university, so I had, you know, daily, daily need to talk to Brett about various issues.

30

So when you arrived on-site in July or August 2015, who was subcontracting the security services to SNP?---SIG.

Had you met anyone from SIG before you were positioned at the university?---Yes.

Who was that?---Tommy Sirour.

40

How'd you meet him before you arrived at the university?---I think it was late 2011 or early 2012. I was introduced to Tommy Sirour at our head office in West Ryde.

What was that in relation to?---It was in relation to him signing up to become a subcontractor to SNP.

And did you stay in contact with Tommy from that time onwards, 2011/2012?---Yes.

In a professional or a social sense?---Bit of both.

Sensitive

Professionally what did you do with Tommy from 2011/2012 until you got to the university in 2015?---In a, in a professional manner he was being put into various SNP sites so I would have to ring Tommy and ask for guards. I'd have to arrange to have them inducted to site. I'd have to introduce the guards to the customers and get the customers' okay that that person was able to work on their site.

10 Back on 2011/2012 what was your position at SNP?---Account manager.

So you were an account manager for SIG, were you?---No, I was a - - -

Is that fair?---I was an account manager for SNP Security.

But sorry, in your role as an account manager were you dealing with SIG regularly as a subcontractor?---Yes.

Did you do any private work for Tommy post 2011/2012?---Yes.

20 What was that?---I did a, I did a risk assessment for a customer that he was chasing, he was trying to obtain work for, from. I also did a, for that customer they had a, a tender presentation. They had like a pre-tender meeting to show prospective tenderers around the premises and post-tender I had attended the site with Tommy and Lynn to meet the customer.

And who was the customer?---One of the people present was a facility manager. I can't remember his name.

30 What was the site?---The site was either called Altura or Epica. It was in, it was a residential complex in Chatswood.

What, units or something was it?---Yes, high-rise units.

So you did some work for Tommy to hopefully gain that contract. Was that successful for Tommy? Did he get the contract?---Yes.

Did you disclose to SNP that you were doing that work for Tommy at the time?---No.

40 You know you were required to obtain their permission before doing that, would you accept that?---Yes, I would.

Were you aware of the means by which Tommy pitched for that contract at Epica or, what was it, or Altura in Chatswood?---I don't know how he got invited. I, I got the feeling from Tommy that he knew one of the guards that worked there and they'd said they'd set up a meeting with Tommy and the facilities manager.

Sensitive

Did you ever hear from Tommy the possibility that he might be paying a commission to someone associated with those sites to get that work?---Yes.

When did you hear that?---I believe it was after he won the contract.

What, he told you I'm paying a commission to someone, did he?---Yes.

10 Did that surprise you to learn that?---I was a bit, I was a bit taken back about how blasé he was about it. It was just like as if he'd made like an off-the-cuff remark.

Now, what were the terms of remuneration by which you performed that work for Tommy?---It started off in about 2012 Tommy would, would give me a gift card and he also bought me a gift, a camera lens for my camera. And then he would say, oh, you're helping me out so much. He would give me cash and started off, from time to time he would, he would say that he had something for me and I'd turn up and he'd say, oh, look, I've left it in the car or I've left it at home. I'll, I'll catch you next time. And at that time it was about \$300 on each occasion that I saw him. It later went up in, in 20 about 2014. It went up to about \$400 a week and then right at the end of 2017 it went up to \$500 a week.

So Tommy was paying you cash amounts before you were stationed at Sydney University?---Yes.

30 But other than for helping him with the contract in respect of the apartment blocks, what were you doing for him?---I'd also help to look after the guards, where, where I had his staff on my contracts. If there were staffing issues, I would try to intervene so that they didn't, you know, become bigger issues. I mean, I can give you examples, if you like.

40 Sure. Go for it.---One of the issues that sprang to mind was at Sydney University. There was a lady, there was a security guard there by the name of Maggie and she was having a lot of arguments with our site manager at the time, Ayla Leighton, and Tommy dismissed her. He, he just, I don't know, he lost his temper and had picked up the phone and said, you know what, you've lost your job or something like that. She was then going to take the matter to Fair Work Australia and I sort of said to Tommy, I said, mate, the way that you've done that, it's wrong. Like, you haven't called her into the office, you haven't spoken to her to find out, you know, what the argument was about, you've just flown off the deep end and, you know, sacked her. So I actually had a couple of meetings with Maggie to try and calm her down and prevent her from going to Fair Work Australia. End result was that Tommy actually gave her her job back at Channel 10. He gave her a new position to work at a site in Pyrmont.

Sensitive

But that was someone who was working at Sydney Uni, so I assume that you intervened in that matter after you'd been positioned at the university by SNP, is that right?---No. That was before I was at the university.

And why was it that you were intervening on Tommy's behalf at the university before you were stationed out there? Did that fall under your responsibilities even through you hadn't headed out there yet?---Sorry, the, my responsibilities?

10 Well, before you were physically positioned at the university, did you have any responsible for the operations that went on out there on behalf of SNP?
---Yes.

And what were those responsibilities?---Customer service, ensuring that the KPIs for the contract were met. I'd have to go out and have client meetings. I'd also have to liaise with the site manager to make sure that if there were any issues, that they were resolved and, you know, everything from the condition of the fleet cars to, you know, the, the guards being presentable in uniform.

20 THE COMMISSIONER: Can I take it that that wasn't the only account you were managing?---Yes, that's correct.

How many do you think you were managing around that time?---Sorry, it fluctuated. At, at the, at the peak, what I would say the peak where I had the most, the most staff and the most contracts would have been around 2009/2010, where I had close to about 30 sites and, and 249 staff?

30 And was that busy?---Very.

Who did you replace in that position?---I never, I never met the, the person that I replaced. I, I started in, as I said, I started in May 2005 and there was a person that had, that had just left.

40 Who replaced you in that position when you moved sideways?---I, I don't know formally who, who replaced me but there was a couple of new account managers that came on board when I moved out of head office in to the, in to the university role but I think there was a little bit of a, a lag time. I think the main person that replaced me was John Allard.

Yes, thank you.

MR ENGLISH: And you were saying your busiest time was in 2009/2010.
---Yes.

In, say, 2012, how many sites or jobs were you responsible for as an account manager?---In 2012 I, I would have still had about, about 15 or 17 different clients.

Sensitive

And how many of those 15 or 17 clients was Tommy servicing or connected to?---I think, I think four or five.

And you said that he was paying you \$400 per week in 2014. From when did he commence paying you \$300 a week?---In, in 2012/2013 it was, it wasn't every week. It was from time to time. Like I say, he would, he would say that "I've got something for you" and I'd turn up and he'd say, "Oh, no, I've, I've left it back at the office" or "I've left it at home. Next
10 time we catch up, I'll give you something." And then in 2014 he said, "Look, you've done so much for me. You know, I want to try and look after you a bit better. Instead of me trying to remember to, to, to give you this money, why don't you just come to the office and pick it up?"

THE COMMISSIONER: And how much was that per week?---400.

And what, he said, what, because you'd done so much for his company?
---Yes.

20 And what was it, just remind me, that you had done for that money?---At that time it was, you know, ensuring that, you know, his guards were doing a good job for the University of Sydney and other clients, making sure that, you know, no one would think that, they would, the people within the company would have a good view of his services so that he could try and grow the business and get other, get other work with SNP.

And how did you go about ensuring that, for example, his guards were doing a good job?---I'd go around to the sites and talk to the guards. I'd obviously talk to the customers and get feedback from the customers, you
30 know, just asking them questions like, you know, "How are the guys going?" and, you know, the guards are doing what they should be doing. You know, "Is there anything we can do better?" Just, you know, those, those sort of conversations.

Yes, very well.

MR ENGLISH: I take it you didn't disclose these cash payments that Tommy was giving you to SNP?---No.

40 And you'd understand how that creates a conflict of interest in respect of your position at SNP?---Yes.

THE COMMISSIONER: Why didn't you disclose them?---Oh, well, early on I thought, you know, it wasn't large amounts and I, and I thought, well, yeah, it's, it's bad but, you know, it's not the end of the world if I, if I got caught by SNP. I wouldn't know, I'd assume that I probably would have been terminated. But once, once I started collecting the money from the office, conversations changed with Tommy. At first I'd just go to the office

Sensitive

and, and whoever was working in the office would give me the money and I'd go, and then after a couple of months – it was, it was a short period of time – they would ask me to sign a piece of paper to confirm that I'd collected the money, and that's when Tommy would start to say things like, "Oh, what would Tom Roche think if he found out you were collecting money from me?" And, and that's when I felt that I was quite trapped, that, you know, obviously I, I couldn't then go running to my own company and, and ask for, you know, some sort of guidance.

10 You could have turned around to him and said, "I don't want your money anymore."---Yes, that's true.

Why didn't you do that?---I guess I, I'd gotten greedy. I didn't want to, I didn't want him to, if, if I turned around and said I, you know, "I don't want your money anymore," you know, I thought he might have gone to, to Tom and, and doxed me in anyway.

MR ENGLISH: Did he ever threaten that he might do that to you?---He didn't outwardly threaten but he certainly, in conversation he, and in later
20 years he, he would bring it up quite often.

What would he bring up? The fact that you've been on his payroll for so long?---Yes.

And in what context would he bring that up?---In conversation. You know, I was, I was quite nervous the day I went out to the tender brief for these apartments, I was told that it was just going to be the facility manager showing us around, and when I got there, there were, you know, seven or
30 eight other people from other companies, and, you know, I was just, I was quite freaked out about it because I was led to believe that it was just going to be Tommy, Lynn and myself being shown around by maybe one of the strata people plus the facilities manager, you know, the layout of the building, this is what this is, this is what the guards need to check. And afterwards I just said to him, I said, "Mate, if this gets out, you know, I've, I've lost my job."

And what was his response to that?---He was just like, "Yeah, but you've been taking money off me, so, you know, that's the way it is."

40 And what did you do before you were employed by SNP?---I worked for a different security company in, in two roles. I was a ranger at Darling Harbour with the Sydney Harbour Foreshore Authority and then an opportunity came up in the company that I worked for to be a client services manager. Similar role to a, to an account manager at SNP, you know, just going around and making sure guards were following their SOPs and talking to customers and making sure that things were going right on-site.

Sensitive

I'm sure when you worked for that previous employer, and correct me if I'm wrong, there was probably a similar policy that spoke about conflicts of interest when you were there, is that right?---There would have been.

So it's something you would have been aware of before you joined SNP, the risks that can be associated with conflicts of interest in the security industry?---Yes.

10 THE COMMISSIONER: Were you directly engaged by the Foreshore Authority or by a subcontractor?---No, when I started there the contract was held by Chubb. That was in 2000. And then mid, I think early or mid-2001, Group 4 picked up the contract and I just stayed on.

Thanks.

MR ENGLISH: I just want to ask you some questions about SNP, the university and SIG. Do you know when SIG was signed up as a contractor to the university?---They were never signed up as a contractor.

20 Sorry, I withdraw that. A subcontractor to SNP but for the university. ---Their, their contract wasn't drawn up that, you know, SNP's entering into an agreement with SIG that you are the, you are the provider for security guards at Sydney University. It was more of a, like a general contract that, you know, we will ask you to supply guards. These are the agreed rates and terms and conditions.

30 And so when did that agreement apply in respect of the university? When was it that SIG was required to provide services for that guard force?---I, I believe it was late 2011.

Now, you're aware the university signed a contract with SNP for five years with a two-year option in 2015?---Yes.

And there were four areas to that contract, weren't there?---Yes.

Security guarding was one.---Yes.

Cash-in-transit for the clearance of parking machines.---Yes.

40 Line marking for pedestrian crossings and parking bays.---Yes.

And provision of electronic technicians for security-related maintenance and repair.---Yes.

So in relation to those four aspects, where did SIG fit in, in relation to those four aspects of the contract? What was it subcontracting to? Which elements?---The security guarding services.

Sensitive

You've been sitting up the back of the court – I withdraw that – the back of this Commission and you've heard that a question was asked of Mr Lu as to whether he sought permission from anyone at SNP to perform the rostering duties for SIG. Do you recall me asking questions along those lines?---Yes.

10 Did he raise with you whether he could perform that role for SIG while still employed at SNP?---The, the way I heard about it was that Tommy rang me and said that he was going to get Frank to take over the rostering from Ali Syed and I sort of said to him, I said, "I think that's a bit too dangerous because he's an SNP employee." And he said, "Look, Frank's, Frank's happy to do it. Don't worry about it. Frank, Frank will, you know, look after it."

And so, I mean this is Tommy who is paying you a weekly wage at that stage, right?---Yes.

I mean did you feel like you couldn't be more forceful to him and say no, he's one of my employees, I'm not going to let you do it?---No, I couldn't.

20 What, you felt like you couldn't stand up to him in that way?---I couldn't stand up to him, no.

And was that because you were taking the money from him each week?---Partly, yes.

30 Did you raise with anyone else at SNP the fact that Frank Lu had been offered that position?---I can't, I can't remember if I'd flagged that with my manager at the time. I, I could of, but my interpretation is that it was common knowledge with the, the team in rosters in the national operations team that, that Frank was doing that role.

THE COMMISSIONER: Who were the members of that team?---National operations was all the, all the staff in, in SNP head office that were doing all the, the rostering and data input so that would have included people like Peter Papagiannis, Domenic Giardini, Matthew Chicato, Troy Swadling, plus the, the after-hours supervisors many of whom had, had worked at the, at the university at some time or another.

40 And when you say they would have known, on what basis do you say that?---I daresay that they would have, you know, rung the, the mobile number supplied by SIG and Frank would have answered the phone and one of them has, you know, probably gone oh, Frank, what are you doing with the phone? He goes I'm doing the rostering.

You don't know that for a fact though do you, or do you?---Oh, I, I don't know for a fact but they would have, they would have picked up the phone at some point to, to ring whoever was carrying that mobile number to fill a shift and they would have recognised that it was Frank.

Sensitive

MR COLEMAN: I object to that. It's complete speculation, with respect, Commissioner.

THE COMMISSIONER: Well, I won't rely on it if it is.

MR COLEMAN. All right. Thank you.

10 MR ENGLISH: You spoke a moment ago that you may have raised with your supervisor the fact that Frank had been offered that role for SIG. Who was your supervisor back then?---I had a string of supervisors. I thought in 2016 one of my supervisors was Neil, Neil Fields.

I'm just asking if volume 1.2 which is Exhibit 36, page 11 can be brought on the screen, please. Just might start at page 13, please. You can see what's being discussed there is a request for services in respect of a film. Do you see that?---Yes.

20 If we go backwards to page 12, Lynn Li sends an email to (not transcribable) rosters, cc'ing a couple of others, talking about coverage and if we go back to page 11, we can see an email from, in the middle of the page, roster@sinternationalgroup to yourself, Lynn Li and (not transcribable) rosters, cc'ing a couple of people, and then it seems that you respond to roster@sinternationalgroup and Mr Balicevac saying, "You just sent this to SNP Rosters," with a number of exclamation marks. Do you see that?---Sorry, I, I - - -

30 Look at the heading, do you see, the subject's up there?---Yes, yes. Sorry, yeah.

So do you recognise this email?---Yes.

What is it? Can you assist the Commission, please?---Certainly. I, from the looks of things, I've, I've seen that on the, on the note there, saying, under 24 hour shift coverage, manning car park, there's an entry there for Thursday saying 0600 to 1400, Lina Chami and in brackets, Malenka and that's me sending it to, to Ali and Emir and I'm asking, I'm outlining to Ali, like, you know, basically what have you, what have you done?

40 THE COMMISSIONER: Why was that of concern to you?---It was of concern to me because obviously, you know, it would indicate that Lina was perhaps covering that Thursday shift and if they looked at the, the time sheets quite closely, that they would see that someone by the name Malenka was signed in.

Thank you.

Sensitive

MR ENGLISH: Is this the mistake that led to Ali Syed being removed as the person responsible for rostering at SIG, to your knowledge?---Partly.

10 What, there was another similar episode, was there?---No. There was a, there was a false accusation by Ali and by Lina that a contractor, like, a, a builder or a, like, a maintenance person had abused them over the telephone while they were working in the control room and at the same time, I had had the, I guess the, the company rep or the, the supervisor for that contractor ring me and complain about the conduct of my two guards and I just sort of said to them, I said, well, look, the phone lines are recorded, I'll go to the recordings and, you know, if it's proven that your bloke's, you know, abused my two staff, because the story I'm getting is that he was quite rude towards them, then, you know, I would expect that you guys deal with your staff member in an appropriate manner but likewise I said that if I find that my two staff members have, have, you know, misled me, then you know, I'd be quite upset and I'll take it up with them and, and I think that was the, that was the final straw.

20 Just if we focus back on page 11, this suggests, would you agree, that you were aware that, at least from 19 July, 20126, guards were signing in to the roster under different names?---Yes.

For how long did you know that practice was occurring at Sydney University?---I think that was, that would have been early, early in the piece. I can't remember the exact, I can't remember the exact dates or timeline when Ali took over the rostering but it would have been, you know, around that time, perhaps a month or two earlier.

30 Now, can you just explain what an ad hoc service request from the university was, please?---Yes, an ad hoc service request would be a request from an entity within the university for us to supply a security guard or security guards to do a particular function.

So that would be a function beyond the standard contracted positions between SNP and the university?---Yes.

40 And who ordinarily, at least from when you were on-site from August or July 2015, would fill those requests for ad hoc tasks?---Who would fill them?

Yes, SNP guards or SIG guards?---Depending on what the job was, either/either.

And when you say either, it could be an SNP guard who was working as an SIG guard if they'd worked too many hours that week to get paid overtime, is that right?---Yes, but if I could, if I could elaborate.

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Sure.---We were, as account managers we were pushed quite hard to limit overtime spend for the company, so in years gone by it was agreed on that SNP staff could have secondary employment under a subcontractor so they could pick up some overtime, and that way the guard's getting a bit of overtime and it's also reducing costs to SNP. With the ad hoc service requests, depending on what the actual job was, it could be either an SIG guard, it could be an SNP employee paid under SIG, or if I could, you know, push it and, you know, put an SNP employee under, being paid under SNP.

10

THE COMMISSIONER: How did you find out about that policy? Was it a written policy, do you know?---It wasn't a written, formal policy. Back in about, back in about 2010, a contractor had actually approached SNP to say, "Hey, guys, we've got this idea about how we can reduce the burden of overtime for SNP 'cause we understand you guys are trying to control costs and still run a profitable business." There was discussions held with our national general manager at the time, Kevin Peters, and our HR adviser or HR manager, Gavin Ward, where they looked into, you know, could they allow an SNP guard to have a secondary form of employment, and they indicated that they didn't have an issue with it.

20

Were you part of those discussions?---We were, I believe we were told at an account managers meeting because obviously straight away the people in rosters would have seen that, you know, a person that is known to be an SNP employee is appearing as their name on a subcontractor's invoice to SNP.

I think the evidence is that SNP employees were required to work a 12-hour day.---Depending on their roster. So at Sydney University the core roster was two days, two nights, four off, and that was all based around 12-hour shifts. There were other jobs on-site that were, you know, eight-hour shifts or even shorter, you know, four and a half, five, six-hour shifts, but predominantly that core roster was a 12-hour roster.

30

So there'd be some days on and some days off?---Yes.

Were you aware of any practice or procedure within SNP that would have kept track of whether or not SNP employees in doing their overtime were in fact packing up their 12-hour shift with another shift?---Um - - -

40

Rather than doing the work on their days off, for example.---The, I think part of, part of what it was, that guards are looking to get as many hours or as many shifts as they could get.

Sure.---And whilst I don't know specifically, but you would always hear stories that, you know, such and such worked for this company and they finish shift and then they go and work for another company, which you would have no visibility whatsoever, you wouldn't know. Our rostering

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program, you know, way back when was a program called PowerForce, and whilst it was customised for SNP employees, they would appear as a, like, an employee number. Subcontract guards would just appear as the, the initials of the company and what rate of pay that company would get paid for those hours.

I suppose what I'm really asking is, were there any, was there anything put in place by SNP to prevent their employees from working double shifts on the same day?---I, back, back then, no.

10

Thank you. We'll adjourn until 10.00?

MR ENGLISH: Sure.

THE COMMISSIONER: Sorry, did you want to - - -

MR ENGLISH: I had one, I just didn't want to lose, sorry - - -

THE COMMISSIONER: No, you go, you go.

20

MR ENGLISH: Sorry about that, Commissioner. Can I just ask if Exhibit 35, page 258 be brought onto the screen. We can see this is one of your offers of changed employment with SNP Security. Do you see that?---Yes.

From 23 September, 2015. If we can just go to page 261, please. Do you see this point 9, conflict of interest in secondary employment, "You must advise the company of any conflict of interest. During your employment, you must not be employed or engaged outside the company without notifying company in writing before commencing such work. If such work is in conflict with your duties or competitive with and/or contrary to the interest of the company, you must obtain written authority of company"? ---Yes, I see that.

30

That's a standard term that was in most SNP contracts, would you agree, to the best of your knowledge?---To the best of my knowledge, yes.

Now, do you know how that requirement there fits in with the evidence you just gave, whereby there was a practice introduced from 2010 onwards that if guards wanted to do overtime, they had to work for a subcontractor? Was it expected of guards that they'd come forward and speak to their manager and say I want to work with this subcontractor and then it'd just be rubber-stamped? I mean, can you give us some assistance there?---I think as a standard, as a standard clause, and look, I could be wrong, but my, my interpretation as standard clause, that was more about our staff going and working for a competitor on a different site. So, for example, the example I gave before, you know, guards working for SNP and then on their days off they go and work for Chubb and then, you know, they, they do a 12-hour night shift for Chubb and then they come and work for us. I think that was

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probably the original intent because they, we had some guards when I first started at SNP that I'd found out were, you know, doing work at football matches and things like that and that was, you know, generally shunned by the, by the company but, you know, my, my personal take on that was, you know, our company's not really wanting to chase security for football grounds, you know, let the, let the bloke go and earn some extra money. So
- - -

10 So – sorry, I'm sorry.---No, sorry, but I think to, to go back to what you wanted me to say about the guards then signing on to SNP shifts under a subcontractor?

Yes, that's right. Is that something that would just be routinely approved if it was every raised?---It was never, as a security guard wanting to do that, it was never a formal process. There was never, there was never a process whereby a security guard would send an email or put something in writing and send it off to the office and ask permission to do it.

20 They'd just go ahead and do it?---Yes.

Thanks for that indulgence, Commissioner.

THE COMMISSIONER: Thank you. We'll adjourn until 10.00 tomorrow.

THE WITNESS STOOD DOWN [4.10pm]

30 **AT 4.10PM THE MATTER WAS ADJOURNED ACCORDINGLY [4.10pm]**

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