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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 FRIDAY 15 FEBRUARY, 2019

AT 10.00AM

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THE COMMISSIONER: Yes, Mr English.

MR ENGLISH: Commissioner, re the continuing with the evidence of Mr McCreadie, perhaps if he can come back to the witness box.

THE COMMISSIONER: Just one moment.

MR COLEMAN: Can I just raise one thing before we do that, Commissioner?

10

THE COMMISSIONER: Yes.

MR COLEMAN: As you may know, in recent times my solicitor has engaged new, sorry, my client has engaged new instructing solicitors and briefed myself, and over the last few days it's become apparent from some documents that we have seen that there are documents which would have ought to have been produced to the Commission pursuant to the notice to produce that was issued to my client. We are continuing, and I raised this with Counsel Assisting this morning because obviously we need to understand what material there is in my client's possession which is answerable to the notice. So I just wanted to alert you and Counsel Assisting that we are conducting at the moment a review of the documents and we anticipate, well, we hope the review will be finished over the weekend but we're not certain about that. There's a significant amount of documents we have to review. Most of those we think have been produced. But I wanted to alert you, Commissioner and Counsel Assisting, that that review is ongoing. I didn't just want to produce the documents when we're finished that review.

20

30 THE COMMISSIONER: Are you able to tell me whether any of the documents might be relevant to witnesses who have already been called?

MR COLEMAN: Well, they might be. For example, what generated our concerns particularly was the Troy email, if I could refer to it as that. Now, we've seen no email which refers to white-outing, but we've seen an email from Troy which refers to don't alter time sheets and resend them and it could look like ghosting of shifts or fraud. So that was one particular email which may be relevant to some of the witnesses. There are others. There's been a line of questioning about whether SNP ever queried omissions from time sheets, and we've seen emails which indicated that it did. So they're the sorts of emails, but beyond that I can't give you any definite answer as to whether or not there will be emails which would have affected any of the witnesses that have been called. I'm sorry that I can't give you that information.

40

THE COMMISSIONER: No, that's okay. No, these things happen. Don't worry too much about that.

MR COLEMAN: The process is ongoing.

THE COMMISSIONER: What I'd like you to do is, if it's not completed come Monday, I'd like you to hand over what you've got and if you have to keep going, that's fine, but as I said when we started, I'm very concerned this matter be dealt with in the three weeks and if it's possible to avoid witnesses being recalled, then obviously I'd like to achieve that.

MR COLEMAN: Of course, yes.

10

THE COMMISSIONER: But thanks for bringing that to my attention. Thank you.

MR COLEMAN: Thank you.

20

MR ENGLISH: Commissioner, just one other matter. It's intended that the witness Liansu Dai, who was one of the office staff members at SIG, would be called at 2 o'clock today. There's been an interpreter booked and that's a specific time we'd need to slot her in. I just wanted the parties to know that that's what the intention is, and it might be that we probably won't finish Mr McCreadie by 2 o'clock and there just might have to be the imposition of that witness.

THE COMMISSIONER: All right.

MR ENGLISH: Thank you. Otherwise, we're ready for Mr McCreadie.

THE COMMISSIONER: I might have him re-sworn too, thanks.

MR ENGLISH: Thank you.

THE COMMISSIONER: The section 38 declaration I made yesterday, Mr McCreadie, continues.---Thank you.

So you get that protection provided you're truthful.

10

MR ENGLISH: Mr McCreadie, I asked you yesterday who you reported to. That was in the context of your account manager role at the university, and you said Mr Smith and Morgan Andrews. Do you remember that?---Yes.

When you were the site manager, who did you report to at the university?  
---My main report was Dennis Smith but I sat next to Morgan Andrews because I also, he also has questions of me daily, as well as Brett Tamasauskas, the electronics manager, as well, and for parking and cash collection, Connie McGarry and Colin Bowman.

20

Yesterday you were asked some questions in relation to the SNP policy in relation to overtime, not paying overtime to staff if it could avoid it. Do you remember that?---Yes.

If I can just have document Exhibit 36, page 19 brought on the screen, please. You can see the subject matter relates to a Bleeding Steel feature film involving Jackie Chan.---Yes.

See that at the top?---Yes.

30

And was that something that occurred at the university in around July of 2016?---Yes.

And security guards were provided for protective reasons in relation to that filming set, were they?---Yes, they were. Not so much just for the filming set, more just keeping areas clear or directing students around from where they were filming.

40

So if we just go over to page 20, you can see that the coverage is identified for the film shoot on Wednesday and Thursday. And if we go back to page 19, you indicate that the bill for the two days' filming is \$7,020 exclusive of GST.---Yes.

Then Mr Fields responds, "Great work, team." You see that, at 3.42?---Yes.

And then you write back to Mr Fields, with Mr Balicevac and Mr Roche copied in, saying, "No overtime. All put through Security International Group, SIG, to maximise the margin."---Yes.

What did you mean by that, to maximise the margin?---That's me confirming that, you know, we've got this extra work going on at the university and that I wasn't bringing in SNP staff at a higher cost, that I was bringing the subcontractor in at a lower cost, which would mean more profit for SNP.

And you're reporting that to Mr Roche, who's the head of the company at SNP, right?---Yes, that's correct.

10

In reporting that note to him to maximise the margin, did you understand that'd be a matter that he'd be happy to learn of, that you were endeavouring to maximise profit for SNP?---I would hope that he'd be happy with that.

And if there was a policy that SNP wouldn't pay for overtime in respect of its guard force at the university, why would you need to say that all the guards were put through SIG? Wouldn't it be expected that that would happen automatically?---Sometimes we would get, and I think I touched on this yesterday, sometimes we would get some requests that only certain guards would be allowed to fill. So, for example, some of the senate dinners and things like that, we could only really use Lina to fill that role. If there was the need for parking enforcement or something on a weekend or extra hours for the parking officers, they were direct employees, so their overtime would, would be on SNP.

20

But wouldn't Lina, for example, sign in under someone else's name and then get paid by SIG for those sorts of additional jobs?---Sometimes.

So the margin would be maximised even if an SNP guard at times was posted to perform those shifts because a ghost name would be used on the roster, is that right?---Not all the time.

30

But it was frequent, wasn't it?---It was.

And is that something that you have any knowledge that those at SNP were aware that SNP guards were being used to perform jobs under the name of a ghost guard on the roster or on the site time sheet?---Sorry, could you repeat that?

40

Did you have any knowledge that SNP management were aware that SNP guards were performing shifts at the university using a ghost name on the site time sheet?---I didn't know for sure.

Well, when you say "for sure", what do you mean by that?---Look, I can't, I can't recall anyone calling me or, or making comment to me that they felt that something wrong was going on.

Thank you. Was there a change in procedure at the university - - -

THE COMMISSIONER: Just before you go on, is there anything that you can think of that would have alerted them to the fact that ghost names were being used?---Well, I think that email that Ali Syed had sent through to Rosters may have triggered some curiosity.

It could have. Yes, I mean, you don't know one way or the other?---I don't know one way or the other.

10 Are you saying it should have triggered curiosity?---Look, if I, if I was flicking through my emails and I saw it then, yeah, I would say someone back at Rosters must have gone, you know, what's all this about?

Yes, thank you.

MR ENGLISH: Perhaps they can be brought on the screen, Commissioner. That's Exhibit 36, page 11. Just in fairness to you, you say that it should have triggered some curiosity, but you've indicated in this email that you're essentially just going to lie to SNP about what happened.---Yes.

20

So you were trying to make sure that curiosity didn't fester or expand within SNP, weren't you?---Yes.

And did you report what you say you were going to say in that email? Is that what you did?---I could have.

Did anyone query with you or take up this issue any further with you from SNP?---Not that I can remember. I mean I, I can't remember if I sent, you know, a further email to SNP to explain the, you know, try and hide it as a, you know, as a slip-up. I, I don't know.

30

Now, in around May of 2016, there was a changing procedure in relation to how ad hoc service requests were handled by SNP. Do you recall that?---A change in procedure?

If you don't recall, I'll just bring up the email. If Exhibit 36, page 4 can be put on the screen, please. Do you recognise this email, subject heading, "New process for handling service requests"?---Yes. I'm just, I'm just reading through it now.

40

Sure.---Yes, I remember it.

So here you're saying the new process is that jobs will be closed out on the system - - -?---At the time of being processed.

- - - at the time of being processed, rather than actually being completed?  
---Yes.

Why was there that change in procedure?---In, in the system, in the ARCHIBUS software, you've got, like, a service level to achieve. So, how do I put it, the, the request may be generated or sent to your workflow and you would have a certain amount of time to close it out before it expired. If you closed it out after it expired, it'd flag as a, as a non-conformance.

10 I see. So - - -?---So we would have to, the easier ones to explain are the ones in, that we did for Electronic Services. So if we were given a task and it had an eight-hour, like, an eight-hour due date or due time, the software had a, a time and date whereby the service request had to be completed or, or closed out for it to be deemed as meeting the time target.

Does the Commission understand from that answer that this change in process had nothing to do with the system of ghosting that was going on at the time?---No. It was, it was not intended about that at all.

20 I'm just reminded, if Exhibit 36, page 14 can be brought on the screen. This is a continuation I think of the email we looked at earlier. I'm sorry to jump around like that, Mr McCreadie.---No, that's okay.

You see, what does this email indicate? Can you assist? You've had a discussion with, you've sent an email to rosterlynn and psdrosters at 5.39pm and you've said, "Thanks. So Lina replacing Malenka? Just so SNP Ops can update."---Yes, I see that.

So, I mean, what are you intending to convey there?---I think I'm asking for confirmation on what's being sent to, to SNP.

30 Well, you've copied in SNP, spsdrosters, in your email.---Yes.

And if we go back to page 11 you can see that you said, "I'm going to have to say it was originally Malenka replaced by Lina."---Yeah.

And then so it seems you've executed that explanation on page 14, so you're asking in the form of a question to Rosters - - -?---Yeah.

40 - - - when really it's the case that you're not asking a question. You don't need to know. You're really executing your plan to provide that excuse, are you not?---Yeah, it looks like, it definitely looks that way. Sorry, I, it's been a while since I've, you know, seen that email. I'm just trying to get my head around it.

Yes, and then Roster responds to you, "Confirming that Malenka replacing Lina."---Yes.

So really you're coordinating with - who was using roster@sig at that time?---Ali Syed.

So you're really coordinating with Ali to deceive SNP, aren't you?---Yes.

Now, in relation to costs associated with ad hoc security requests, do you know if Mr Smith had a budget or an account to cover those costs?---Yes.

And was that budget or account used on most occasions to pay for such requests that were made for those services?---No.

10 So can you just explain to the best of your ability the circumstances by which the account – explain the nature of the account Mr Smith had and the circumstances by which it would be used.---Yeah. The requests that came in from ARCHIBUS would have an account code, so billing would be directed towards the person that requested it. It would be billed towards their cost centre. Dennis's budget for ad hoc guarding was for things that, where there wouldn't be an account code, so things like, you know, if there was a, a protest and he wanted a couple of guards on for a protest, or if there was a broken door he would have to provide security for overnight, some of the graduations guarding, he would have to bear the, bear the costs on some of those jobs.

20

And sometimes would the guarding costs associated with ad hoc requests be too large to be met out of his budget?---Yes.

Can you give some examples of occasions where his budget was inadequate to fill those tasks?---Yeah. The main one was the, the occupation of the SCA main building.

That's at Rozelle?---Yes.

30 That I think in one week required some 838 hours' worth of guarding?  
---Yes.

Do you know – I withdraw that. Did Mr Smith tell you what he had to do to arrange for funding to pay the invoices associated with those requests?---I think we had to, at the end of the month we had to get the invoice, we had to get those shifts pulled out of the ad hoc invoice so that he could have a separate invoice so that he could go to, go to his manager and Campus Infrastructure Services to ask for the funds to be able to pay for that.

40 And to your knowledge were invoices for ad hoc services by SNP provided to Mr Smith?---Yes.

Did he ever come back to you to raise a query about any items or the price of any of those bills?---We'd, we'd review the ad hoc invoicing and sometimes there were ones that we, we just couldn't find either an email or a service request and so I'd have to go back to SNP and say I can't find details therefore we can't invoice it.

So just to cut you off there. You said we'd review it. When you said we, who would review those invoices?---Dennis and I.

And would this be before the invoice was issued or would this be some sort of draft invoice? I don't quite understand.---We'd get a draft sent from, from SNP billing. They'd send out the ad hoc invoice as a draft for me to double-check that it had the right details that, you know, things like spelling and account codes and things like that. I'd then show Dennis, you know, if there was anything there that would go onto his ad hoc budget, and then I'd  
10 send him an updated spreadsheet at the end of, well, not the end of the month but once that invoice was drafted I'd send him a spreadsheet itemising anything that was coming out of his budget.

And from time to time he might query some of the items contained in the draft invoice?---He might query them or just say oh, you know, what was that, what was that job, can you recall that one and, you know, we'd go and search and find out what, you know, try and nail down where the request came from.

20 Now, what involvement, if any, did you have in filling in or reviewing the site time sheets?---On and off. There were times where I was just too busy to have a look at the time sheets. SNP rosters would call through and say oh, can you have someone send through the time sheets. I might have been out on campus. I'd just ring the control room and say look, can you, can you scan or can you fax the time sheets through to SNP head office.

Is one to understand from your answer there that it fell within your responsibility to be the final reviewer of the time sheets?---I, I guess being the site manager you would, you would say it was, was probably, well,  
30 ultimately my responsibility to check them but I never did.

What, did you rely on Emir to perform those tasks for you?---I relied on Emir and the team leaders.

But from time to time you did see finalised versions of site time sheets?  
---Yes.

You noticed, did you at all, from time to time there was missing information in those documents?---Yes.  
40

What was the nature of the information that was from time to time missing?  
---Licence numbers and signatures.

And were you aware at the time that that information might have been missing because of the ghosting practices that were going on at the university?---I was, to, to my understanding it was not the ghosting as in someone putting down a name and then someone not showing up. I felt it

was more, you know, someone's coming in to do an overtime shift but signing in under someone else's name.

Well, that's still a form of ghosting, isn't it, because there's a name that's in the site time sheet but that person hasn't turned up on-site?---Yep.

What you're saying is that another guard may have performed that shift, pretending to be the guard whose name appears in the site time sheet?

10 MR GIVORSHNER: Well, I object to that question, Commissioner. There may be, when it comes to submission time, quite a lot of talk about ghosting so I think some, the term has to be used with some precision.

THE COMMISSIONER: I don't understand that, sorry. Can you just explain? Can you explain?

MR GIVORSHNER: Well, the witness had answered that he, as I understood what he said there, took ghosting to mean somebody claiming for work being done when nobody showed up to do it, that's the  
20 understanding I've come to of ghosting. The other form of - - -

THE COMMISSIONER: Well, I can tell you, my understanding is that it's been used throughout as referring to both.

MR GIVORSHNER: Well, perhaps my understanding was incorrect. I thought we were talking about two kinds of dishonesty, if I can speak generally. One is no one showing and work being claimed for, the other is people working but using false names to avoid fatigue breaches being  
30 discovered.

THE COMMISSIONER: Yes. I think there's no doubt the evidence suggests, at this point anyway, that there - - -

MR GIVORSHNER: I just want some precision about ghosting so there isn't an argument about what it - - -

MR ENGLISH: I'd like to assist on this, if my friend's got a concern, and ask some questions about it, Commissioner.

40 THE COMMISSIONER: Yes, sure. Thank you.

MR ENGLISH: Mr McCreadie, you're aware of the practice at Sydney University whereby a security guard's name and licence number would be inserted into the site time sheet in circumstances where that particular person would not turn up on-site?---Yes.

On occasion, a guard may fill the shift that the, I'll call that the ghost, the ghost is the person whose name and details are entered into the site time sheet but doesn't turn up. Do you understand?---Yes.

On occasion, a real guard may purport to perform the ghost guard's shift outside of their ordinary shift?---Yes.

That would be like a locking or unlocking task, wouldn't it?---Could be anything.

10

Well, let's use a locking or unlocking. A team leader might finish their shift and at the end of their shift, using the ghost guards details, they might go and do the unlocking and unlocking tasks and be paid for that in addition to their primary shift, correct?---Correct.

Another occasion might be where a ghost guard's details are entered onto the site time sheet and a guard who's already working is asked to perform another shift, a concurrent shift, while they're already performing their primary shift.---Yes.

20

And another occasion is when a ghost guard's details might be entered into the site time sheet but nobody would fill the shift that the ghost was at least identified as performing, correct?---Yes.

So I was asking you questions about your observations of the state of the time sheets and you've said at times you observed information to be missing in the order of signatures and security guard licence numbers?---Yes.

30

And what I want to ask you is, are you aware of any occasion when SNP management raised with you a concern in relation to such information being not recorded in the site time sheets at Sydney University?---Yes, I do believe there were occasions.

Can you be specific with an example of one of those occasions?---I mean, obviously there's, I'm, and I'm pretty sure there is something from Troy Swadling, you know, saying that, you know, the guys have to be better at filling in all the details and signing on and signing off. There may have even been something from Peter Papagiannis about it as well.

40

But that might have been an exhortation on one or two occasions to improve the practice down at the university. Would you accept that's a summary of what you've just said?---Yes.

I want to be more specific. Was there ever a time when people would ring from SNP rosters or head office and say, hey, there's four or five gaps, for example, in this site time sheet. Can you go and fill them in and then send it back?---I think they may have, they may have called and said, oh, look, in

the system we've got someone listed for the shift but they're not on the time sheet. There, there probably would have been calls like that.

You're saying there "probably". Have you not got a specific memory of any such call?---I don't have a specific one.

10 What about missing signatures? Did anyone ring and say, "Hey, so-and-so hasn't signed the site time sheet. Can you get so-and-so to sign it, please?"  
---I don't recall being asked to get someone to, to sign a time sheet. I do recall even just some of our direct staff that, you know, were not involved in any of this ghosting practice would sometimes forget to sign on or sign off.

What about queries in relation to handwriting? Did anyone from SNP ever say it seems like a time sheet on a particular day has been filled out by one person?---No, I can't recall ever getting any queries like that.

Now, the university didn't receive a copy of the site time sheets, did it?  
---No.

20 Was there ever to your knowledge any occasion where there was a request from anyone or a request by anyone from the university to be given a copy of the site time sheets?---I, I can't think of a request, no.

Do you know if anyone from the university ever conducted a headcount of the guards on duty on a particular day?---I'm not aware.

You're not aware of that ever happening?---I can't recall any time. Sorry, can I just go on to further explain?

30 Yes, sure.---Obviously after the ICAC warrant was served on the university, in the days after that Simon Hardman had introduced a policy where he wanted a daily summary from the team leader to advise him exactly who was on shift; if someone was rostered, called in sick, who the replacement was; and he wanted also the summary of any, any unfilled hours to be produced on shift handover for day and night shift.

So that's after the warrant was executed, was it?---Yes, that's correct.

40 So just focusing on the period before the warrant was executed, did you ever see Mr Smith reviewing any of the site time sheets?---No.

Now, the site time sheets, were they kept in the office or the control room?  
---They were kept in the control room and then after that they would be moved into Emir's drawer.

So that was after they'd been scanned and sent to SNP, is that right?---Yes. And then at the end of the month the time sheets would then be put on the shelving behind where, where we all sat.

So you'd expect, would you not, that the versions of the time sheets either located on the shelving behind where you sat or in Emir's drawer would be the same version of the time sheets that were scanned and sent to SNP?  
---Yeah, they should be.

Now, SNP had some KPIs it had to adhere to with the university.---Yes.

10 And I'm wondering if volume CP D, page 42, can be brought on the screen, please. CP D, page 42. So this is the work order, is it not, in respect of the master services agreement between the university and SNP for the provision of security guarding services at the university?---Yes.

It identifies the four areas in relation to which services were to be provided, to which you gave evidence yesterday.---Yes.

You can see on page 43 it's the signed version.---Yes.

20 And if we go to the work order on page 44, some information under Services. There's a service period and then there's Deliverables. Do you see that?---Yes.

And the first bullet point, "The supplier is to provide the security officers to fulfil the static control room, SEINS enforcement, bus driver and patrol officer duties as required by the university." Do you see that?---Yes.

What's SEINS enforcement? What's that?---That's the self-enforcing infringement notification scheme. So that's the issuing of parking tickets.

30 So these are contract positions that had to be filled by SNP?---Yes.

That don't relate to ad hoc requests for services?---No, they were part of the contract.

If we go across the page we can see the KPIs. Just go across the page as well. And you can see there's some information under Failure to Meet KPIs.---Yes.

40 Now, were these KPIs discussed and measured at monthly management meetings?---Sometimes.

When you say sometimes, are you saying it wasn't a standing agenda item?  
---It was, it was an agenda item for us to review the KPIs, but some of the guarding KPIs, if you have a look at the way in which they were measured -  
- -

Do you want me to go back to page 45?---Yeah. The, the way in which they were measured or the evidence to either say that we met the KPIs or didn't

meet the KPIs would take the university staff quite an amount of time to be able to compile the data.

So there was some problems in checking the compliance with the KPIs, was there?---Yes, for the guarding.

So can we just have a look at, for example, 5. “All university buildings are to be patrolled at least once every 12-hour period.”---Yes.

- 10 See that? “Measured by building attendance reports, not to be below 85 per cent achievement.”---Yes.

Was there a report provided that said that we’ve met this KPI?---We didn’t provide the report.

Who provided it? Sydney University?---The checking of those, I guess those measurements would be Dennis Smith and Duane Ledford to report on, on whether we met the target or not.

- 20 See this as well? 6. “All 24-hour spaces within the university are to be patrolled two times each night.”---Yes.

Is that another responsibility that fell to Mr Smith and Mr Ledford?---Yes.

And did they at monthly management meetings report back and say you’ve got a tick or a cross in relation to KPIs 5 and 6?---No. Well, tick or a cross, it was sometimes, you know, it was just said, look, everything appears to be fine. We won’t, we won’t record a KPI breach there.

- 30 THE COMMISSIONER: How did they know it was fine?---Well, well, that’s the thing. The 24-hour spaces, for example, there were only a limited number of 24-hour spaces on campus, so the KPI to say that those 24-hour spaces are to be patrolled at least two times each night was quite an easy one to, to check. It would - - -

How would it be checked?---Duane would have to go into the access control system and, and pull up the, the swipe records for security to check on the, but he’d have to manually check each of those phases.

- 40 For each day?---For each day for a month.

To your knowledge, was that done?---On occasion it was but then sometimes he would, he would just look in, he would just look in, I’m trying to remember the software program. It was an incident, incident reporting software that the, that the control room and security team use. So whenever a guard did a building check or attended a location, they’d call it in and the control room operator would data entry into the computer system that the guard had been there. So by way of filter, you could, you could see how

many, how many checks were done, you know, overall. Like, you know, for a month's data, it might say, you know, building checks, you know, 5,000 building checks done in a, in a month or something like that.

And he, as you understood it, would examine the KPIs by reference to swipe cards?---I don't know they did.

10 Was it the time sheets or how did they measure whether in fact, firstly, there are enough guards on-site and, secondly, that the guarding services that formed the basis of these KPIs were actually performed?---There was, there was a couple of times where I think Duane actually did the whole exercise and it took him days to be able to, to show the data to say that, okay, the, the buildings have been checked to a satisfactory level.

What was the source of his data, though?---I thought it was the, I thought it was the, the, the, the incident reporting software.

20 And how would that demonstrate that the services had been performed? ---Look, I didn't know too much about it. I had, sort of, limited access into it but it, it would, I mean, unless you manually went building by building to, to get the numbers for each particular building, when you, when you did a data search, it'd just give you the whole, the whole total number of, total number of, you know, floor checks, total number of perimeter patrols but it'd, it'd just sort of deal in total numbers unless you went to each building specifically to get the activities for each building.

30 If you did that, what would you see?---If you went to, my understanding, if you went to a particular building and you wanted the data for that particular building, it would come up with, it would come up with descriptions of time, day and officer in attendance. So for, just to use a building as an example, the quad. If you ran a report on the quad from, you know, 1 January to 31 January, it might give you total number of, total number of visits is, you know, whatever the number is but then you could go into the information and it would tell you, you know, a time, date and security officer who performed the task.

40 And we're just concentrating on that bit of information for the moment. What was the input that gave rise to that reading?---That would be the control room operator or the second CMS operator having to manually input the data. So if they were busy answering calls or, or, you know, whatever else was going on in the control room, if someone's calling in that they've done a building check, there, there would often be cases where, you know, the guys are calling things in but the control room operators have been unable to enter the data because it, it relied on someone manually going through a, like, a software program, selecting the building, then selecting the type of job that was performed.

How was it handled on occasions where no guard was actually performing the job? How did that - - -?---I don't know. I don't know if, you know, the guys just didn't, didn't put anything in. I don't know if they, you know, created entries to say that someone had been there. I don't know.

Yes, thank you.

MR ENGLISH: The system of manually entering the information relies on the honesty and competence of the operators, doesn't it?---Yes, it would.

10

The university had capacity to monitor GPS locations through its radio system, did it not?---I think so, yes. Yes, it did.

Do you know whether, for example, Mr Ledford or Mr Smith ever generated reports about GPS coordinates for guards?---Not, not that I know of.

So you said once or twice Mr Ledford compiled a report that went to the KPIs numbers 5 and 6.---Yes.

20

And they were discussed at a monthly meeting, were they, those reports? ---Yeah, in the, in the beginning it would be more I'd sit at Dennis's desk and we'd go through the KPIs and, you know, we'd, we'd sit and review them. Then we tried to structure it more formally as a combined meeting with Electronic Services as well so that we could come up with a better way of keeping track of monthly minutes and, and the KPI scoring.

Can I just ask you this. On occasions where you didn't have the benefit of the report that Mr Ledford had generated about matters relevant to KPIs 5 and 6, was the assessment of whether those targets were met determined on a basis of an absence of complaint?---More of a, more of a case of, you know, if they didn't have the data to be able to say, well, you didn't do it, how could they score you down?

30

So it's just if they didn't bother to do the report it was just assumed that the job had been done, is that right?---Yes.

Just looking at KPI 1, that "appropriate officers as required by university will be made available to fulfil the requirements of the statement of works", you see that?---Yes.

40

If we go back to Deliverables, sorry, on page 44, those "appropriate officers as required by the university" are those identified at bullet point 1, aren't they?---Yes.

And would you agree that from 10 September, 2015 until the execution of the warrants, ghost names were being used on time sheets in respect of

positions to be performed by patrol officers?---Not from the, not from the, the commencement of, the commencement date, no.

When do you say that that would have first commenced?---When I became aware of it, which was, as I think I said previously, sort of that mid-to-early 2016.

10 So if ghost names were being used on time sheets in respect of patrol officer duties, you remember I asked you questions about the three means by which that shift might or might not be carried out?---Yes.

So if a ghost name's being used from, say, early 2016 onwards, would you agree it's very difficult to ascertain whether the shift has actually been performed?---Yes, it is, it is difficult.

So in that respect KPI 1, would you agree, wasn't being met at least insofar as patrol officer duties were concerned from early 2016?

20 MR COLEMAN: I object to that. It does not follow at all.

THE COMMISSIONER: Sorry, I missed that question.

MR COLEMAN: I - - -

MR ENGLISH: I think the Commissioner said he missed the question.

MR COLEMAN: I heard that. That's why I sat down.

30 MR ENGLISH: I'll ask it again. If you look at KPI 1 it says that "appropriate officers as required by the university will be made available to fulfil the requirements of the statement of works". You agreed one of the statement of works involves patrol officers being supplied as required by the university?---Yes.

You've agreed from early 2016 that ghost names were being inserted into the roster in respect of patrol officer duties?---Yes.

40 You've agreed that it's very difficult to determine whether someone actually turns up on-site to perform a task where a ghost name is used in the time sheet?---Yes.

So would you agree that from early 2016 KPI 1 had not been achieved in respect of patrol officer duties?

MR COLEMAN: I object.

THE COMMISSIONER: Why?

MR COLEMAN: Well, it doesn't follow because it assumes that that was the case all the time.

THE COMMISSIONER: No, I don't think it does.

MR COLEMAN: It must, with respect, the way that my learned friend phrased it. It might be right, it might follow as a conclusion with respect to the times when there were ghost officers in this for the relevant patrols, but it doesn't follow all the time.

10

THE COMMISSIONER: That's the way I interpreted the question, I must say. Yes, you go ahead, Mr English.

MR ENGLISH: On the occasions that ghost names were used in the roster for patrol duties from 2016 onwards, do you agree that KPI 1 hadn't been achieved?---It's quite possible.

Now, there was an effort to remove SIG as the subcontractor to SNP some time in, probably from late 2017. Would you agree?---Late 2017. I thought it was more, more around February.

20

Of 2018?---Yes.

You were called into a meeting, were you not, is it a Lisa Woods who was another account manager involving SIG?---Lisa Cooper.

Lisa Cooper. Thank you. You were called into a meeting back in 2017 about SIG's performance in a meeting with Ms Cooper and Ms Willard. Is that right?---Yes, that would have been, if it was Lisa Cooper it would have been for their services at CTTT.

30

And you were there providing information insofar as their services related to the university?---Yes.

Did you report any adverse matters in respect of SIG's services at the university during that meeting?---No, not really. I think, I think my only, maybe my only criticism was uniform.

You were aware by that stage that ghosting was well entrenched at the university?---Yes.

40

THE COMMISSIONER: I think, Mr Coleman, I think the concern you raised is probably right to the extent that you wouldn't be able to measure whether or not the KPI - - -

MR COLEMAN: Quite so.

THE COMMISSIONER: Yes. But in itself that's a problem, isn't it?

MR COLEMAN: Perhaps not for me, though.

THE COMMISSIONER: Perhaps not for you, no.

MR COLEMAN: Or my client I should say, yes.

MR ENGLISH: So I'm not sure why there was an objection then, Commissioner, but I'm grateful nonetheless.

10

MR COLEMAN: Well - - -

MR ENGLISH: Now, in early 2018 there was further concern raised in relation to SIG performance this time in relation to fatigue issues.---Yes.

Now, could Exhibit 35, page 23 be brought on the screen, please. This is the SNP fatigue management policy. Do you see that?---Yes.

It's a document you're familiar with are you?---Sort of, yes.

20

Why only sort of?---I was, by, by the time I've moved across to the university I didn't have access to any of the head office intranet or anything where I could, I could pull up policies and procedures so I wasn't as up to date as what I was when I, when I worked out of the office.

Just bear with me one moment, please. Can volume 10, page 58 be brought on the screen, please. So if that can just be increased a bit, please. If we just start at the top, you can see this is an email from Ms Willard to Mr Balicevac and yourself. It concerns a proposal I think that you and Mr Balicevac raised to have a Mr Dirienzo do line marking at the university. ---Yes.

30

If we can just go down to the bottom of the page, you can see Mr Balicevac says to Ms Willard, and I appreciate it's not you saying this, "Thank you for your response. Yes, definitely, we will be monitoring fatigue management guidelines policy to make sure we are all on safe side and apply HR advice," and that was an email of 20 January, 2017. Do you see that?---Yes.

40

It seems, would you agree, by that stage you and Mr Balicevac had made yourselves familiar with that policy, do you agree?---Maybe not so much just that policy in particular but aware of the fact of not having someone work, you know, too many hours in one hit.

Well, if we go back to Exhibit 35, page 23. So you see, "Roles and responsibilities managers and supervisors," that's you, isn't it, down the bottom?---Yes.

And you can see you had a responsibility to “Ensure workers have adequate opportunity to obtain rest from work”?---Yes.

Over the page, you were required to, “Monitor workloads, work patterns and rostering arrangements to ensure workers are not exposed to risk of fatigue”?---Yes.

10 And you were required to, “Conduct annual audits of rostering patterns to ensure compliance with published guidelines and maintain records for audit.” Do you see that?---Yes, I see that.

What did you do at the university in respect of those responsibilities, if anything?---We certainly didn’t conduct any annual audits of rostering patterns and monitoring of, of workloads, no.

Well, it was the opposite, wasn’t it? You were allowing workloads to be overloaded so people could earn further moneys at the university using ghost details?---Yes.

20 So if I could just ask you a bit more about your dealings with those from SIG. You’ve given evidence about dealing with Tommy but you also dealt with other members of the staff at SIG, did you not?---Yes.

Who were they?---Lynn.

30 Yes.---Now, the other people in the office I only know by what I’m assuming to be anglicised names, so names like Sue, Summer and Maggie. But I think on occasion there were two versions of Summer, so there was Summer that I thought I knew as Summer and then there was another girl that I was introduced to one time and told, oh, you know, this is Summer, and I was confused. I thought it was, I didn’t think it was the person I knew.

When you collected your cash payments from SIG on a weekly basis, do you know who it was that you collected from?---To start off with it was Lynn and then I, I don’t even know if I know the girl’s name. I don’t know, the, the lady that was sitting in the office at Rockdale. I don’t know if her name was, was Sue or, or Maggie.

40 You from time to time – I withdraw that. Did you receive any other gifts or benefits from time to time from Tommy or anyone from SIG?---Just from Tommy.

There’s been some evidence of gift cards. Did you ever receive gift cards from Tommy?---Yes.

How frequently?---In the beginning, maybe, I don’t know, once a month. Once every six weeks.

And how much was the value, were the value of those cards?---To my recollection I think it was \$100.

And once every six weeks you said in the beginning. For how long was he regularly giving you those gift cards once every six weeks?---In the beginning of everything he'd, as I said, he'd given me the, the lens for my camera, and there'd been a couple of occasions where he'd given me gift cards and then, you know, I would, I'd guess by about, probably by about  
10 May 2012, I'm thinking that's about the, probably about the beginning of him giving me gifts in, well, giving me cash.

THE COMMISSIONER: To your knowledge, did Mr Sirour give gift cards to anyone else?---At that time, no.

Later?---Oh, I didn't see him give any gift cards and I didn't have anyone come to me and say, "Hey, I got this from Tommy," because he would, he would give you something and he would say, "I, I need you or I want you to just keep this between you and me and not, and no one else."  
20

Thank you.

MR ENGLISH: If volume 2, page 200 can be brought on the screen, please. This is an email from online bookings to info@sinternationalgroup. If we go to the next page, please. It identifies some flights that have been purchased for you and, without mentioning any of their names, members of your family.---Thank you for not mentioning their names. And, yes, that was purchased by Tommy for me.

30 And did you ask him to purchase these tickets for you or is this something he offered to you?---He offered.

Did it coincide with a family holiday or something along those lines?---Yes, that's correct.

And if we go to page 211, please. It appears that Mr Sirour may have arranged and paid for some accommodation for you as well.---Yes, that's correct. That was for the – 28<sup>th</sup> of the 9<sup>th</sup>, yes, that was for one night's stay before we flew out on a family holiday in, in September.  
40

And did he make any other contributions to that family holiday in September?---From what I, from what I recall, the money that I was getting from Tommy on a weekly basis, I would have used that to help pay for the holiday.

And this offer that Tommy made to purchase the flights and this piece of accommodation, did that coincide with any particular task you'd done for him at the time?---Not that I can remember. The, the flights to Melbourne, I

10 didn't ask him for the, I didn't ask him for the flights. I'd meet up with Tommy regularly, obviously, outside of work hours and, you know, we'd, we'd have small chat, you know, hey, you know, what are you guys doing? You know, he'd ask me how my wife was, how my family was going, you know, it, we got onto the subject and he said, oh, 'cause I'd told him we were planning to go away, and he said, "Have you bought your, have you bought the flights yet?" And I said, "No, no, no. I'm just about to go and, you know, go and book them." And he said, "No, no, no. Let me talk to my travel agent." He sort of, sort of said to me that, you know, it was a family member or someone that, that worked in the travel agent. And he said, "No, no, no. I've got family in the travel agent. I'll, I'll, I'll get you those flights."

And you didn't disclose the fact that Tommy had purchased these flights and accommodation for you and your family to SNP?---No, I didn't.

Is that a convenient time, Commissioner?

20 THE COMMISSIONER: Yes, certainly. We'll adjourn for, say, 20 minutes and I really do want to start again at 20 to 12.00 if we can. Thank you.

#### **SHORT ADJOURNMENT**

**[11.22am]**

THE COMMISSIONER: Thank you.

30 MR ENGLISH: Commissioner, before I continue questioning Mr McCreadie, there's some further volumes to tender. Might that be a convenient time to do that now, now that some of them have been referred to in the evidence?

THE COMMISSIONER: Yes. Certainly.

MR ENGLISH: I tender a volume marked Volume 10, Line Marking.

THE COMMISSIONER: Are these all in the restricted portal, are they?

40 MR ENGLISH: They're not, sorry, some of them are but they can now, if you agree to the tender, be placed on the public website.

THE COMMISSIONER: The folder marked Volume 10, Line Marking, will be admitted and marked Exhibit 67.

**#EXH-67 – PUBLIC INQUIRY BRIEF FOLDER 10 LINE MARKING**

MR ENGLISH: The next volume to tender is marked volume CP A.

THE COMMISSIONER: The volume marked CP A will be admitted into evidence and marked Exhibit 68.

**#EXH-68 – PUBLIC INQUIRY CORRUPTION PREVENTION  
BRIEF FOLDER CP A**

10

MR ENGLISH: May it please. The next volume is volume CP B.

THE COMMISSIONER: Volume CP B will be admitted into evidence and marked Exhibit 69.

**#EXH-69 – PUBLIC INQUIRY CORRUPTION PREVENTION  
BRIEF FOLDER CP B**

20

MR ENGLISH: The next tender is volume CP C.

THE COMMISSIONER: Volume CP C will be admitted into evidence and marked Exhibit 70.

**#EXH-70 – PUBLIC INQUIRY CORRUPTION PREVENTION  
BRIEF FOLDER CP C**

30

MR ENGLISH: The next tender is volume CP D.

THE COMMISSIONER: Volume CP D will be admitted into evidence and marked Exhibit 71.

**#EXH-71 – PUBLIC INQUIRY CORRUPTION PREVENTION  
BRIEF FOLDER CP D**

40

MR ENGLISH: The next tender is volume CP E.

THE COMMISSIONER: Volume CP E will be admitted into evidence and marked Exhibit 72.

**#EXH-72 – PUBLIC INQUIRY CORRUPTION PREVENTION  
BRIEF FOLDER CP E**

MR ENGLISH: The next tender is volume CP F.

THE COMMISSIONER: Volume CP F will be admitted into evidence and marked Exhibit 73.

10 **#EXH-73 – PUBLIC INQUIRY CORRUPTION PREVENTION  
BRIEF FOLDER CP F**

MR ENGLISH: The next tender is volume CP G.

THE COMMISSIONER: The Volume CP G will be admitted into evidence and marked Exhibit 74.

20 **#EXH-74 – PUBLIC INQUIRY CORRUPTION PREVENTION  
BRIEF FOLDER CP G**

MR ENGLISH: And I should say, for everyone's benefit, CP stands for corruption prevention and they're the volumes that relate to that aspect of the inquiry. We then have four other volumes to tender. These all relate to financial analysis documents. The first is marked volume 4B. I tender that.

30 THE COMMISSIONER: The volume marked 4B will be admitted into evidence and marked Exhibit 75.

**#EXH-75 – PUBLIC INQUIRY BRIEF FOLDER ICAC FINANCIAL  
ANALYSIS 4B**

MR ENGLISH: The next tender is volume 5B.

40 THE COMMISSIONER: Volume 5B will be admitted into evidence and marked Exhibit 76.

**#EXH-76 – PUBLIC INQUIRY BRIEF FOLDER ICAC FINANCIAL  
ANALYSIS 5B**

MR ENGLISH: The next is volume 8B.

THE COMMISSIONER: Volume 8B will be admitted into evidence and marked Exhibit 77.

**#EXH-77 – PUBLIC INQUIRY BRIEF FOLDER ICAC FINANCIAL ANALYSIS 8B**

10 MR ENGLISH: And the final tender is marked volume 9B.

THE COMMISSIONER: Volume 9B will be admitted in to evidence and marked Exhibit 76.

**#EXH-78 – PUBLIC INQUIRY BRIEF FOLDER ICAC FINANCIAL ANALYSIS 9B**

20 MR ENGLISH: May it please. Thank you, Commissioner,

THE COMMISSIONER: Thank you.

MR ENGLISH: And, Mr McCreddie, if you can just look at the document that's brought on the screen, it's Exhibit 36, page 298. If we start, perhaps if we go to page 299 just so you can see the balance of the email. You can see it's an email that Ms Li has sent from S International?---Yes.

30 If we go back to page 298, you can see it's addressed to you and Ms Li's saying, "Below is our updated draft of email. Could you please have a look. Thanks." And it appears that in the body of the email, without referring to the sites, Ms Li is responding to concerns raised in relation to other locations all right which SIG was providing guards pursuant to a subcontracting arrangement with SNP?---Yes.

Now, these other sites that are referred to were they to your understanding accounts that fell within Ms Cooper's responsibilities?---Yes.

40 And Ms Li it seems is asking you to review her email which one can assume would then be forwarded onto Ms Cooper. Is that right?---Yes, that's correct.

And you've agreed to do that at the top. You said, "Looking at it now." ---Yes.

That's a task that was being asked of you that was beyond your responsibilities certainly at Sydney University, wasn't it?---Yes.

And is that a task that Lynn or Tommy might ask of you from time to time to settle their responses in relation to issues that arise at other locations in addition to the university?---Yes.

And did you see the review of such responses as part of your responsibility pursuant to the weekly payment that Tommy was making to you?---Yes.

And you wouldn't have disclosed to SNP that you were assisting Ms Li in this way?---No, I didn't.

10

Do you accept that the weekly cash payments that Mr Sirour was paying you were in the form of an inducement so that you'd continue to look out for and advance SIG's commercial interests?---Yes.

Now, was there a time when you and Mr Balicevac made attempts to become direct employees of Sydney University as opposed to SNP?---Not, not so much attempts. We, not so much attempts to be direct employees. There was talk within the university that they were going to restructure the Campus Security Unit and certainly there were going to be internal positions that would be advertised.

20

And did you discuss with Mr Balicevac the possibility of applying for those positions, did you?---Yes.

Was there any ever discussion with Mr Smith about the possibility of you and Mr Balicevac applying for such internal positions?---There were discussions. I think obviously Dennis had given us the heads-up and we could see, because we worked in amongst, you know, everyone from, from the university, we were right in the middle of everything, we could certainly tell that they were reviewing the, the internal structure of that department to, to come up with, you know, what the, I guess what the, the structure of, of the security department should look like in the future.

30

And when you discussed with Mr Balicevac the possibility of applying for roles directly with the university, did you ever discuss with him how that could benefit SIG?---Probably.

You don't have a specific recollection of any such discussions. Is that your evidence?---Look, I would, I would say that I've, I've probably said something like, you know, if we get into the university as direct employees then, then, yeah, we can, we can look after SIG.

40

Can I ask you, have you ever taken Mr Smith out to lunch?---I've been at lunch with him at the university.

You mean on campus?---On campus.

There's a number of food outlets at the university, aren't there?---Yes.

Are you just talking about getting a sandwich and sitting together or something more formal?---The only, the only formal occasion I've been to with Mr Smith off campus was an awards night down in Canberra.

10 And can you tell the Commission about that, please?---Certainly. Two, two of our staff working at the university – one was Emir Balicevac and the other one was a guard by the name of Gary Jannese – had stopped a person from committing self-harm on the university campus. They intervened, I think the poor gentleman was trying to cut his wrists with a rather large kitchen knife, and they called for the police and for the ambulance to attend, but before, before that was able to, to, to happen, they had to intervene because they felt that, you know, he was going to commit self-harm. As a result, we nominated Emir and Gary for a, I guess, a bravery award through the Australian Security Medal Foundation, and when we were told that they were to, to be received with one of the top, I guess, awards or medals, SNP arranged for us to go down to Canberra for the night and the university had arranged for Dennis and his partner to go for the night as well.

20 And the dinner you spoke of?---That was at the awards ceremony.

So that was part of the reason you were down there, I take it, is that right?  
---Yes, that's the reason I was down there.

THE COMMISSIONER: Who paid?---Sorry?

Who paid?---For Mr Smith?

30 Yes.---From what I know, the university paid for his accommodation and his, well, I'm guessing they would have paid for his ticket.

Thank you.

MR ENGLISH: It's the case that Mr Balicevac was initially not to receive that award and Mr Smith intervened on his behalf, is that right?---Both Dennis and I intervened.

40 And a decision was then made that, what, he was to receive the award?  
---What, I guess the, the story behind that is the, the general manager that we had at the time, he was okay for Gary Jannese to be nominated and endorsed by SNP because at that stage the awards hadn't been confirmed. It was just in the nomination process. The company, well, the general manager didn't want Emir to be nominated because he was a subcontractor, and I sort of objected to that because, you know, he's good enough to wear our uniform and, and represent the company, you know, on the university grounds. You know, if he was party to that, then, then why should we discriminate?

All right, thank you. Now, did you at any stage have discussions with Mr Smith about SIG becoming a direct contractor to the university?---Yes.

What was the circumstances of those discussions?---The contract KPIs for our electronic services were getting worse and worse, and it appeared that the university was going to exercise its right to either go back out to market or start to divide up sections of the contract.

10 So, what, you felt that SIG might be able to pitch for the electronic side of the contract?---No.

Well - - -?---No, no, no, no. Historically prior to, prior to SNP having the formal contract to provide security services at the university, in years gone by the university always had two security providers, one for the guarding component, one for ad hoc services, and there was a suggestion that if they were going to split the contract, could, could SIG forward a proposal.

20 And those discussions you had with Mr Smith about SIG being the contracting party in relation to ad hoc services, was that a discussion that you initiated with him or he initiated with you?---I think Emir had gotten in his ear first and then Dennis had, had asked me, you know, what do you reckon or, you know, if we go down this path will they, will they put a quote in?

30 And what was your response to Mr Smith when he asked you if SIG would put such a quote in?---I felt a bit awkward. Obviously I'd flagged with Tommy that, you know, if SNP found out that he was trying to quote to take work away from SNP, then any other business that he had with the company would be, you know, obviously taken away from him, and I suggested that if he, if he wanted to chase other work, that he should do it under a different master licence.

And you're giving this advice to Tommy whilst you're an SNP employee? ---Yes.

So did you feel somewhat conflicted in relation to your duty to your employer when you were giving that advice to Tommy?---Yes.

40 So why were you assisting Tommy in that way?---Obviously I felt obligated because of the weekly payments that I was receiving from Tommy. I was also still wary of the conversation he'd had with me, you know, sometime prior about, you know, the comment he made about, about me signing for those payments. Whilst it wasn't a direct threat, I was certainly worried that he could take those sheets and, you know, give them to SNP and I'd be out of a job.

THE COMMISSIONER: Did you discuss the possibility that SIG would obtain a contract on one occasion or more than one occasion with Mr Smith?---Which, which contract? The security contract?

Yes.---I don't recall asking Dennis if, I don't recall asking Dennis, you know, can SIG take the entire security contract.

You had a discussion with him.---There was a discussion about taking some of the services.

10

All right. And doing the best you can, what did he say to you and what did you say to him?---He asked about the size of Tommy's organisation and, you know, and I've, and I've even said it to Tommy and I've, and I've said it to Emir, he's just not big enough.

Did you say that to Dennis?---Yes.

20

Anything else?---I was going to say, ad hoc work he could certainly service and provide guards for, for the ad hoc services, but in terms of being able to bankroll the amount of invoicing that the university would need, they'd always have to go to a larger supplier.

MR ENGLISH: Did you ever say to Mr Smith at this time or any other, "Look, I don't think SIG can do it. Their practices aren't honest enough." ---No, I never did.

30

Well, if Mr Smith was asking you, "Do you think SIG can do this job?" did you feel any obligation to tell him that there were ghosting practices going on at the university that he should know about?---No, I didn't.

40

Did you feel that he had an understanding that that was already going on? ---I think he knew, and going back to how you define the three ways of ghosting, I think he was definitely aware on occasions where I had covered a shift and performed the role, but I don't, but I don't think he ever checked the time sheet or asked how I was getting paid for doing that job. So, for example, if dignitaries were coming to the university and wanted to be shuttled around campus, we'd get a service request to, to pick up the university mentor plus the delegation and drive them around campus and, and drop them off and pick them up from meetings. So rather than calling a guard in to, to cover that, I'd grab the keys to the minibus and I'd cover it myself.

And Mr Smith would see you performing that extra task?---Yes.

Beyond that, I mean that's yourself, are you aware whether he saw Emir performing, for example, other tasks like locking and unlocking services? ---Not that I'm aware of, no.

Well, if he saw you, do you know if he saw anyone else, such as Emir or Frank, performing guarding services in relation to ad hoc requests?---He would have seen a lot of us doing ad hoc requests. You know, for example, university open days, we would try to get as many people who were on their rostered days off to come in and, and just be in static positions for open day.

So he'd know that you, Mr Balicevac and Mr Lu were doing additional shifts beyond your core roster at the university?---Yes.

10 Did he ever raise that as an issue with you?---No.

Did you get the impression he was pleased to see you there on those additional days because – well, I won't ask why but did you get the impression he was pleased to see you there on those additional days?---Yes.

Now, this discussion with Mr Smith about SIG potentially taking over the ad hoc work, was that in early 2017 sometime?---Yes.

20 And are you aware whether any gift or benefit was offered to Dennis Smith at around that same time by Tommy?---Tommy was talking about, Tommy kept, he kept badgering me about, you know, you've got to get me the work, you've got to get me the work, and he was sort of indicating that he'd do whatever it takes to get it. He was always talking about wanting to fly us all up to the Gold Coast or down to Melbourne and including Dennis in that, and I kept saying to him, no, Dennis wouldn't be interested. You know, he, he wouldn't want to be socialising with any of us, you know, outside of, outside of work. He kept talking about, you know, when Dennis was wanting to go on, on leave, I think he was travelling to Europe, Tommy kept saying, look, I think we should give, you know, Dennis \$5,000 towards  
30 spending money, which, to my knowledge, didn't happen because I said to him, no, don't do it. But in terms of what I've heard in, in terms of other gifts, like, pinball machines and things like that, no, I didn't know.

Well, just looking at travel and accommodation, do you know if Tommy made any offers to Dennis in those areas?---No. I wasn't aware that he had actually approached Dennis to do that.

40 And why was it that you counselled Tommy against making offers of that nature to Dennis?---Well, I just felt that if, obviously I, I didn't know what Dennis's involvement would be, I didn't know how he would react. I felt that if Tommy had done that, then, you know, potentially we could, we could all be out.

Now, did you agree, in relation to this prospect of SIG taking over the ad hoc work at the university as the primary contractor, did you agree to write a tender proposal or a pricing document or anything like that for SIG's benefit?---I'm pretty sure I would have said to Tommy, I'll help you to, I'll help you to draw up the proposal so that you can submit it.

Did that ever eventuate?---I can't remember if it did.

Now, did you in – I withdraw that. From time to time did you provide personal time sheets yourself to the SIG office for additional hours that you wished to claim for security services?---Yes, I did.

Was that regular that you did that?---Me personally?

10 You personally, yes.---Look, there would have been times where I've emailed Lynn to say, you know, I wanted to claim this or I worked this shift on this day and signed in under this name and Emir would often, he would often tell the ladies in the office how to, how to split the hours between us.

So is your evidence that where you did the shift yourself you informed SIG of that?---Yes.

And the name you signed in under?---Yes. I would ask them what to sign in as.

20

Now, there are other occasions where Emir would write in on your behalf and say that shifts needed to be split between you and him. Is that right? ---Yes, that's correct.

How did you come up with an agreement with Emir for him to do that on your behalf?---He, he would just turn around and say, look, it's all covered.

30 Well, what does covered mean? Does covered mean there's a name in the site time sheet or does covered mean someone actually turned up to perform the work?---No. If he was, if he was getting in touch with SIG to, to get me extra money, covered was in the context of I've already told Lynn how to split the money.

Oh, okay. So in circumstances where Emir made a claim on your behalf for payment, is it fair to say that you wouldn't have turned up on those occasions to perform the shifts?---Yes, that's fair.

And did you make any inquiry of Emir whether anyone turned up to perform the shifts?---No.

40

Why did you make that agreement with Emir to allow him to do that on your behalf?---I guess I, I got caught up in the whole thing. I got greedy. It also meant that I didn't have to, you know, deal with SIG. I'd just turn up, collect my money and go.

It seems that you placed a great deal of trust in Mr Balicevac. Would you agree with that?---Yes.

Now, would you agree that you've been paid on occasions when you took annual leave from SNP?---Sorry, paid by SNP when I was on annual leave?

Sorry, that's my fault. You were paid by SIG on occasions when you were on annual leave from SNP?---Yes.

You went to Queensland in January of 2017?---Yes.

10 Do you know that you were paid for additional shifts by SIG during that period?---I can't remember if I was, but if I didn't go to the office because I was away on annual leave, eventually when I would return it'd just be sitting there waiting for me.

There'd be an envelope there with cash in it, would there?---Yes.

You went on holidays with Mr Balicevac in May of 2017, didn't you, to New Zealand?---No, that was, that was February.

20 Was that February 2018? I'm sorry if I'm confusing you.---No, no, no.

Put the date to one side. Did you go to New Zealand on a holiday with Mr Balicevac?---Yes.

And was there, as you said, when you got back an envelope waiting for you with cash in it?---Yes.

And that's from SIG?---Yes. And, sorry, just to confirm, it was February 2018.

30 I'm sorry, that's my apologies. Does the Commission take from your evidence that on occasion you would, under your own hand, enter a ghost name into the site time sheet?---Yes.

And where did you find the details of the ghost name and licence number to enter?---I'd get those from, I'd usually get those from Frank.

40 Now, there was some work to be done – and I'm not suggesting it was your responsibility – but there was some work to be done in terms of reconciling everyone's personal time sheets and the site time sheet at the end of each week, do you accept that?---Yes.

And that was to ensure that there were no appreciable breaches of fatigue limits, do you agree?---If it was, if it was head office that were looking through the data at the time sheets, they may have been looking for fatigue breaches, but they would have also been making sure that they were entering the hours into the Microster system so that the, the invoices could be produced at the end of each month.

Sure. Sorry, if we just look at the efforts that SIG and perhaps those within the university – either yourself, Mr Balicevac or Mr Lu or even the team leaders – went to ensure there weren't clashes, was there an effort by any of those persons to make sure that the names in the site time sheet did not create issues in terms of shifts extending beyond fatigue prevention limits? ---I'd say maybe Lynn and Frank would look at the time sheets to make sure that, you know, there wasn't any double names and things like that.

10 That's not something you did yourself, is that right?---That's right.

I'd just like to ask you some questions if I can in relation to Exhibit 38. If page 27 can be brought on the screen, please. This is an email from Mr Balicevac to Lynn at S International Group, copying you in, on 24 August, 2016. It says, "Hi, Lynn. Please send us names for the attached RFS. Myself and Daryl will cover attached." And if we just go over to the next page, page 28, you can see the RFS relates to a University of Sydney Union at Footbridge Lecture Theatre event. You see that?---Yes.

20 If we just go back to page 27, where Mr Balicevac says, "Myself and Daryl will cover attached," what do you understand he's conveying there? I mean, there's this issue of cover. What do you think he's saying?---I think the intent or what, what the message is, that, you know, just send us the names for people to be inserted onto the roster, onto the, the time sheet.

So provide some details of ghost guards. Is that what he is requesting from Ms Li, as you understand it?---Yes.

30 "And myself and Daryl will cover attached." What does that mean, then? We'll either find someone to turn up or we'll do it ourselves or something? ---I'm, I'm guessing that we were going to look at seeing who we could, we could send over there.

And if no one was available, would no one turn up, then?---I don't know.

Go to page 31, please. This is an email from you to Mr Sirour, Lynn and roster@sig, that's Franks email address, is it not?---Yes.

40 With Mr Balicevac copied in. The subject is, "Rozelle." Is that the protest that was occurring at the Rozelle Campus?---Yes.

So, "We're all working on coverage," you've identified the number of guards. "Emir, Frank and I are working on names and numbers." What are you intending to convey by this email?---I think we were trying to scramble for coverage because I think that was, at the time of the, the, the eviction of protestors from the premises.

Well, that might have come later in October, I think, and we'll come to that. So this is before eviction activities took place. So you've said, "Total

guards on order for tonight at Rozelle, nine. Day shift tomorrow, four.”  
Who would have provided those numbers, nine at night and four on the day  
shift?---That would have been, that would have been a request from,  
probably a request from, from Dennis to have, to have people there.

Is there any reason why there were more guards sought for the night shift  
rather than the day shift?---Unless there was some sort of planned activity  
that they wanted us to monitor or respond to.

10 And by looking at this email, are you able to tell whether the names and  
numbers that you worked on with Emir and Frank were in respect of –  
you’ve heard of the phrase real players?---Yes.

Were for real players or ghost guards?---No, I think the intent for that was to  
actually get, you know, bodies on the ground.

Go to page 69, please. This is an email from Mr Balicevac to Lynn and he's  
providing a time sheet and then at the bottom he says, “I will be sending  
new time sheet including Daryl.” Do you see that, his last entry, “I will be  
20 sending new time sheet including Daryl”?---Yes.

If we go over to page 70, you can see that Mr Balicevac identifies, “Total by  
Thursday. Emir 100.5 hours and Daryl 52.5.” Do you see that?---Yes.

And then if we can just go back to page 69, you can see you’re not copied  
into that email, and if we just ahead to page 71, you can see that this time,  
Emir sends Lynn another email, this time copying you in, saying, “Please  
find attached time sheet Monday to Thursday.” If I’m wrong, please let us  
30 know. And then we go to the next page, page 71, and Emir’s saying that  
he’s only worked, well, he’s only to be paid for 52.5 hours, which is the  
same as you. Do you see that?---Yes.

Were you aware that Mr Balicevac was engaging in this practice of seeking  
to claim additional hours without your knowledge?---Not until I’d seen this  
document during my compulsory examination.

Did it surprise you to learn that this was a practice Mr Balicevac was  
engaging in?---Yes.

40 Did you think your agreement with him was that you were splitting  
everything 50/50?---Yes.

If we can go to page 112, please. It’s an email to you from Lynn, copying  
in Emir and Tommy, where you provide some time sheets for last week plus  
an Excel spread summary in respect of the open day work, the SCA protest  
and other requests for services jobs?---Yes.

You say you need to get general consensus all hours balance.---Yes.

That suggests you had some responsibility in ensuring that there was a proper reconciliation in respect of the site time sheets. Is that fair?---Yeah, that's fair.

Then if we can go to page 131. This is an email from you to Troy Swadling at SNP Security, also to Mr Balicevac and PSD Operations. Do you see that?---Yes.

10 And here you're forwarding on the RFS for the protest and enclosing a spreadsheet listing all shifts and names. Do you see that?---Yes.

If we jump ahead to page 132 we can see the RFS and then page 133 here's the spreadsheet of all names and shifts. Do you see that?---Yes.

Can I ask you this, there's an entry about the middle of the page for Gol Amiri.---Yes.

20 He's an SNP employee, was he not?---Yes.

And if we go to page 134 you can see Mr Lu's name in there. Do you see that?---Yes.

Now, we don't see your name in there or Mr Balicevac's in this list.---Yes, that's correct.

Why is it that your name or Mr Balicevac's name is not featured in the list? ---I don't know.

30 Well, we'll come to it I think. Do you recall performing any ad hoc tasks in respect of this activity during this week?---I don't, I don't recall.

We'll come to it in due course, but I suggest that one doesn't find in the SNP, sorry, the SIG invoices to SNP any identification on any occasion that Mr Balicevac or yourself have worked any additional hours. Would you agree with that proposition or are you able to?---Sorry, that our names wouldn't have appeared in an invoice from SIG to SNP?

40 Yes.---Yes, that's correct.

So why was that, do you know?---Look, I wanted to hide the fact that I was doing overtime. I didn't want SNP to, to find out that I was doing overtime and they wouldn't have allowed me because my hourly rate would have exceeded what was being invoiced to the university.

Do you know why Mr Lu's name appears? I mean is this just a personal preference about whether someone wants to sign in under their own name or under a ghost name?---I guess in terms of Frank appearing on that list as

SIG he's, he's, well, it's indicating to SNP that Frank's turned up to do the shift and he's getting paid via SIG for it. I don't think he's trying to, to hide the fact.

Well, if that's the case why, for example, couldn't Mr Lu just sign in under his name on any occasion given that he was just doing overtime for SIG?  
---Well, I think it could have been, you know, obviously to, to hide the number of shifts that he would perform.

10 Does that come back to fatigue prevention issues?---Yes.

If you go to page 151, please. This is an email from you to Mr Smith summarising it would seem the hours covered and the total cost. Do you see that?---Yes.

Is that something you'd send, a document like this, to Mr Smith every week or just in relation to major ad hoc events like the protest?---Just in relation to, to major events. I mean, the SCA protest was obviously something that was going to exceed his annual budget for ad hoc guarding, so he needed to  
20 get an idea on costs so that he could pass them up, up to management within Campus Infrastructure and Services.

Thank you. If we can go to Exhibit 40, please. Page 20. This is an email in relation to the protest at Kirkbride on 25 October and arranging guards. Do you see that?---Yes.

It's around this time, I suggest, that the eviction took place. Are you able to confirm that?---Yes.

30 Now, you're aware that Mr Smith dealt with the NSW Police in relation to logistical arrangements for that eviction?---Yes.

It was considered a high-risk or a potentially high-risk activity insofar as the Campus Security Unit was concerned?---Yes.

Are you aware that ghost guard names were used in relation to this activity?---Perhaps ghost guard names in terms of people turning up to do the shift but using a different name to, to sign on. But, you know, we, we definitely had the number of people required to, to do that job. We needed a  
40 24/7 minibus to, to take us out to Rozelle to, to do that job.

Can volume 5B, which is now 76, page 15, be brought on the screen, please. This isn't a document prepared by you, but can you see it identifies the week in, sorry, the day of the week in rows, and in the second column from the left is the role and time, and this relates to Mr Balicevac. And you can see if you focus on 25 October, 2016, in relation to the SCA eviction he's claimed to do at least three shifts concurrently.---Yes.

And again on the 26<sup>th</sup> he's claimed more than three shifts, payment for more than three shifts performed concurrently.---Yes.

Does that surprise you to learn that he was making claims for payment in that manner in relation to that high-risk activity?---Yes.

Would you agree that Mr Balicevac's claims on 25 and 26 of October, 2016 had the capacity to increase the security risk at the Rozelle Campus?

10 ---Potentially, yes, but if I could explain. I can't, I can't remember what the required coverage was after the students were evicted, but certainly there was a thought that protesters might come back and try to re-enter the campus in a different location or, you know, re-enter that particular building to re-occupy, but I believe by that stage, you know, our actions were just to, to call NSW Police to attend and deal with it.

But surely, as you've just alluded to, there was a concern that the protest activities might reignite?---Yes.

20 And that's why a number of guards were rostered on for that afternoon/evening session on the 25<sup>th</sup>, even though the protesters had been evicted in the morning?---Yes.

And if such an activity did occur and there weren't adequate numbers of guards around, that would pose a security risk, wouldn't it?---Yes, it could.

30 So if we just go back to page 20 of Exhibit 40, you can see down the bottom Mr Lu is saying he's organised I think 20 guards for the protest. Is it your understanding that they were real players or ghost names or you just don't know?---In terms of physical people being there, then yes, staff attending. The intention of someone on that list to sign in under a, under a different name, as a, as a ghost name, I can't tell you.

If we can go to page 32, please. Here we see an email from you to roster@sinternationalgroup, copying in Mr Balicevac and Lynn, providing a summary of hours for the SCA eviction. Do you see that?---Yes.

40 Now, you've posed a question in the middle of the page about Lina Chami and Kerem Akkan. You say, "Lina and Kerem 0500 to 1700 via SNP and 1700 to 1900 via SIG as the swap shift to help cover." Do you see that? ---Yes.

Now was that a question you were asking of Mr Lu or was that a question directed to someone else to whom the email was addressed?---I think in, in terms of, in terms of Kerem and Lina, I think we had to, I think we had to pull Kerem, I think we had to pull Kerem off his normal rostered night shift and bring him in for day shift to help with, with that eviction and, swapped, I, I'm sorry, I'm just trying to decipher my own email.

Perhaps if I can ask you that, is that information that you didn't expect to be forwarded beyond the recipient of this email? Is that something that was sensitive insofar as ghosting activities may be related?---No, I don't think that was sensitive, that was just trying to get the, get the house correct.

10 Would you have expected that you'd forward a question like that on to Dennis Smith?---I, I don't know. I might have asked, I might have asked Dennis or I might have talked to Dennis about, you know, if Kerem was supposed to be on the night shift, you know, do you mind if I bring him in on day shift to, to assist and, you know, it might have been something I asked Dennis about as a matter of operational, just an operational question.

Well, isn't it the case that you're saying that Lina and Kerem have worked 14 hours? They can work 12 hours for SNP but then we've got to switch them over to SIG employees to have them paid for the extra two hours and you're asking if that's something that can be done?---Yes.

20 That's something you wouldn't raise with Dennis Smith about how they would appear on the rosters, would you?---No.

If we can just go, please, to page 35. Here you've sent an email to Mr Smith on Wednesday, 26 October in the evening. The subject heading is SCA Protest Removal Guards. And it seems like you've copied and pasted that same email that you sent to Mr Lu and this time sent it to Mr McCreddie but you've included that same question. Do you see that?---Yes, I see that.

Well, do you consider that that was an error of yours including that question in the information sent to Mr Smith?---Yeah, it's a, it's an error. Yeah.

30 Did he come back to you and say, "What's this question about? I don't understand. You've asked a question of me in this email."---I don't, I don't think so.

Did Mr Smith know that SNP staff were doing extra work for SIG?---Yes.

How did he know that?---We would have, we would have told him.

40 Well, what were the circumstances by which you had that conversation?---I think it was a case of at the time when the company was wanting us to restrict overtime as much as possible and obviously I would have turned to Dennis and said, oh look, some of the guys, you know, the company's wanting to reduce the overtime bill. Some of the guys are doing it, you know, picking up extra work and just being paid via SIG.

THE COMMISSIONER: When you say would have, do you actually have a recollection?---I can't pinpoint a, a time, date or place.

But can you recall that at some stage you did have a conversation to that effect?---I would have, I would have had a conversation with Dennis to that effect.

But when you say would have, that doesn't mean necessarily that it happened. Do you recall that at some stage you had that conversation or a conversation to that effect?---I can't confirm, no.

10 MR ENGLISH: It seems like you're doing the best you can, but as best you can recall have you ever said anything to Dennis Smith along the lines of some SNP employees are doing work for SIG and to do that they have to sign in using other names because they'll exceed their fatigue prevention limits?---No, I never discussed that with Dennis.

Did you ever discuss with Dennis the fact that ghost names were being entered onto the site time sheets?---No.

20 There's examples, are there not, of certain staff members being on-site for perhaps up to 24 hours?---Yes.

Did you ever have a discussion with Dennis Smith about guards being on-site for durations of that length?---No.

He never raised with you oh, I've seen so and so hasn't left Sydney Uni for over 24 hours?---No.

30 THE COMMISSIONER: Having regard to his role at the university, would it in your view have been apparent to him that certain guards were working grossly excessive hours?---I think, I think Dennis would have seen that, you know, some guys were there, you know, some staff members were there, you know, more, more days than, that just their standard four on/four off roster. But in terms of keeping an active tally on what they were actually working I don't think he did. I don't think he would have been aware.

Thank you.

40 MR ENGLISH: Go to page 42, please. There's an email from you to Lynn and roster@sinternationalgroup, copying in Mr Balicevac, in the middle of the page.

You say, "Just wanted to check that I'm right to send SNP these hours." See that? And it goes over to the next page.---Yes.

Now, you want confirmation that you're right to send SNP those hours. Is that in respect of, well, can you explain, why did you seek confirmation in that regard?---Because SIG were handling the roster for me. I wanted to make sure that I, that I had my summary right, just that I could send, just so

I could get, could send off the paperwork to SNP head office and, you know, close that job out.

So you're not making any query of SIG as to whether the names listed below have any clash that needs to be rectified?---No, I just wanted to check for accuracy before we, before we send off.

10 If we can go to page 77, please. You can see here is Mr Balicevac emailing Lynn on 31 October. If we go to page 78 you can see that he makes a claim for payment in respect of 505 hours and says that you're entitled to 77.  
---Yes.

Prior to these proceedings, had you seen that document before?---No.

20 And if we go to page 79, which is the next page, we can see an email from Mr Balicevac to Lynn again, this time copying in you, and he says, "Please find attached my and Daryl time record," and over the page you can see he claimed 77 hours for himself, or purports to claim, and claimed for you 77 hours.---Yes, I see that.

Now, 77 hours of additional ad hoc work is a significant amount for you to be paid on any particular week, would you agree?---Yes.

What do you say about Mr Balicevac's claim that he was entitled to be paid for 55 hours of work in one week?

THE COMMISSIONER: 55?

30 MR ENGLISH: Sorry, 505. Thank you, Commissioner.---Jeez, what can I say about that? I mean, that's, I mean, obviously if he's, if he's claiming that many hours it's, I'm lost for words. It's, it's a huge amount of hours.

It's plainly fraudulent, isn't it?---Yes.

And did you have an understanding that the claims being made by Mr Balicevac at that time were in that order?---No.

40 What would you have done if you found out at the time that he was making claims of that value?---I would have pulled him aside and said, mate, what are you doing?

THE COMMISSIONER: Why would you have done that?---Look, if I'd known at the time, look, all things aside, what I was doing and what I was involved in was dishonest. I don't, I don't deny that. But certainly to, to that extent, I don't know, I just would have, I wouldn't have hit the roof. I just would have freaked out.

Well, counsel put to you that claiming 505 hours was clearly fraudulent, but in your case claiming 77 it was clearly fraudulent too, wasn't it?---Yes, that's correct.

MR ENGLISH: So you said you would have hit the roof. I mean, you've given some – I thought he said he would have hit the roof. Would you have hit the roof or wouldn't you have hit the roof if you found out about the 505-hour claim?---I probably would have collapsed.

10 Now, but you've given some evidence about being stuck between a rock and a hard place. You're taking money from Tommy. You're getting paid by SNP. I mean, how could you possibly in that situation have done anything about Mr Balicevac's claim in respect of a person that you thought you could trust?---Look, I, I don't know exactly what I would have done on the spot.

THE COMMISSIONER: Probably nothing.---What could I say?

20 And as I understand your evidence, that would have been because you had been compromised?---I was completely compromised.

MR ENGLISH: Page 193, please. An email from you to lynn@sigservices, subject heading, "SCA protest day shift, 25 October," you've said, "Hi Sue." Is that another one of the officer workers at SIG?---Yes.

30 "Time sheet attached. Lina and Kerem highlighted green to indicate SNP will pay them. Hour amended to those on email summary. Tomorrow morning I'll add Ali Nayeff from 0500 to 1900 under Omar Imaran's name. Do you see that? Do you see that email?---Yes.

Now, if we go to page 195, you can see, there's the highlighting of Lina and Kerem Akkan. This email suggests you did have some involvement in altering time sheets to add ghost guard details on occasion, would you agree?---Yes.

40 THE COMMISSIONER: I think you said some time ago now that you felt compromised in relation to Tommy at least because you'd taken money and therefore you decided to keep taking it because, as I understand your evidence, because he might report you or something to that effect. Is that what you - - -?---Yes.

But how does that fit into the remainder of this scheme, where you're not taking money from Tommy, you're taking money from the university? I mean, how does that, why did you do that? Because it doesn't seem to me to have much to do with Tommy.---There was a, there was always a, there was always a push to, to try and get as many hours as possible for, for Tommy and, I guess, in me claiming for hours that, you know, I wasn't, I either wasn't working or hours that weren't actually performed, then, then

yes, I was taking money from the university. I guess the, the, being compromised part would mean that, you know, who, who could I turn to for, for help. I couldn't - - -

10 I'm just trying to get in my own mind what the connection is between the pressure you felt under in relation to Tommy and you taking money from the University of Sydney to which you weren't entitled. I'm just trying to draw the connection.---Well, I, I couldn't turn to anyone at the university and, and put my hand up and say, you know, I've got this pressure on me, on, on doing this. I couldn't, I couldn't turn to my employer and, and say help.

Go back a step, though. At some stage you started to claim for shifts at the University of Sydney that weren't performed by you.---Yes.

What's the connection between the first time you did that and Tommy?---I guess the, the connection is that, you know, obviously I'm, I'm getting a financial benefit and so is he.

20 The financial benefit being?---Being money.

That there would be, he'd get a cut of whatever the university was paying? ---Yes.

Do you say that that was part of your motivation for yourself taking money?---No.

30 Well, see, that's what - - -?---Part, part, I guess part of my motivation when I got involved in it was I just got greedy.

Yes, well, can I suggest to you, I won't suggest it to you, is that really the explanation for why you went beyond taking money from Tommy and extending that to taking money from the university?---Yes.

Thank you.

40 MR ENGLISH: Thank you, Commissioner. If we can go to Exhibit 42, page 43, please. This is an email in relation to a request for services for the vice chancellor's staff Christmas party. Do you see that?---Yes.

You see down the bottom there's an email from Roster to you saying, or identifying some guards that can be used for that VC party. Do you see that?---Yes.

To your understanding would they be real players or ghost names used for that event?---Being the vice chancellor's Christmas party to, to use the term it would have been real players but again going to what's been defined as, as

ghost guarding, you know, we, we definitely would have had the numbers, the required numbers of people on the ground to, to look after that party.

And just touching on that, you can see that you inquire of Mr Lu, "Do I tell SNP that Lina is 0600 to 1600 patrol and then 1600 to 2000 event?" And then he says, "Maybe let them know Oliveria Bejatovic is covering 1600 to 2000 for the VC party." And you say, "Okay, will do."---Yes.

10 So why is it here that Lina had to use the name Oliveria Bejatovic to work those extra hours at the event?---I, I, I don't know the, the exact reasoning behind it. Look, if you go down to my email on Monday, 11, sorry - - -

Over on to page 44?---No, no, just, just where that marker is. Monday, 11 December at 2.45pm.

20 Sure.---I'm looking there and I see Lina Chami's name and I've put in there she will come off dayshift, so that's sort of indicating to me that she was on a 0600 to 1800 dayshift and my question at, at 5.10pm, my question there is just so that we get the billing correct do I advise SNP that for her rostered shift do I list her as 0600 to 1600 on patrol and then advise them that she's 1600 to 2000 for the event which would mean, you know, potentially the, the 1600 on 1800 on patrol would be a, a gap in the roster. And then, and then Frank's replied to me to just, just put it down as Oliveria Bejatovic 1600 to 2000.

30 I guess the question I'm asking of you is if there was this policy at SNP whereby it was acceptable for SNP guards to do their overtime at SIG, why is there a need to use a ghost name so Lina can do these extra hours at the VC party?---I'm guessing it's so that she could work up to, up to 14 hours for that day.

So I know it's not a written policy, but was your understanding of SNP's position that guards could do overtime through a subcontractor but they couldn't do a combination of hours that would exceed 14 hours in any 24-hour day?---Yes. They would frown upon if, say, for example, I don't know, we had an emergency shutdown or something and the day team had to stay back for a couple of hours, you know, we would have to try and scramble to get extra resources to come in on campus to help cover.

40 But that example that I just asked you about, where, for example, if it was reported back to SNP that Lina had done, say, a 14-hour or a 12-hour shift and - - -?---Plus an extra two hours.

Well, say a four-hour shift. Would that create an alert, to your understanding, in the Microster system if her name was used for both those shifts?---It could have. I never used the Microster system.

If we can go to page 156, please. You can see that what's occurred is Mr Lu's written to nationaloperations@snpsecurity.com.au, copying in yourself as well as info@sinternationalgroup.com, saying that "Oliveria Bejatovic forgot to sign in for the VC party. Sorry for the inconvenience caused."  
---Yes, I can see that.

So that was Frank executing the agreement that you'd reached with him on the page previously seen?---Yes.

10 Might that be a convenient time, Commissioner? I'm going to change topics.

THE COMMISSIONER: Yes, certainly. And we've got Liansu Dai - - -

MR ENGLISH: Oh, we do too.

THE COMMISSIONER: - - - at 2 o'clock. Has she had a compulsory examination?

20 MR ENGLISH: She did. I'll just ask if that's ready to be distributed.

THE COMMISSIONER: It'd be useful to be distributed now.

MR ENGLISH: It's something that'll need to be attended to over lunch. Hopefully we can - I apologise for the inconvenience in terms of timing - make it available hopefully shortly before 2 o'clock.

THE COMMISSIONER: All right. That's what we'll do.

30 MR COLEMAN: Commissioner, can I raise one matter?

THE COMMISSIONER: Certainly.

MR COLEMAN: I've raised this with my learned friend. I have a long-standing commitment in another place on Tuesday. I anticipate Mr Balicevac may be still in the box on Tuesday the way things are going. I just want to foreshadow that if that's the case, we may be applying to bring him back to ask questions because I'm not here. I'll be back on Wednesday. I make the application.

40

THE COMMISSIONER: No, that's okay. To the extent we can, we'll meet your convenience. If that was to occur, Mr English, would there be someone else to interpose?

MR ENGLISH: There would be. It's likely that either of the two Boutroses would be called, or both probably will after Mr Balicevac, so there probably will be one of those persons who, if need be, Mr Balicevac can be called back and we can interpose one of those two witnesses' evidence.

THE COMMISSIONER: Is it likely that you'd have a real interest in Mr Boutros?

MR COLEMAN: I don't know is the answer but I don't think so.

THE COMMISSIONER: He's a guard, isn't he?

MR ENGLISH: Yes.

10

MR COLEMAN: He was a team leader.

MR ENGLISH: Yes, SIG guard.

MR COLEMAN: I think the evidence yesterday was employed by SIG so it may not be that I'd have a strong interest in him but I - - -

20

THE COMMISSIONER: Well, let's work on that basis and if you get yourself into difficulties, we'll try and accommodate you by interposing somebody else.

MR COLEMAN: Thank you. I'm sorry about that but it's just something I can't avoid.

THE COMMISSIONER: No, that's okay, that's okay. Yes.

30

MR O'BRIEN: Commissioner, can I just indicate, Mr Balicevac has been present since yesterday when we thought there was an off chance he may be called and he's here again today on that, again, off chance. He's keen to get his evidence as soon as possible without delay. I just ask you to take that matter into account. I understand senior counsel's difficulties, so we all have to wrangle around diaries and other events but a witness of that type is likely to be in the box for some significant period of time in any event. Those matters are significant too.

MR COLEMAN: I accept all of that. I'll make the application if I have to and you can rule on it.

40

THE COMMISSIONER: Let's do it on that basis.

MR COLEMAN: Thank you.

THE COMMISSIONER: I'll adjourn until 2 o'clock.

**LUNCHEON ADJOURNMENT**

**[1.01pm]**