

GERDAPUB00469  
18/02/2019

GERDA  
pp 00469-00513

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INDEPENDENT COMMISSION AGAINST CORRUPTION

STEPHEN RUSHTON SC  
COMMISSIONER

PUBLIC HEARING

OPERATION GERDA

Reference: Operation E17/0445

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 18 FEBRUARY, 2019

AT 2.00PM

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

THE COMMISSIONER: Mr English, I understand you may have overlooked one topic.

MR ENGLISH: I have, Commissioner. I've raised that with Mr Givorshner, Mr Coleman and Mr Bender, because I thought it might relate most to their clients' interests, but there is one issue that I wish to ask some  
10 brief further questions of the witness.

THE COMMISSIONER: I wonder whether it would be convenient to deal with that now so that we don't go around and go around again. Would you be happy with that?

MR ENGLISH: I'm happy with that, Commissioner.

THE COMMISSIONER: Come forward, Mr McCreadie. You're still on your oath.---Thank you, Commissioner.  
20

MR ENGLISH: Mr McCreadie, from time to time you obtained tickets to sporting games and gave them to officers of the university, is that right?  
---Yes, that's correct.

Was that predominantly NRL matches?---Yes.

Were there any other sporting codes you obtained tickets for and provided them in that way?---Our company mainly had, our company mainly had tickets for the NRL matches.  
30

And who at Sydney University took – well, let me ask you this first. You say our company had tickets, these were tickets owned by SNP Security?  
---Yes.

Was it a private box or were they just available tickets?---It wasn't a private box. They were, they were seats hired out by SNP for the season.

Who did you offer those to, who worked at Sydney University?---I'd given some tickets to Colin Bowman and Duane Ledford.  
40

Who's Colin Bowman?---Colin Bowman was the manager for parking and traffic.

What about a Connie McGarry, did you ever give her tickets?---Perhaps, perhaps I did. I can't remember.

Were you aware that persons from the university had an obligation to declare the receipt of tickets in those circumstances which are given by a

contractor to them?---Yeah, I'd imagine that would be something that they would need to declare, those tickets.

And did you understand that, in the ordinary course, that's what those recipients of the tickets would do?---I don't know if they ever did.

Did you ever offer any tickets to Mr Smith?---I could have.

10 When you say you could have, can you think a bit harder, please?---Maybe I did offer something to Dennis for a, for a St George game.

He's a St George supporter, was he?---Yes.

If volume 2.2, page 7, could be brought on the screen, please. I appreciate this isn't your email. If you look, it's an email from Mr Ledford to Ms Connie McGarry. Do you see that?---Yes.

20 See down the bottom, "FYI, Daryl dropped you off six tickets for the Dragons game on Sunday. Dennis has them on his desk." Did you understand that Mr Smith went to that game as well?---No, I thought it was her, Connie and, I would have thought it was for Connie and her family.

But you said that you thought you may have offered Dragons tickets for Mr Smith.---Yes.

30 So do you have an independent memory of Mr Smith attending a Dragons game pursuant to SNP tickets?---I don't have an independent memory. What I would have done with those tickets is offered them to whoever wanted to go.

And was there someone at SNP Security who said you should be offering those tickets to whoever was interested at Sydney University?---The, the way the tickets were, were handled were that we could nominate, we could nominate anyone to, to go to the games and, and I would, from time to time if, if there were tickets that weren't claimed, then I'd, I'd drop them off to the university for the guards and whoever wanted to go could go to, to whatever game.

40 So these tickets were available to you for general marketing purposes, firstly to university staff, and if no one wanted to take them, they were available for security guards to use, is that right?---Yes.

Go to page 23, please. Can you see at the bottom of the page, 15 September, 2014, is an email from I think Mr Ledford to you saying, "Any tickets that may be available for Bunnies game 26 September?" And you write back, "How many? You know the doctor will want to go if he hears." ---Yes.

Who's the doctor?---Colin Bowman.

Did you ever attend any of these NRL games with any of Mr Bowman, Mr Ledford or Ms McGarry?---No.

Did you ever attend any NRL game with Mr Smith?---No.

10 Just going back to that issue of, "Dennis has them on his desk," was it your practice to leave the tickets with Mr Smith and then he'd distribute them to other staff members?---No, we'd just leave them on the desk and, and just say whoever wants them, they're, they're there.

Nothing further, thank you, Commissioner.

THE COMMISSIONER: Thank you. Mr Coleman, is there anything that you want to ask about that?

20 MR COLEMAN: Well, I'm just running a little bit blind on all of this. I may ask some questions but I obviously would like the opportunity to take some instructions on certain things, but can I just ask a couple of questions and see where I get to?

THE COMMISSIONER: Sure, yes.

MR COLEMAN: So, Mr McCreadie, these tickets, were these tickets that SNP had for the purposes of giving to its staff to use at the games, is that right?---They were more for customers to use.

30 And you say they had a number of seats that they purchased for the year?  
---Yes.

At any particular ground or grounds or just general admission tickets to NRL games?---No, they were, they were seats at, at Homebush Stadium.

So only for Homebush?---Yes.

40 And did you have – how many tickets are we talking about?---They had six seats.

And did you have control of these tickets solely?---No.

So where were the tickets kept generally?---Kept in head office.

And would you make a request to be able to have use of the tickets from time to time, would you?---Yes.

I see. And you'd only get them if they were available?---Yes, that's correct.

And who would you ask at SNP to use the tickets?---Whoever was in marketing. Sorry, I can't, I can't recall the name off the top of my head but there were, there were two people that worked in SNP marketing to do with brand development and these seats and so we would from time to time ask if there was anything available, and as I said, you know, they saw that rather than the seats going empty, you know, if I could grab tickets and, and leave them there for the guards to use, at least someone was using them.

10 By the guards, you mean either the SNP employees or the SIG subcontracted employees?---Yeah, whoever wanted to use them.

So would the process be that what, from time to time you would contact the relevant marketing person to see if any tickets were available?---Yes.

And if they were, then you'd offer them, as we've seen in the emails?---Yes.

How many times do you think the tickets were used by Sydney University staff in whatever the relevant season was?---Maybe, maybe four or five  
20 occasions.

I don't have any further questions but I may have to deal with some matters once I receive instructions.

THE COMMISSIONER: Nothing from you, Mr Bender?

MR BENDER: No, Commissioner.

THE COMMISSIONER: All right. And nothing from you?  
30

MR GIVORSHNER: No, no, Commissioner.

THE COMMISSIONER: Mr Dean?

MR DEAN: Thank you, Commissioner. My name is Dean. I appear for Mr Sirour. It's fair to say this investigation has been very stressful on you? ---Yes, it has.

And you gave evidence on Thursday about a dispute between an SNP site manager and a SIG guard named Maggie?---No. The dispute was, there was a, there was an argument between Ayla and Maggie.  
40

Yes, and then there was an issue between SIG and Maggie because Mr Sirour dismissed her.---Yes.

And it was your evidence that you helped Mr Sirour with that industrial relations dispute?---Yes, I did.

And this dispute was potentially a big issue for SIG?---It could have been.

But given it had arisen from an argument with an SNP site manager, it was potentially also an issue for SNP, wasn't it?---No, not, no, not really.

So if there was a, I think you were afraid of a Fair Work hearing?---Not so much myself, 'cause I hadn't done anything wrong.

10 No, but you were concerned that there might, a Fair Work hearing might result?---Yeah, I felt that, you know, on face value what the, what the lady had sort of argued about and Tommy's reaction just to dismiss her, I felt that was a bit unfair.

And you weren't concerned that the SNP site manager would have had to be a witness in that proceeding?---No.

20 Now, putting aside the subject matter of this inquiry, such as the false time sheets, it was a case that you came to find the, and I'll use this term, real player SIG guards to be reliable.---Yes.

They did their job.---For the most part, yes, they did.

And for the most part you found SIG to be a responsive, a responsive subcontractor to your request for ad hoc guards?---Yes, they were quite responsive, they wanted the work.

30 And putting aside the time sheet fraud, it's the case that you as a site manager were satisfied with SIG as a subcontractor?---Mostly.

Now, it's the case that you had many conversations with Mr Sirour over the years between 2011 to 2018?---Yes.

And sitting here in 2019 it would be very hard to remember particular conversations accurately. You would accept that, wouldn't you?---I would accept that.

40 And it's also difficult, and this can be difficult even a week later, or a month later, to place when those conversations in fact occurred.---Look, these conversations took place over, over a long period of time, I can't pinpoint exact days, dates and times.

Yes. Now, it's the case that with so many conversations that in your memory now those conversations tend to blur together.---Sorry, I don't quite follow.

That you don't, rather than remembering every single conversation that you've had, you remember, you remember those conversations more together, the fact that you had conversations with Mr Sirour.---Yes.

And since this investigation commenced you have done your best to reconstruct your dealings in relation to time sheets and SIG, haven't you?  
---What do you mean, reconstruct?

10 You've tried to remember, you've tried your best to remember, haven't you?---Yes, I'm under oath.

What I want to suggest to you is that you are reconstructing your evidence, it's not based on a real memory, you're reconstructing it.---No.

I want to suggest to you that your memory about what Mr Sirour may have said about the Epica or (not transcribable) projects may be unreliable?  
---With respect to what?

20 With respect to a possible commission payment.---To who?

You didn't say in your evidence. I want to suggest that that evidence was unreliable.

THE COMMISSIONER: I reject that question.

MR DEAN: I want to suggest that Mr Sirour never said that to you.---No, he did.

30 Now, in 2017, you approached Mr Sirour about SNP potentially losing the University of Sydney contract, didn't you?---Part of, yes.

And I want to suggest to you that it was your idea that SIG should attempt to take over that contract?---No. Tommy was quite, quite animated and, and very, I wouldn't say forceful but he was like a dog with a bone, he, he just kept wanting and wanting and, and, and wanting to be able to quote for services.

40 I want to suggest to you that you wanted SIG to continue to provide services at University of Sydney as well?---Yes.

Now, you gave evidence about a conversation you had with Mr Sirour about a company called Triton.---Yes.

It was the case, wasn't it, that Mr Sirour told you that if that company got the University of Sydney contract, that he would have to purchase that company.---He said that he would use Triton to distance himself from being linked to any work directly with the university and he was saying what if, he

said something like what if after three months I, I just happen to buy Triton out and it falls under SIG?

So your answer is that he did tell you that he would need to buy that company?---He said that he would.

THE COMMISSIONER: I don't think that was the evidence. I think he said that he discussed with him buying it but not on those terms. Put it again.

10

THE WITNESS: The premise of Tommy saying that he wanted to buy Triton was to, to, to try and hide that he'd, he'd been involved in trying to get the, or been actively involved in trying to get the work from SNP himself, and that if anyone from SNP found out that he bought Triton, then, then he'd have some sort of plausible excuse that, that he, he just happened to buy the company.

20

MR DEAN: Now, in the conversations you had with Mr Sirour about the University of Sydney contract that we've just been discussing, you suggested that he should get legal advice.---Yes.

And he got that advice, didn't he?---I don't know.

Well, it's the case, wasn't it, that you were sent the legal advice?---I, I can't remember that.

30

Now, I want to suggest to you that Mr Sirour never said to you on any occasion, "Oh, what would Tom Roche think?" What do you say to that? ---He absolutely did.

Now, it was the case that you accepted the first gifts that Mr Sirour offered you as a thank you, didn't you?---Yes.

You could have said no?---I could have said no.

And there was no threat or blackmail when he gave you those, offered you those gifts?---No.

40

THE COMMISSIONER: When you say no are you agreeing or disagreeing?---What I'm saying is, in, in those early times, there was no, there was no suggestion that he would want to use that against me.

Thank you.

MR DEAN: In fact, over these five or six years that you dealt with Mr Sirour, you were happy to accept all his gifts, weren't you?---No, not all the time, no.

You never said no?---I did.

You never felt trapped or blackmailed when those gifts were offered to you, did you?---Yes, I did feel trapped.

That's just an excuse that you've created because you've been caught for time sheet fraud, isn't it?---No.

10 And you gave evidence, well, it'd be this afternoon, earlier this afternoon, that Mr Sirour was aware of the time sheet fraud.---Sorry, could you repeat that?

You gave evidence earlier in answer to Mr Coleman that Mr Sirour was aware of the time sheet fraud.---Yes.

I want to suggest that that's based on an assumption because he was the CEO of SIG who was paying you the money.---No.

20 Now, in June 2014 you worked at University of Sydney?---No.

You were responsible for the account?---Yes.

And Dennis Smith would make requests of you for guards for events? ---Yes.

And it would be your responsibility to approach subcontractors to see if they had guards to fill those shifts?---Yes.

30 Did you ever communicate to Mr Sirour that he was to supply a guard for an event, that guard would be able to finish early but the guard would be paid for the entire time period?---On some, on some events, yes.

How early was it permitted for those guards to finish?---Again, it would depend on if we quoted a minimum, if we quoted a minimum for that guard to attend or if something happened and the customer was happy for the guard to go home early but sign off at the time that they'd been booked on until, yeah, the, that was okay.

40 So they would go home one hour early, two hours early?---Again, I don't know. It would depend on what the job was.

So the time sheets and in the invoices that SNP would provide the University of Sydney would record that the guard had been there the entire time but in fact the guard had not been?---Well, the, the invoices are, are recording or, or, they're invoicing for the, for the amount of time, they're not saying that the guard was on time at, you know, 7 o'clock in the morning, finished at 12.00 in the afternoon and, and paid through until 3.00pm, no.

No further questions, Commissioner.

THE COMMISSIONER: Thank you. Mr O'Brien?

MR O'BRIEN: Nothing, Commissioner, thank you,

THE COMMISSIONER: Nothing?

10 MR O'BRIEN: No questions.

THE COMMISSIONER: Anyone else?

MR C. J. WATSON: Watson for Linda Willard. No questions, thank you.

THE COMMISSIONER: Thank you. Mr Watson?

MR C. WATSON: I don't seek to ask any questions.

20 THE COMMISSIONER: Thank you. Mr English.

MR ENGLISH: Nothing arising, Commissioner,

THE COMMISSIONER: Thank you. I'm going to let you go, Mr McCreadie. I'm not going to release you from your summons yet. I would hope that you don't have to come back and as soon as we know that as fact, I will have the Commission staff contact your solicitor and let you know. ---Thank you, Commissioner.

30 Thank you.

**THE WITNESS WITHDREW**

**[2.29pm]**

MR ENGLISH: The next witness is Emir Balicevac.

THE COMMISSIONER: Just one moment.

40 MR COLEMAN: Sorry, it's hard for Mr English to - - -

MR ENGLISH: Oh, I'm sorry, Mr Coleman.

MR COLEMAN: Can I, as promised, produce a USB with the first branch of the documentary material?

THE COMMISSIONER: Thank you.

MR COLEMAN: The review's ongoing as I said and I'm conscious of the other matter you raised with me earlier today, Commissioner.

THE COMMISSIONER: Thank you. Mr Balicevac, come forward, please. Sir, will you take an oath or an affirmation?

MR BALICEVAC: Affirmation.

THE COMMISSIONER: Take a seat. Mr O'Brien, do you seek a section 38 declaration?

MR O'BRIEN: I do, Commissioner. Thank you.

10 THE COMMISSIONER: You've probably heard me say this to a number of witnesses because I think you've been sitting there for some time.---Yes.

Could you just state for the record your full name.---Emir Balicevac.

And your occupation?---At the moment, sir, a bit of everything.

We'll come back to that.---Yeah.

As a witness you must answer all questions truthfully and you must produce any item that I require you to produce during the course of your evidence.  
20 Your counsel has asked me to make a section 38 declaration. The effect of making that declaration is that although you must still answer each question that is put to you or produce any item that I require you to produce during the course of your evidence, your answer or that item can't be used against you in any civil proceedings or subject to one exception in your case in any criminal proceedings. The exception is that the protection afforded to you when I make this section 38 declaration does not prevent your evidence from being used against you in a prosecution for an offence under the ICAC Act and most importantly an offence of giving false or misleading evidence.  
30 If you give the Commission false or misleading evidence you will be committing a very serious criminal offence for which the penalty can be imprisonment for up to five years. Do you understand that?---Yes, sir.

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

40

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

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

10 THE COMMISSIONER: Now, before Counsel Assisting proceeds there's one matter I want to take up with you. When was the last time you had any contact with Mr Dennis Smith? By contact I mean face-to-face, telephone, email, text, WhatsApp?---Look, Commissioner, I left 4 November Sydney University. That was my last day. I'm not, I don't know exactly date when he left the university. but when he left the university he had, he had some interest with the neck. He came once to the uni but he actually was calling sick. I don't know, his doctor was somewhere around Sydney. Since that time he never, we never spoke, we never seen each other. Any, any point of contact was none whatsoever.

Thank you.

20 MR ENGLISH: Mr Balicevac, who has access to your Apple iTunes account?---Myself, Commissioner.

That's the Commissioner. I'm not the Commissioner.---Sorry, Mr English. I apologise.

So anyone else?---Well, my wife she, she does but she, like when they producing the apps for the keys sometimes she would ask me what's the password or something. She'd forget.

30 So if she wants to access your iTunes account you'd provide her with your password. Is that your evidence?---If she ask me, yes.

Now, on 15 June, 2018 you attended a compulsory examination before the Commissioner. Correct?---Yes.

And you returned to continue your compulsory examination on Wednesday, 20 June, 2018?---I believe so, yes.

40 And in between those two dates someone attempted to remotely wipe the data from your phone by restoring the phone's factory settings?---Yeah. Yeah, I'm aware it was erased, yes.

Yes, and that's done through Apple iTunes. Correct?---I'm not sure.

Well, I'm suggesting to you it is done through Apple iTunes.---Well, if you say so, Mr English, yes.

And if you have access to your Apple iTunes account did you arrange for the restoration of the factory settings on the phone?---Myself personally, no.

Did your wife?---I ask her. She says I don't even know how to do this.

Did you give any instructions to anyone to do that?---Not, not at all.

Do you say you had no knowledge at all as to how the contents of that phone was restored to its factory settings?---Myself personally, no.

That's truthful evidence?---Truthful evidence, Mr English.

10 THE COMMISSIONER: As I understand your evidence only you and your wife know how to access that account.---Commissioner, as I says she would ask me sometimes for the password just for purchasing the, what do you call, the, the apps. Sometimes kids would say I need some applications and it would ask, even if they are free they would ask you for a password.

I understand that, but as I understand your evidence it's only your wife and yourself who would know how to get into that account.---As far as I know it's only us two. In the past, in the past there was a TomTom application or something like, and it was I think 80 or \$90. I gave, because my friend, we  
20 could use it on three device or four device. I gave him the app like from my iTunes so he doesn't need to purchase it. This did happen.

MR ENGLISH: So what's a TomTom application?---You know, the street directory, Mr English. If you sit in the car and drive around.

Well, you can't restore an iPhone to its factory settings with a TomTom application, can you?---No, no, no, Mr English, I am answering questions. You're saying who had this access. I don't think so this person would have access but I just gave him a TomTom application from my user name and  
30 password.

THE COMMISSIONER: How long ago was that?---Maybe, when I bought the first time. I can't remember. Maybe two/three years ago.

MR ENGLISH: So on your evidence is it just pure coincidence that between 15 June to 20 June when the phone was not in your possession because you'd handed it over to the Commissioner, hadn't you?---Yes. It was taken by, by, by you people.

40 And is it your evidence that it was pure coincidence that it restored to its factory settings between those two dates?---I don't know, Mr English.

Well, I want to know is it your evidence that it was pure coincidence that it was restored to its factory settings between those two dates?

MR O'BRIEN: I object to that.

THE COMMISSIONER: Why?

MR O'BRIEN: Well, Commissioner, it might be the case that an iPhone can be wiped remotely through Apple iTunes. I don't know that to be the only way that a phone could be wiped but the question presupposes that that's the only way and I certainly don't pretend to be an expert in that area or have any direct knowledge about it but surely if the phone is in the possession of the Commission there may well be other explanations (not transcribable)

10 THE COMMISSIONER: What are you suggesting, a Commission officer wiped it, are you?

MR O'BRIEN: No, no, not at all.

THE COMMISSIONER: Thank you. Yes, you proceed, Mr English.

MR ENGLISH: Is it your evidence before the Commission on oath or – I withdraw that – on affirmation that it was pure coincidence that between those two dates your phone was restored to its factory settings?  
20 ---Mr English, I have given you the phone in the aeroplane mode, this is what was requested by you, and the phone on Wednesday was returned to me and erased. So you can, investigator Leonie White ask me put this in aeroplane mode. I did it - - -

Can you answer my question. Is it your evidence that it was pure coincidence, Mr Balicevac?---I don't know, Mr English. Is it coincidence or not, I don't know. I had the phone for 10 years and it never been erased.

30 So it's never been erased in 10 years and in the five day window that it's given to the ICAC it magically is restored to its factory settings and that's pure coincidence on your evidence, is it?

MR O'BRIEN: I object. He can only do his best to answer. He's answered it, surely.

THE COMMISSIONER: No, he hasn't. You proceed, Mr English.

MR ENGLISH: So again notwithstanding that you've had the phone on your evidence for 10 years, between those five days is it your evidence that it was pure coincidence that it was restored to its factory settings?---You  
40 mean by me, Mr English.

No. I asked you is it pure coincidence on your evidence?---I don't know, Mr English, is it pure coincidence or not. I don't know.

THE COMMISSIONER: What's your explanation if you have one?  
---Sorry?

What is your explanation for the fact that your phone between the first day you gave evidence and the second was restored to its factory settings, if you have an explanation?---My belief, Commissioner, is that being here for almost a week I believe ICAC took the sample and gave me an empty phone. This is my belief, Commissioner.

Yes, very well.

10 MR ENGLISH: So your evidence that it was restored to its factory settings at the hands of an ICAC officer. Is that your evidence?---No. That ICAC took the copy of my phone and gave me another phone.

So you think ICAC took a copy of your phone and gave you back a different phone?---I believe so.

You know every phone's got a unique number that tracks the device and the number for the SIM. Correct?---Well, I don't, I don't, I never use this, Mr English.

20 Are you really saying on your affirmation before the Commission that you think ICAC gave you back a different phone to the one that you gave pursuant to an order of the Commission?---Mr English, this is what I believe and what I assumpt, it is my assumption. Is it true or not, I don't know, but this is what I believe.

There's a much more plausible explanation, that you had something to do with the restoration of that phone to its factory settings. What do you say about that?---I don't have nothing to do with this.

30 And there's another corollary to that which is that you're lying under oath right now.---Okay, you say this, I don't.

There was another phone that Mr Lu had which was given to him by Tommy Sirour. Correct?---Tommy Sirour, yes, gave him a phone, yes, that's right.

40 And did you try and take that phone from Mr Lu on Tommy's instruction? ---No, no, no, no. Mr, Tommy have asked me about the phone, I says, "It's with Frank, you speak to Frank." I never have attempted and asked Frank to take this phone.

You've never asked Frank for possession of that phone?---100 per cent.

Now, you gave some evidence before the Commissioner that you were employed until 4 November, 2018. Was that at SNP?---Yeah, at SNP, yeah, at the university, Sydney Uni.

You quit on 4 November, did you?---Yeah, 4 November was my last day.

Okay. Why did you quit then?---There is several reasons, if to explain. It basically came up to the point where the place is completely in chaos, it's not in the control anymore.

What place is in complete chaos?---The Sydney Uni guarding division.

Did you contribute to that chaos in any way in your mind?---What, in 4 November?

10

Well, leading up to that time, yes.---Not really, Mr English, but the coverage was always down, the team was down, always complain, so there is a team leader shortage, control room shortage, a lot of things were shortage.

And when did you first notice these shortages at the university?---Shortages at the university, I'm, you're talking in generally, Mr English?

No, leading up to 4 November, 2018.---Well, since actually you, you came in, since ICAC came into the Sydney Uni.

20

And so ICAC coming in an executing search warrants created chaos at the university, did it?---No, no, no, no, I'm not saying the ICAC done this, when actually reality came to the thing, SNP failed to cover the shifts.

So just so I understand your evidence, is it after SIG left there was chaos at the university, is that right?---In the, in the sense of complaints.

Okay. And that was because SNP didn't cover the shifts. Is that right? ---That's right.

30

There's been some evidence that you used other guards' names to cover shifts but never turned up. Do you agree with that?---Mr English, yes. In small proportion. I'm not talking in the, in the, in the big proportion.

So you draw a distinction in your mind, do you, for occasions when you got paid for shifts but didn't perform the work as opposed to when SNP couldn't find a guard to fulfil the work. Do you draw a distinction between those occasions?---Yes. Are you talking after the ICAC or before from the time we like, at the uni or are we talking after the ICAC came in?

40

Well, you were engaged in a series of fraudulent conduct before the ICAC came to execute its warrant. Correct?---Yes.

During that time you'd be paid for shifts on occasion where you didn't turn up to perform the shift?---Yes.

Okay. And as I understand your evidence, you say that after the warrants were executed, SNP was unable to find guards to fill shifts.---Yes.

Now, one you refer to as chaos, being when SNP couldn't find a guard to fulfil the shift, correct?---Well, yes, complaints were piling up.

All right. So how is it that - - -

THE COMMISSIONER: Were they complaints from the university?  
---Yeah, yes, Commissioner.

10 Thank you.

MR ENGLISH: How is it that there wasn't in your mind similar chaos when you were just claiming to be paid for shifts when you never turned up?---Well, Mr English, there would be occasions where the guard would be minimal requirement, I explained in previous public inquiry. For example, for lock-up, unlock where the duty would require let's say 10, 15 minutes to half an hour, sometimes 45 minutes, would actually, which is going into the four hours or let's say weekends where the lecture room just need to be open and closed at the end of the day.

20

What about occasions like power shutdowns where you'd claim to be paid for the equivalent of five concurrent shifts at once?---Okay. Mr English, if you allow me to elaborate this issue.

Sure.---At this time Mr, Mr Daniel Livings, he was a Lendlease foreman, and at that time Anthony Murphy, he was in-house Sydney Uni direct, he, not just him and all these project managers have given a power to, to what you call, to Lendlease and provide them with the account codes to actually arrange security services. And I wish if Daryl McCreadie's here and we have discussion about this where Daniel Livings made a call and he put service request through, he was actually asked for between 15 and 30 guards which definitely was not required this many, and I even spoke with Daryl, I says, "I don't know what's going on with this man, like asking for this much numbers for only three buildings, which they are partially in a shut-down mode." So they are not going 24 hours in shut-down mode. Then I, I have called, contacted him. He says, "From my end, uni gave me account codes, you can go ahead with the guards, like 15 to 30, your, your, your problem." And me and Daryl came to the point and says, this is, if you put 30, I don't know what's going to happen, and we put 12 for that night. I will be honest with you, Mr English, in this power shut-down was not probably required more than four officers.

40

So you said you spoke with Daryl about it, about how many guards you'd need.---Yes.

And so you worked out together how many you think you'd need, was it 12, did you say?---Look, realistically you would not need more than four.

How many did you agree with Daryl you'd need?---12.

10 Okay. Why was it then that that week you claimed 505 hours and for Daryl you claimed 77 and you sent through two separate time sheets, one in which you copied Daryl in and you said, "It's 77 for him, 77 for me," and one in which you said, you didn't copy Daryl in and you said, "It's 505 for me and only 77 for him."---Mr English, what it is, is actually in some occasions, which I believe this one was one of them, Tommy Sirour always were complaining about how he's actually not be able to continue any more with the business as he's only paid \$24.80 and giving me on the book like he would have to pay guards 20, \$22 an hour or \$23 an hour and till he pay tax and all these things, he would be done. Then what's actually happened, in this occasion I believe I was at the site, no whole lot, but while Daryl McCreadie wasn't there at all.

20 Right. I just asked you why it was that you, you said you did a deal or struck an agreement with Mr McCreadie saying 12 guards were needed, but then you were deceiving him when it came to your own payment in respect of that work. Why was that?---Mr English, this was, as I says, Mr Sirour, or Tommy, he would ask on the big occasions to have his 50 per cent off.

So are you saying that you had to make that claim because you knew Tommy was going to ask you for a cut?---Yes.

That's your honest evidence?---Honest evidence. But I'm not talking all of them. I mentioned to my lawyer, Peter, he did only I think four or five occasions in all these years around.

30 I might come back to that, Mr Balicevac. Now you were stood down from SNP and removed from the Sydney University campus for allegations of intimidation and harassment of staff in February 2014, weren't you?---Yes, Mr English.

Is that how you conducted yourself when you were working at Sydney Uni, that is by way of intimidation and harassment of staff?---Mr English, these allegations against me, they're completely false and I, if you don't mind me explain how this happened?

40 Try and keep it short.---Okay, there was an issue between Frank Lu and one staff officer called Robert Raymous, and Robert Raymous talked racial discrimination against Frank Lu, using the words, "You came here on the boat," blah, blah, blah, and I mentioned this to Colin Bowman. Colin Bowman have passed this message further up, it went basically everyone found this out and Aaron Lucas came in and he removed me from site.

If Exhibit 35, page 89 can please be brought on the screen. Do you see at the bottom there's an email from Mr McCreadie to Aaron Lucas cc'ing Dennis Smith and a Mr Laurie, B-e-w-e-s, Bewes. Do you see that?---Yes.

“Hi Aaron. As discussed, please stand down Emir Balicevac and send him home from shift. We’re in the process of investigating some serious allegations of intimidation and harassment of staff by Emir, Frank and Nick.” Do you see that?---Yes.

10 It goes up to the top and Mr Lucas says in response to Mr McCreadie, “This has been completed. Emir stood down at 1345 hours.” How did you get your job back at SNP?---Okay, what’s actually happened, I, at that time, I, I’m just trying to remember, I spoke to Dennis Smith about this and I said, Dennis, is that what’s actually happened, it’s not right and I explain him the whole story that Daryl and Aaron tried use other way around to get me out but I wish someone to show me anything that I intimidated any of the staff, or harassed, any report of that.

So Mr Smith played a role in having you reinstated at the university, is that right?---That’s right, Mr English.

20 You had a close relationship with Mr Smith?---At the time, yes.

Well, how was it that you struck up a close relationship with him?---I will explain few things, like, as I started at the uni from 2010 forward, at that time I was in process actually having a family and I bought the land and I basically was working almost seven days a week. So whenever the shift needed to be covered, I always was the person who put the hand up and was working for it.

30 So is your evidence that Mr Smith took a liking to you because of your hard work ethic?---I believe so and we’re, let’s say, governors or, like, all these politicians would come on-site, I would make sure everything is nice, welcome people and, and, and people used to send him a feedback about me, oh Emir did a great job, he done this, he, like, all sort of positive feedback about me.

Did you see him as a father figure?---In one hand I can confirm, yes.

Someone – I withdraw that. Does that mean he was someone who you’d be honest with?---Mr English, yes, but I, I wasn’t towards him.

40 You’d try and impress him?---Well, with my work skill, yes.

So is your evidence that Mr Smith would see you on campus, at times, in addition to your standard weekly 40 hours or equivalent thereof?---I will say this, Mr Smith never check how many hours I was there, how many other guards where I was, I can't recall this, like, if I was there 40, 30 or something. He did see me all the time and I explain him the reason, I’m only doing this to actually establish myself to buy something, to have something and this was happening and I was really active at the uni, 2015 I

was, I can basically say I was almost, almost every say at the university. I can't say every day but at least six consecutive shifts.

Six consecutive shifts for how many hours a day?---Six times 12, it's 72 a week. That's a minimum but also sometimes because how we had, Mr English, we used to have two days, two nights and if we start Monday, we will do next week start Tuesday shift. It wasn't like a Monday, Monday, Monday. Then Lynn or Tommy will put me somewhere else in the meantime, oh, go do this here if you want extra hours.

10

What about line marking? Did Mr Smith know you were performing those tasks at the university?---Yes. He did.

What were the circumstances by which you told him you were going to do that?---At night on the weekends, the, the most of the jobs we will get it done on the weekends.

That's what you told Mr Smith, did you?---Yes.

20

Well, let's just go back a step. How was it that you first raised that subject with him?---The, the first thing how this started is John Dirienzo. He was with us, okay, he, he, and, and from that time he knew we did with Mr Dirienzo, like, a shift, like, I go work together, do paintings and all these things. Then after when John Dirienzo left, me and Daryl continue this, doing it. I ask Dennis we will be doing and he says as long as SNP is aware of this.

30

And then we've seen some evidence that SNP wasn't aware that you were in a profit-sharing arrangement and a work-sharing arrangement with Mr Dirienzo, do you recall that evidence?---We didn't do share, sorry, Mr English?

So when you first started with Mr Dirienzo, you didn't tell SNP that you were assisting him in splitting the profits, correct?---I didn't, no, no, no, no, no.

Yes. So did you tell - - -?---In this instance, no.

40

So you just gave some evidence that Dennis Smith said to you as long as SNP's aware, and the fact was that SNP wasn't aware at the start, when you started with Mr Dirienzo, right?---No.

Did you tell Dennis that, no, they're not aware, I'm doing this on the sly with Mr Dirienzo and Mr McCreadie? Did you say something along those lines?---Mr English, in this case, what's actually, what was the case is because John Dirienzo came with all these licences and all these details. Then he gave us, he gave us actually a chance, you guys can - - -

Can you answer the question? Did you tell Mr Smith when he asked you, "As long as SNP's aware"? Did you say, "No, they're not aware when I was working with Mr Dirienzo"? Did you tell him that?---I can't recall that I told him this, Mr English.

Well, you strived to be honest to Dennis, didn't you?---Yeah, but I made, I was dishonest to Dennis.

10 Well, on this occasion when he asked you, is SNP aware whether you're doing the line marking, I take it that you first raised the issue with Dennis during the John Dirienzo period, at the start?---I raised with Dennis Smith, I raised that with Dennis Smith, the question, what it meant was in second instance when John Dirienzo was out of Sydney.

So you only told him after you'd gone direct to SNP, is that your evidence? ---That's right.

20 So at the start, when you were doing work with John Dirienzo, you say that Mr Smith didn't know you were doing it?---I don't think so, Mr English, he, he did know this, I don't think so.

That's another matter we might come back to, Mr Balicevac. So you're aware of the practice of ghosting, where a false name's entered into a site time sheet and the person who's details are entered doesn't turn up on campus?---Yes.

You've entered false details into the time sheets at Sydney University, correct?---On occasions, Mr English.

30 And what do you mean by on occasions?---Example, sometimes in the morning, I would be there to enter it for SIG, sometimes would be team leaders.

And from when do you say that process of entering a false name into the time sheets at Sydney University began?---I heard actually that it was a common thing 2012. I, I don't agree it was 2012. I would agree sometimes maybe let's say 2015 started, but if this was earlier, it would definitely, wasn't, wouldn't be heavy the way it was 2016 forward.

40 Can we see, please, Exhibit 35, page 99. And email from you to info@sinternationalgroup on 17 May, 2014. Do you see that?---Yes.

Cc Lynn. See that?---Yes.

Please find attached time sheet from last week.---Yes.

You've written to Lynn, "Lynn, please note for Wednesday I was putting said," is that Said? "To cover bus on SNP time sheet to not come 36 hours straight on my account and it can be questioned." Do you see that?---Yes.

Go to the next page. This is your weekly time record that you're submitting.---Yes.

And you're claiming a total of 97.5 hours for the week.---I believe so, yes.

10 If we just go back to the previous page. What are you intending to convey by the words in red? "Lynn, please note for Wednesday I was putting," I think it's Said, "to cover bus on SNP time sheet not to come 36 hours straight on my account and can be questioned."---Mr English, this was, at the Camden they have big issues with the coverage with the bus, and what I, I still have to do this shift but would have to use different name because if I don't drive the bus, the complaint will come straight away to the uni.

20 So you're using another name here, you say, because otherwise, what, it would show that you'd worked 36 hours straight and that can be questioned, is that right?---Yes, at that time, as I mentioned before Mr English, I was working 100 hours, sometimes even up to 120 stretching.

So on your evidence you're driving the bus at Camden while clearly fatigued, would you agree?---Yes.

And that's got a risk to the safety of students and road users, correct?---I would agree.

30 You must see those advertisements on TV where they warn against driving when you're tired.---To be quite honest with you, Mr English, I don't watch TV much.

Have you ever been warned or have you ever seen any warning about the risks of driving while fatigued?---I would see the signs when you're going, let's say, interstate saying, "Rest, survive," something - - -

Yes. "Stop, rest, survive," yes.---Something like this.

40 You're taking the safety of other people in your own hands driving fatigued. Would you accept that?---I would. But in this as well instance, they had, they would sometimes call me, they're saying, "We know you're working all night, but if you don't turn up we won't have the person to cover this bus."

You're putting your own financial interests ahead of the safety of the students and other road users, do you agree?---I would agree this, Mr English, yes.

And so it seems that the practice of ghosting occurred at the university prior to May 2014, would you agree?---As I said, yes. When we, just to confirm, when we say ghostings, Mr English, are you referring to actually it's covered under someone's names but no one turn up? Or you, it's in general ghostings, either way you turn up or not it's a ghostings? I just want to confirm.

10 Well, just when you use someone else's name on the time sheet who doesn't turn up, right? So that's a ghost person whose details are on the site time sheet, correct?---Okay. But if he's turned up but used someone else name, what do you call this?

Well, that's just, that's just how the shift's covered or whether it's covered or not. So you can use a ghost name on the time sheet. Someone might perform the shift themselves.---Yeah.

Someone might perform the shift while they're performing another concurrent shift.---Yeah.

20 And sometimes someone might not turn up at all.---Mr English, I can say after 2015 all the shifts by me it was covered. I can say 98 per cent if I used someone else name, I would be there.

Was it your idea to introduce the practice of using ghost names on time sheets at Sydney University?---Negative.

Whose idea was it?---Tommy Sirour.

30 Tommy told you to start doing that, did he?---How it started, Mr English, at CPC, Charles Perkins Centre, he couldn't cover this role and I believe there was already one or two shortage SIG did with SNP, and I think SNP send them a warning letter, or Aaron Lucas and Tommy used to always fight. I don't know why. They always had some issues between each other. And Tommy was in impression if he start failing covering this, this shifts, he will actually get, he will lose the contract.

So was it Tommy who told you you should start using ghost details onto site time sheets?---Yes.

40 When did he tell you that?---When was Charles Perkins Centre? I really cannot remember which year Charles Perkins Centre was starting. But with, with, with, like, someone turning up using someone else name, this was even before me was going, before probably Tommy came was going on, but still guard would be on-site.

And when Mr Lu took over the rostering for SIG in I think August of 2016, you instructed him to implement or continue with that plan of using ghost details, didn't you?---No, Mr English. He started doing this because of Ali

Syed. He was doing this before and he continue this practice. But I definitely didn't say, oh, Frank, you must do this, you must do this.

So is your evidence the practice was entrenched by the time Mr Lu took over those responsibilities?---By, by Ali, yes, but in, again, Mr English, I'm saying in the minimal, in the minimal amount.

When you were working for SNP, what was your annual salary?---My, after the (not transcribable) fights, I actually got 65,000 a year.

10

So what year was that around?---I signed with them 2015, I believe 16 December, 2015.

Did you ever tell Dennis Smith how much you were getting paid by SNP Security?---I did, and I, if you, if I can explain how this started?

Please do, yes. Please do.---Craig Millar, he was general manager of SNP. Mr English, I never, I never knew this person, and why he had something against me I don't even know myself today. He didn't want me in this role. He had the person called I believe Andrew Jenkins. He was in SNP. He wanted to put him in this role. Then him to downgrade me down, I think team leader was around 55, 60,000 if you are a team leader working two days, two nights. He actually send me a contract and of 46,000 a year, so me to have a - - -

20

The question was, how were the circumstances by which you told Dennis Smith what your salary was?---This, this is the way I explain him on the start.

30

Okay. If you could be a bit more precise, but go for it, please.---He offered me \$46,000 and I refused this, and I - - -

But is this Dennis Smith?---No, no, no. Craig Millar.

Okay.---Then we used to fight for two, three months, and he actually, when this Andrew Jenkins pulled out, because Andrew came to me, he says, "Look at me, I can get this job but I don't want to do to you." And as soon, because he was on 65, then as soon he resign from SNP, Craig Millar basically says, okay, I'll give you 65.

40

And just go back to the question. How was it you told Dennis Smith why your annual salary was?---No, he ask me, you happy with, you okay now? I says I'm okay but I rather go back in the uniform.

And you told him that you were being paid 65,000? That's Dennis Smith. ---I told Dennis Smith, yes.

Now, did you tell Dennis Smith that you were claiming overtime payments through SIG?---I'm not quite sure did I tell him saying, okay, Dennis, my overtime is going through, through SIG, but I assume he knew probably this, these activities are happening because all guards are, reason is my saying this, in 2012, when I resigned from SNP, or 2013, the reason was I can't do overtime.

10 And did you tell Dennis Smith when he asked your annual salary, did you say I'm also getting a cash commission from Tommy each week?---To be honest, no, I didn't. He started paying me \$150 that year when I signed, as I start then this has increased.

It went up to 500 a week, didn't it?---Yes.

When do you recall it went up to 500 a week?---I think it happen a couple of months before you came in, from top of my memory, but whatever is in the account details. I don't believe it was long, long ago.

20 And what did you understand the purpose of that payment was, the weekly cash amount from Tommy?---2017, Mr English, I actually decide to pull out from the Sydney Uni. I didn't want to do this anymore. I found it very stressful. Mr Tommy he would use anything to hold me there and even Frank Lu is aware of this when I, when I was actually, I was actually offered a job which is working five days and this job was for me very mental and like, when I say mental it was very pressurised and Tommy would be keep increasing. He says you, you can't go. You have to be here. He just basically, he, he started increasing just to keep me holding.

30 Why were you so valuable to Tommy?---I was valuable for Tommy in a lot of occasions. First of all Tommy knew that I had really bad history with SNP. As they never respected me I don't even respect them.

So let's just hold up there. So what, Tommy knew that you didn't like SNP?---That's right.

So he thought, what, he could use you against SNP do you understand? ---More to cover him in case there is problems.

40 So he could buy your loyalty as opposed to SNP. Is that what you think Tommy thought?---I believe so, yes. Because after the Canberra what happen my loyalty to SNP wasn't there. I really didn't care anymore, Mr English.

All right. So why else did Tommy think you were valuable do you understand?---Tommy, as the, as the place started expanding Tommy could not cover entire university contract as to cover with the full guarding. So there was, I hope if there is in the phone there is actually messages where I'm saying to Tommy that Tommy you, Tommy would say to me I cannot

cover this entire, entire place. I need, like I need guys your help. If you guys cover it because he's not able to cover the contract, like requirements with the shift.

10 So Tommy couldn't cover it, so how did you cover it?---I, I, I said before as well to Tommy when, how we covered it when the not critical shift. As I mentioned to you, Mr English, before university culture is different than some other sites where the person is required to be all the time and there is some areas where a person is not required almost at all. And I'm happy to demonstrate. For example Campus Assist they used to have 15 unlock officers in the morning. They took six but even six is excessive.

All right. So I mean, I'm just trying to drill down to your value to Tommy. What is it, that you could ensure that all the shifts were covered. Is that what you think Tommy saw value - - -?---And even if he would get in big problem he would think I can actually use Dennis to assist him to not get in trouble.

20 So he thought that you would be of assistance in terms of SIG's dealings with Dennis Smith?---Because he knew I'm very close with Dennis and he thought I can actually speak to Dennis and say please save him. I was a couple of times outline for Tommy, Tommy, you need to be aware there is some things you cannot escape. If it's something really crucial no one will be able to save you.

30 So just going back to this perception that you could save Tommy with Dennis, did Tommy counsel you to get close to Dennis?---He, Tommy Sirour trying to buy anyone if he can. Like if he can buy Dennis, if he, even, he even was pushing me to buy Steve Sullivan. He was pushing me to buy even the managing director. This is his constant intention buying people and when they, when he buy you that's it, there is no, there is no, there is no reverse. You can't go backwards.

All right. So said he's pushing me to buy Steven Sullivan. Who was the other one?---I think managing, he, he even was thinking - - -

The managing director I think you said.---Greg Robinson. I didn't, I knew him but I, I, I never had any, any close, close contact with him.

40 So you've have discussions with Tommy would you about who Tommy could buy at the university?---No, no, no, no, no. He would, for some reason he knew who is Greg Robinson. I don't know from who did he know but he, he, he would actually saying how about we get them this, this and all sort of gifts to get them but his intention was when he buy you that's it, you can't go backwards.

My note of what you said was he was pushing me to buy Steve Sullivan and the managing director.---Yes.

So you must have had a discussion with Tommy then about the potential of bribing these people. Yes?---He wanted this not that I was giving him these ideas. He wanted this.

Well, you were entertaining those ideas, weren't you?---Not really, Mr English.

10 Well, he wanted Dennis Smith bought, didn't he?---He failed. He has failed completely with Dennis Smith.

That's your evidence, is it, before the Commission? He failed completely trying to buy Dennis Smith?---Yes, he did fail.

THE COMMISSIONER: How do you know that?---Through me he has failed, Commissioner, but if he use other people then probably after 2.30 when Dennis leave home, go home I don't know where, where he is going. That part I don't know.

20 MR ENGLISH: He contributed to a pinball machine that you bought for Dennis Smith.---Tommy?

Yes.---I don't think so himself he contributed.

Or SIG did.---No. If the contribution, contribution, Mr English, was there that was Lynn and she received money from me back to her.

30 Why if Tommy wasn't involved did you see a need to buy a pinball machine for Dennis Smith?---Mr English, I'm happy to elaborate this that from, from zero to the end how, how this, all this happened if you don't mind.

40 Sure.---Okay. In 2016 I was actually, I was looking to build a little game room for myself in the house that was for myself. He would come early in the morning and I come early in the morning. I was always there between 6.00 latest 7.00 I would be at the uni. Dennis Smith sharp 6.30 if not earlier. He was looking, I was surfing website and I was looking into a pinball, like not just a pinball I was all these arcade games. He's asked me, Emir, what are you, what are you, what are you going to do? I says, look, I'm planning to buy this, like a little, not, not a pinball machine, like, I want a set little room with the games that my kids growing. He says oh, that's a good idea. And he even mentioned to me this can be expensive business and I says maybe, yes. I might buy even second-hand. Then as we talked about the pinball machine he did ask me which one you're looking to buy, what you're looking to buy, this and this. I said to Mr Smith I really don't care which machine I want to buy, like as long as it fill the area. Is it Spider-Man, is it Batman, is it some, there was another one. I can't remember which one it was and he says that's, that's good. And, and down the track like, even Mr Sirour did hear I am looking to buy a machine and Dennis

says what's your plan for this Christmas? He says when you looking to buy this machine? I says I'm looking to buy this machine for Christmas but this is when they're having delivery date. It was October/November as far as I remember or maybe December, I can't recall, but there was some delays with the deliveries about the, the machines from Melbourne. I mean they were coming from US.

10 THE COMMISSIONER: This is a machine you wanted to buy for yourself?---Pinball machine, Commissioner. Yes, Commissioner. Then he says you going to stay in, like this was the first year in 2016/17 we decide to not stay in the, at home because every Christmas we stay we are too busy and my wife says let's move somewhere as long as we are not at home because it's just visiting each other, drinking and all this. Then I said to him, okay, I will, he admit this machine to get, I said, okay, Dennis, I will give you this machine. He says, no, I'm not getting anything for free. I says okay then he decided, you can even ask him this, he was giving me \$50 a week or \$200 a month for this machine. He said to me, I give you this for a year. I says okay, and for me was, was valid point. I, I, I, where I, when I, when I got this machine, I found it too expensive but it was too late for me.

20

So just let me get that clear.---Yes, Commissioner.

You wanted to purchase the machine for yourself?---At the start, yes.

And you did purchase it?---I did purchase it but I did borrow the money, Commissioner.

30 But at the time you purchased it, you never intended it to go to Dennis, is that right?---When, when I paid for, when I paid for, because, at, the money came at the end, there, there was intention Dennis to buy this, not to buy, to rent it and also there was intention for - - -

Just a moment. I'm just trying to get the events clear in my own mind. You decided to buy this pinball machine and your intention at that stage, it's going to be for you?---That's right.

40 And then at some stage you decided it was too expensive and therefore he was going to rent it from you, paying \$50, \$100 a week or whatever?---\$50 a week or \$200 a month and this was working for me, Commissioner.

No, I understand that. When was it that you decided that it was too much? ---To be honest with you, my wife wasn't happy when she find out.

But when, when, sir, when did you decide?---If I know, Commissioner, the date when I ordered it, then let's say seven or maybe let's say two weeks later, I realised oh my God, like, this is, this is, this, this is over the roof.

So it was before the delivery?---Well, yes.

Why didn't you cancel the order?---Commissioner, I am the person if I, if I say something, this is what it is.

10 So, being an honourable man, you didn't want to break your promise to the pinball supplier, is that what you're saying?---Well, Commissioner, I, I am like this all the way, yeah, that's right. If I say something, how will you feel, you order this machine and how would you feel actually you just decide, and these people already purchase it from Chicago. How would you feel to tell this person, no, no, I'm not interested anymore.

20 Where was the pinball machine delivered?---To my home and I took it down there for him, for the Christmas and the plan was to have it for a year, then when I was at Honeymoon Bay, I mentioned in previous examination, when I was at Honeymoon Bay, I swing past, we were planning to put on my camper trailer, but the machine it very fragile, I couldn't do this. Then we sit from there, I drove and I mentioned as well, when my car had the major engine failure and my car was eight, maybe 10 weeks into the Volkswagen dealer, trying to put the new engine in, and I said to Dennis,  
20 when I get this engine, I will actually get that machine but he did, when he says he doesn't need machine anymore, this is when he actually stopped the payments to me which is a fair call. He says it's your machine, you, you get it when you want.

How much did he pay you?---\$50 a week or \$200 a month.

30 For how long?---I gave him in January so in Australia Day, this is when I meant to get the machine and he didn't pay, he from that say, he didn't pay me anymore.

So adding it up, how much did he pay you?---Sorry, Commissioner?

How much did he pay you?---I, I think altogether, \$2,400 but not in one go.

40 No, no, no. And then he decided he didn't want to pay you anymore?---No, no, no. He, he, didn't say I don't want to pay you anymore, he says I don't want machine anymore, so he doesn't have to pay me anymore and I said clearly to him as soon I get my car, I will collect it but my car was in, in service but in that time, in February, I went with Daryl to New Zealand, then I came back in April, my car just was released maybe week before because, not week, two weeks before but I still have, have heating issues so I had to go back to Volkswagen again.

In the meantime, the pinball machine was in his house?---Yes, that's right.

Where is it now?---In my house.

When did it get there?---When I came back from Moreton Island.

How long ago was that?---Maybe almost a year ago but I meant to pick it up in January when it was Australia Day.

How old are your children?---My son turns today 8 and daughter 9.

Thank you,

10 MR ENGLISH: You said that you delivered it in January to Dennis's house, that's January of 2017?---When I bought it, yeah, I believe so, yes.

And you said that by Australia Day, he said he didn't want it anymore?  
---Not 2017, 2018.

20 So you say that it took Dennis about 12 months to say to you he'd had enough of the machine?---Not that he had enough from the machine, he, he, I gave him, I says I am happy to give you for 12 months until I buy pool table and put, buy a few arcade games. Then somewhere in May or June, he had intention buying this machine.

Just hold on a second. So you gave some evidence that it was your plan to build a games room at home.---Yes, that's right, Commissioner, Mr English.

And then you said your wife didn't like the machine, is that right?---No, no, no, no, no. She says this is more like a, like a, firstly it's expensive, when she saw pool table, it's around maybe, like, if you want a decent pool table, cost you around another \$10,000 plus another arcade games, all, all up probably could be 40, \$50,000.

30 How are you paying for all of that?---Well, I, I didn't, for the first, I, I, I, I got pinball machine and I actually borrowed the money and I returned it.

40 THE COMMISSIONER: Sorry, you borrowed it from whom?---Look, there is Lynn Li, I cannot hundred per cent remember, Commissioner, did I borrow from her these times because she helped me two times when I went on holiday, gave me the funds. From Frank, I borrowed and I will be quite honest with you, Commissioner, I am, I am stunned by him what he did say here. I still was civil when I was sitting in the room, I didn't want to say anything but you could, he came to my house more than 20 times.

But he said that - - -?---That I never gave him.

No, no. no. He said that you had asked him for the money so that you could buy a pinball machine for Mr Smith.---Commissioner, this is not true.

Well, how did he know Mr Smith had anything to do with it?---No, no, no, no. He, even Frank Lu was looking my attention before I bought the machine. I says I, where I am now in my house, I build, it was like a little

cinema room and Lu was in my house previously. He knew that I am looking to buy, he was looking, I am surfing websites looking for the machines and I was giving him idea because Asian people are really good with this gaming things and I was asking him what do you reckon, Frank, if I buy second-hand.

Just a moment. He has given evidence to the effect that you asked him to borrow the money, that you wanted to borrow the money off him to contribute to this machine, you heard him say - - -

10

MR ENGLISH: I don't know if that, with respect, Commissioner, borrow, I think that was a - - -

THE COMMISSIONER: Sorry, that was – no, he asked you to contribute to the pinball machine and he also gave evidence to the effect that you had said that the pinball machine was for Dennis.---Commissioner, you can ask even my wife, I gave him two times two thousand when he was at my house.

20

Just forget about that for the moment. Did you ask him to contribute to the pinball machine?---For Dennis, no. Not for Dennis.

So you didn't mention Dennis at all?---No. I did mention down the track when I bought, when I got this machine, I did mention to him that actually I'm going to, I'm going to give it to Dennis for 12 months and, and actually help me to, to decrease my balance.

30

So when you bought this pinball machine for your children, I think one was 5 and the other one was 7. Is that right?--- 6 and 7, they are only one year apart.

Yes, Mr English.

MR ENGLISH: So I just want to go back if I can, Mr Balicevac. Delivery in January 2017 to Mr Smith's house.---If the date is there on the invoice, yes.

40

Okay. And then by January 2018, Australia Day, he said he doesn't want the machine anymore.---He, he mentioned to me not, he mentioned to me 2017 in November that he want, as a reminder that he will giving me machine back.

Well, your evidence probably 10 minutes ago was that Australia Day he said, "I don't want the machine anymore." And then I asked you and you've said it was a year after you first delivered it to him.---Okay, to explain this more clear. When I bought this machine I took it to him. I believe it was somewhere January. Am I right?

I think you're getting the question and answer round the wrong way.  
---Mr English, I know what you're saying but I can't remember every second exact day.

Well, just - - -?---I took the machine to him, okay. He was paying me these funds. The deal between me and Mr Smith was 12 months that I'm taking this machine back home.

Okay, all right.---Okay.

10

Just hold on a second.---Yes.

Let me ask you a question.---Yes.

Okay. So you were renting it to him for 12 months.---This was a deal between me and him.

Okay. And then you were going to take possession back.---Yes, that's right.

20

And so you were always the owner of the machine and you were just renting it to Mr Smith?---All the time, yes.

And there was no change in that at all, was there?---He had intention in May or June, I can't now remember which month, he did have intention to buy from me and I said to him, I think I gave him an amount of eight and a half thousand dollars.

And what happened to that?---No, he didn't buy it.

30

If we can have volume 2, page 271 brought on the screen. This is you emailing shannon@zax.com.au---Ah, yes.

"Hi Emir, good to hear all is okay."---Yes, that's right.

Sorry, this is from Shannon to you. If we go to the message below where you're writing to Shannon, you say, "Hi Shannon, Rod was on the site."

---Had a look and fixed - - -

40

"Had a look and fixed what needed to be." That was at Mr Smith's house, right?---Yes.

And then we go over the page. "Shannon, I have a question to see can you do a transfer of ownership to Dennis Smith?"---Yes, that's right.

So are you saying this was because Dennis at this point in time, notwithstanding your rental agreement, had now decided that he wanted to own it?---He, when I gave him machine his decision was to buy machine. I don't know, I says May but this was March. Because machine had some

issues, the machine, it was still under the warranty and me and Dennis, we are talking about, he says, "What's with the ownership?" Because some companies, when you're doing transfer ownership you lose your warranty. And this is exactly what I asked for. Then when I told him eight and a half thousand, I think Mr Smith was thinking I would see it for him for six grand.

Well, you say at the top, "Only for insurance purposes." See that?---Yes.

- 10 Isn't it the case that what really happened was that you wanted to buy this pinball machine to say thanks to Dennis because you'd been getting paid so much money through this time sheet fraud? Isn't that right?---No.

You said to Frank, "Frank, I'm going to buy a pinball machine for Dennis to say thanks for all this money we've been making down here, can you throw in some money?" And Frank said yes.---No, Mr English, I will disagree with this.

- 20 And then you said to Frank, "Frank, I need your credit card because I've got to put down a deposit for the machine."---The reason for credit card, Mr English, is I was asking Frank to give me cash, okay, then Frank, he didn't have cash, he's saying, "I don't have cash money for this." He's saying, "If you give me the details I will give my credit card.

He doesn't have cash money even though every week he's collecting envelopes of cash from SIG?---Mr English, I don't know, but he was a heavy gambler. That's all what I can say.

- 30 THE COMMISSIONER: But on your evidence you certainly didn't mention to him Mr Smith?---When, not on the start, but when I, when I, when I rented it out, yes, I did say this.

No, before, before he had put his money in.---No.

No. And you certainly didn't discuss Dennis with anyone else?---That's right. I said to him, "I don't want you to say to people that you, I borrow money from you." This was my evidence to Mr Lu.

- 40 And you certainly didn't mention it to Lynn Li or anyone over at SIG? ---Commissioner, I'm not 100 per cent sure if I mentioned to Lynn Li about the machine I'm going to purchase.

No, no, no, forget about the machine, you didn't mention to Lynn Li that you were buying a machine for Dennis?---(No Audible Reply)

You couldn't have on your version.---For, for, for Dennis, no. Not for Dennis, but for myself probably I did.

You might have said to her, "I'm buying a pinball machine for myself."  
---This could happen. I can't recall it, Commissioner. We're talking like  
two or three years ago and we're going into details. I will also mention one  
thing - - -

No, but just before you go on - - -?---Yeah.

10 Because at the time you got the money it was your intention to take the  
pinball machine yourself. Is that right?---That's right. But, Commissioner,  
here was, the thing is, when these high payments happen Mr Sirour was  
taking 50 per cent off me.

Yeah. That's got nothing to do with this.---Yeah. I also would like to  
mention one thing - - -

No, no, no, just we ask questions and you can answer them.---Okay.

Your own counsel can ask you questions.---Okay.

20 MR ENGLISH: If page 225 can be brought on the screen. And this is an  
invoice from Zax Amusements. It says, it's blocked out under "Bill to," I  
can tell you, and "Ship to," it's your name listed and an address in New  
South Wales, which I'll just show your counsel actually. I've just shown  
the address to your counsel. You can see how the total cost is \$10,870. Do  
you see that?---Yeah, that's right.

30 And so on your evidence you told Dennis you'd bought this machine.  
---That's right. He doesn't know, I can guarantee you he has no idea that  
Frank has any involvement in this.

THE COMMISSIONER: Don't worry about that.---Okay.

Listen to the question.

MR ENGLISH: And then at a later point in time you discuss Dennis buying  
it off you.---When I delivered it to him, yes.

And you would have told him it cost almost \$11,000.---That's right.

40 And Dennis knew you were getting paid \$65,000 a year.---That's right.

Did Dennis ever say, well, how on earth did you afford a pinball machine  
that almost cost 11,000?---What's actually happened, Mr English, I, I, I had  
and I still have ongoing support from overseas and once actually there is a  
Western Union which is at the Pharmacy and Bank Building at the Sydney  
Uni and couple of times I'm not sure if he's noted, he would say, "Oh,  
you've got some money," I says, "Yeah, from mother-in-law."

So what, did you suggest to Dennis that your mother-in-law assisted you in purchasing this pinball machine?---Not just about pinball machine, as a support he probably thought, like, as a financial support.

All right. We'll just go back to your evidence that Emir was pushing you to buy people, Steven Sullivan and the managing director, Greg Robinson - - -

MR O'BRIEN: It would be Tommy.

10 MR ENGLISH: Sorry, Tommy was pushing you to buy people, thank you. Let's just go back to Dennis. You through Lynn bought Dennis a hotel stay with a dinner paid for, did you not?---Yes, that's right.

And Dennis knew you were doing that for him, didn't he?---He did, but if I can explain.

Well, just hang on a sec.---Yes.

20 And you also bought Dennis a limo that picked him up and dropped him at the hotel and then picked him up again from the hotel and dropped him home?---That's right.

So isn't that an example of how Tommy pushed you to buy Dennis?---If I can explain.

THE COMMISSIONER: The answer is yes or no or I don't know.---This is, this is the way he pushed me to get this, yes, to buy Dennis, yes.

30 MR ENGLISH: Okay. So you're agreeing with me, he pushed you on that occasion to buy Dennis.---That's right.

THE COMMISSIONER: And did you speak to Dennis?---Commissioner, how this actually happened, we're talking 2015 when Dennis did for me these things actually assisted me to go to Canberra. There was a big clash between SNP and SIG because I'm not SNP person to go to Canberra.

40 That's for the award?---Yes. Since that I still have a bitter about SNP in my mouth, and I, I, I be straight, straight honest. So what's actually happen, he done this for me. I found this as (not transcribable) and I will be, I was sit, sitting at the Sydney University swimming pool. I had a friend who was working into the, like, like an agency for travelling, for booking accommodations and all these things.

What was his name?---Sergei Kosachev. He, at that time he wasn't at the, he wasn't present in Sydney. Tommy Sirour heard this conversation like that I'm going (not transcribable). He jumped like a, basically off the table. He says, "Emir, why you doing this? You have me. I am here to do this." I says, "Look, Tommy, this is something what I am willing to provide for

Dennis as a big thank you. Nothing else.” And he said to me why this and this. I said this is why I want to do it. He was constantly insisting this to, him to be a person to buy this. I said, “Tommy, if you do this, I, I definitely will give you money back for this. I don’t want actually, I want, I, I want to do this for Mr Smith for my own.” This all happened. Booking went through. Yes, Lynn done this. I didn’t know she used her own card, I want to be honest. I thought it’s Tommy’s card. Had no idea about this. Two or three weeks later, Dennis Smith used to sometimes come to the university campus, not just to the campus, he will go to the city, and he park his car to, to the uni and he would drop, like, ask maybe one of us “Can someone drop me to the Circular Quay?” or around Sydney somewhere. I cannot now remember but I do remember definitely one morning Dennis came. He had envelope of 1,350 or 1,450 in his envelope. He gave to me and we been actually fighting over it. I said, “Dennis, no, you please have this money. Don’t give this money to me.” He says, “No, no, no.” He’s saying, “I spoke, I’m not, I’m not going to take advantage from you.” He’s saying, “You are a guard, I am manager, obviously on much more money.” He push this, he push this money towards me.

20 Well, let’s go back a step, though.---Yes.

You must have had a conversation with Dennis about him staying in the hotel and having dinner before he went there.---Absolutely, yes.

Tell me about that conversation.---How it all started?

Yes. You must have rung him and said, Dennis, what - - -?---Tommy didn’t ring him.

30 No, you.---Yes. I said, no, I brought him in the paper. I brought him like this is your booking, Dennis, where you going to go down to, I can’t remember what hotel was. He said, oh, you know, he was basically resisting this offer, then at the end he accepted.

But did you tell him why you were giving this to him?---I, I said, “I, I owing you something.”

Did you tell him what it was you owed him for?---He would always say, “Don’t be silly, Emir.”

40

No, but did you tell him about the Canberra thing and the award and - - -? ---Yes, yes, I did. And I says, “Me and my wife want to do something for you and your, and your wife.”

In return for what he had done for you.---Not that I am buying him, Commissioner, it was more as a respect. Like, he didn’t have to do this for me.

No, but I'm just asking you - - -?---Yes.

- - - to tell me what explanation you gave him for giving him this gift.  
---That's, that's right, about the Canberra.

About the Canberra.---And, and in the other instance where he stood up for me, where SNP says for intimidation and harassment, where he basically says this is not true.

10 So it's really for looking after you in your job.---I could agree, Commissioner, yes.

Nothing else.---Nothing else.

No.

MR ENGLISH: There was a second time in 2017 you sought to arrange a hotel booking for Mr Smith.---Mr English, in these cases, and I can, not just this case, I will bring you four, five different cases. Tommy Sirour would  
20 go without checking with me or either (not transcribable) with Dennis or anything. He just saying, I want to buy this, I want to buy this for Dennis. I says, "Tommy, please, forget about this." He says, "Ah, brother, you need to understand, when you put the car in the, when you fill it up the petrol, the car need to work. If your car is not filled up, it's not going to start." Sort of him, he, he was giving me heads-up if he doesn't buy people, the business is not (not transcribable)

30 So this time in 2017, in around February, you're saying this was just Tommy's idea, was it?---All the time, Mr English.

And did you discuss with Mr Smith the fact that Tommy wanted to book him a hotel at around that time?---Mr English, I did once actually (not transcribable) I says, ah, Tommy looking to get you things. The, the, the last time Dennis really not knew really Tommy is standing this booking in particular, but all previous bookings or what he would make arrangements, I was actually trying to hide. I, I couldn't actually, he was always pushing me front, "Why you didn't tell Dennis? You need to tell him this. I want to see him (not transcribable) I want to take him down." Commissioner - - -

40 THE COMMISSIONER: See, that's something I want to ask you about. Can I go back to the previous one?

MR ENGLISH: Sure.

THE COMMISSIONER: You say that Dennis came back and said, with some money, I think you said 1,350.---1,350 or 1,450, yes.

Somewhere around that amount of money.---Yes.

And he came back and he wanted to pay it back to you.---And he, he did.

And he did. Did he tell you why he wanted to pay it back to you?---He didn't actually explain to me. He basically said, "Emir, don't worry about. You have a young family." This, this was basically his explanation. I don't, I don't need this. He's saying I'm okay with the pay I get, he's saying - - -

10 And that was a couple of months after he came to stay in the hotel?---No, no, no, no. This was I think three or four weeks later.

Three or four weeks later he came with the money. And do you say that he had no idea that Tommy had been involved?---Hundred per cent, Commissioner.

So you took the 1,350 - - -?---And I gave to Tommy.

20 And you gave it to Tommy?---Yes. And Tommy was losing it about this.

But you're absolutely sure that he had no idea that Tommy was involved? ---Commissioner, I have two kids. I can throw him under the bus but I can't. It's not true. He really didn't know and I feel ashamed I did this to him.

MR ENGLISH: Commissioner, can I ask a question here?

THE COMMISSIONER: Sure.

30 MR ENGLISH: You said you gave the booking to Dennis.---I gave him, like a snap, a snapshot, a snapshot or something, Mr English. I can't really remember what I gave him, but I said to him, "This is the booking. You will have a booking car, get you there, get you back." It was - - -

You gave him the booking so he knew where to go and when the reservation was made, right?---No, no, no. He did, of course he did know.

Yeah, and because you gave him the booking, correct?---Well - - -

40 That was your evidence.---Of course. Mr English, he, he, he had the booking, yes.

Yes, okay. Page 79, please.

THE COMMISSIONER: He didn't - no, I'll leave it to you.

MR ENGLISH: This is the booking, do you see?---Yes.

Look who it's addressed to.---Tommy.

Yes, at S International Group. So how on your evidence did Mr Smith have no idea, your tearful evidence, that Mr Smith had no idea that Tommy was involved in purchasing this hotel stay when on your evidence you gave him this form?---Mr English, I can guarantee you he didn't know this, Tommy's standing behind this. How, I don't even know myself. I can confirm to you he had no idea Tommy's behind this till the last, 2017, when Tommy was pushing to buy something but Dennis didn't go on this.

10

And that's notwithstanding the fact that he would have received this form, on your evidence, which is page 79.---No. He definitely had no idea.

Sorry, Commissioner. I cut you off. Did you have more questions?

THE COMMISSIONER: I think I have but I'd like to look at it overnight. I'm not suggesting you stop now but there are some things that have occurred to me.

20 MR ENGLISH: What about the dinner booking?---Yes.

Whose idea was that?---Me and my wife, when we booked, when we were looking to book him this night accommodation, my, my intention was to book him a dinner as well, yes. That was coming from us too.

And do you say that this dinner and hotel booking was for the sole purpose of saying thank you to Mr Smith for looking after you in relation to these awards that occurred in Canberra?---Absolutely.

30 THE COMMISSIONER: I think he also mentioned the suggestion of bullying.

MR ENGLISH: Oh, thank you. And he assisted you with a bullying and harassment allegation?---Mr English, he assisted me because he knew it's, it was false allegations against me.

So go to page 60, please. Just so you're aware, this is an extraction report from Ms Li's phone, Lynn Li's phone.---Yeah, I understand.

40 So looking at page 61, please, you can see at 8.16, you're suggesting to Lynn a particular waterfront restaurant and you say, "Lynn, we're getting this if possible."---Yep, that's right.

And that's your evidence, that's the dinner booking that you discussed with your wife, is that right?---Yeah, that's right.

And then if we go to page 63, Lynn asks you up the top, third line, “Hi Emir, could you send me Dennis’s home address, pick-up time and drop-off time?” Do you see that?---Yeah, that’s right.

And that’s for the hire car?---Yes.

Was that all your idea too?---My idea was for me and my wife, to organise him all this.

10 And then if we go to the middle of the page, so it was an idea between, just it was an idea between you and your wife and how did Tommy get involved again?---I was at the swimming pool. There is, we call pool where we usually going for our lunch at the Sydney University Campus which is just next to the security office and Tommy would majority time would meet us at the pool or down at the Ralph Café, which is underneath. He would come over there, I was having this conversation with my friend, like, my conversation was that I am looking to get a discount. Like, it wasn’t actually for the person to give me free tickets for, or bookings. Tommy heard this conversation and he basically jumped up, he saying, and we were probably talking week or two week earlier before this even happened, or  
20 maybe three weeks.

Who’s we?---Myself and Tommy. This, the, I mean, we, at the pool, we talked three weeks before, maybe four weeks before this happened and he actually jumped up, he would say, oh Emir why are you doing this when I, I am happy to, to, to provide this and I was keep pushing him of this and he saying I have a car, I have limousines, I have businesses in limousines, I have businesses in, in hotels, he’s saying I’m in travellings [sic]. I says Tommy, I am, I still want to pay you off this, I, even if you organise, I will  
30 still want to pay you, pay you this amount back to you. He, he will turn around, no, don't worry, I actually get this done for you. Then when this meant to happen, he didn’t organise nothing, Mr English. He didn’t even, even organise this and I said, Lynn, oh my God, youse guys, he need to tell, if he doesn’t, what they saying, he was promising but not delivering and he will put me in even more embarrassment in this case.

So Lynn had to get involved to organise the arrangements for the hotel stay, is that right?---Yeah, because he lied to me, he didn’t get nothing and I said to Tommy, I didn’t firstly ask you to organise this. You were the one who  
40 was jumping up and down.

Now, there was another occasion where, I was asking you some questions before, in February, 2017, when you tried to arrange another hotel stay for Mr Smith, do you recall that?---Not that I try to arrange. Mr Smith didn’t even know about this arrangement.

He didn’t even - - -?---2017, is it?

So he didn't know about that arrangement.---One, the last one, because there were so many, Mr English.

So many what?---Tommy would say, "I booked this for Dennis, I booked this for Dennis," and, and, and Dennis half of them didn't even know about it.

10 But Dennis attended more than once at a hotel that Tommy paid for, correct?---Just one, this hotel which, which, which we talk, we talk just previously.

Well, there's evidence before the Commission that someone picked up Dennis Smith on two occasions and dropped Dennis Smith at a hotel in The Rocks and back home on two occasions.---In two days difference, in two nights, like, in the, let's say on Friday let's say or Saturday, I'm not really sure, and back on Sunday.

20 The evidence was it was a year apart.---No, no, not to me, Mr English. If you have, if you have this proof you can call me the biggest liar.

Well, you've been saying, you've been using the plural, you've been saying, "Other occasions." It's your evidence from which it springs, Mr Balicevac.

Sorry, Mr English, I might be actually pronouncing [sic] different, but when we say one occasion, this one was where he went to the town as a drop-off and pick-up in, pick-up in two days later.

30 Okay. So - - -?---And we can call this as a one occasion or two occasions, but not in a year difference.

Okay. So just focussing on this February 2017 occasion, you say that you were making arrangements for a hotel stay for Mr Smith of which he had no idea. Is that your evidence?---Did he attend this, Mr English, or no?

I'm asking you the questions. Can you answer it, please? Did you make these arrangements in February 2017 for a hotel stay for Dennis Smith that he had no knowledge of?---That's right. Not, I didn't make this arrangement, Lynn done, done it.

40 You did it with Lynn, didn't you?---Or Tommy I mean, Tommy arranged.

No, you did it with Lynn, didn't you?---I can't see on the screen.

Page 98, please. It's an extraction of a report of Ms Li's phone. If we go over the page, do you see she says at the start, "Free to call you," and then says, "King bed or a double bed?" And you say, "King." She says, "Darling Harbour view or Opera House view?" And you say, "I believe Opera would be better." Do you see that?---Yes.

Is it your evidence that's just because that's your own personal preference or had you spoken to Mr Smith about which view he'd prefer?---Mr English, he was aware of this booking.

He was, okay.---For, for this one he was. I says, "Tommy is looking to buy you," what it is, because - - -

10 You just said a moment ago that he wasn't aware of this booking.---Well, I didn't know the, I didn't know, I didn't know this.

THE COMMISSIONER: You didn't know he had these records. He now knows. He is aware.

MR ENGLISH: It's jogged your memory, has it?---No, no, Mr English, this, I have to be honest, for this one he probably knew and his mother-in-law was very sick and he had to go, he, he couldn't, he couldn't attend this, he didn't attend this.

20 How did he know? Tell the Commissioner how Mr Smith knew that you were arranging this booking for his benefit.---I mention to him, Commissioner. I said to him.

THE COMMISSIONER: That this booking was being arranged.---Getting arranged, yes.

And what did he say?---He says, oh, that will be okay, then. But he couldn't attend.

30 Because his mother got sick.---Sorry, Commissioner?

Somebody got sick, did they?---His mother-in-law was very sick.

And did you tell him who was going to pay for it?---Yes.

And who did you tell him?---No, I saying, "Tommy arranging you a booking for here."

40 And he was happy with that as far as you understood it?---He didn't say much. He, he's saying to me, oh, it's a bit, bit risky. Like, not risky, saying doesn't, doesn't fall in his, as a working he's not meant to receive these kind of things.

Yes, but he was happy to do it, wasn't he?---Well, he probably, look, I, he probably would do it, Commissioner, if he didn't have this issue.

Yes, but sick mother.---Yes.

Mother-in-law.---Yeah.

So he didn't – yes, okay.

MR ENGLISH: Well - - -

THE COMMISSIONER: But just going back a step, you say with the first booking, where he actually went to the hotel - - -?---Yes, that's right.

10 - - - he didn't know Tommy was paying.---Hundred per cent. He was, he was being believe it's coming entirely from me.

MR ENGLISH: And on that occasion – sorry.

THE COMMISSIONER: Sorry. I'm just trying to get all this into my own head. And on that occasion, as I understand it, you and your wife had decided to do something for him.---Exactly, in return what he did for me.

20 Yes. And you made a booking and then you told him you made a booking. ---Yes.

And did you tell him who had paid?---No, Commissioner. I want to be honest, no.

You didn't say one way or the other.---Well, he, he, he didn't even, he believed this from us because even maybe let's say month before, Commissioner, I even said to him we, we, we looking to give you something in return and he was pushing back from us.

30 But on this occasion you didn't discuss who'd paid it, but you handed it, you told him it had been booked and he did go.---Yes, that's right.

And he didn't turn around at that point in time and say, "You can't pay," did he?---No, no.

No.---And three weeks later, he, yes.

Three weeks later he turns up with the money again.---Yes.

40 Yes.---Maybe two weeks. Look, Commissioner, I don't know in the days, but something in, in that time range, yes.

But there's no doubt in your mind that when he went to the hotel and then to the restaurant on that first occasion, he, he understood that you had purchased this for him.---Absolutely.

Yes.---And I'm standing behind this hundred per cent, Commissioner.

And standing behind a hundred per cent the fact that he did not raise the question of payment until three weeks after he had been there?---Two weeks or, yeah, two, three.

Two or three weeks. I'm not holding you to the time.---Yeah. That's right.

So the first you know that he's got a problem with payment is when he turns up with the 1,300, \$1,400.---Roughly around that, yes. 1,350 or 1,450.

10 Yes. And that's the first time you became aware that he thought you shouldn't be paying for this and he wanted to pay it back.---That's right. He's saying, he said to me, "Look, Emir, all what you did here been working at the uni, you earn it, you, you deserve what you did. Like, it's not that I'm pushing you for Canberra. You entirely, entirely deserve this award and you should get," and this what's actually happen when I was dismissed.

"Here's your money."---Sorry, Commissioner?

20 Did he hand you your money back?---Yes.

MR ENGLISH: Is that a convenient time, Commissioner?

THE COMMISSIONER: Yes. 9.30 tomorrow.

MR ENGLISH: 9.30.

THE COMMISSIONER: Yes. thank you.

30

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

**AT 4.02PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[4.02pm]**