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INDEPENDENT COMMISSION AGAINST CORRUPTION

STEPHEN RUSHTON SC
COMMISSIONER

PUBLIC HEARING

OPERATION GERDA

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 19 FEBRUARY, 2019

AT 9.30AM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

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

Sensitive

THE COMMISSIONER: Just before you go on, Mr Whittaker, the documents that were produced are voluminous.

MR WHITTAKER: They are.

THE COMMISSIONER: Can I assume that if your client considers there is material there that it would want to put before me that you flag it to Counsel Assisting?

10 MR WHITTAKER: Yes.

THE COMMISSIONER: I mean, the burden of going through 6,000 documents at the moment is, well, it's very difficult. So I'm going to assume that if there's something that you want to draw our attention to, then that'll be done?

MR WHITTAKER: It will be done.

THE COMMISSIONER: Yes, thank you.

20

MR ENGLISH: We'll continue with Mr Balicevac, Commissioner.

THE COMMISSIONER: Thank you. Come forward Mr Balicevac. I'm going to ask you to take an affirmation again.

MR BALICEVAC: Yes.

Sensitive

THE COMMISSIONER: Sir, the section 38 declaration I made will continue but I want to draw some matters to your attention about, essentially turn on the seriousness of giving untruthful evidence to the Commission. Now, for your sake, I suggest you should listen rather than (not transcribable). There's been a number of witnesses who have given evidence in other investigations before this Commission who have been
10 prosecuted for giving false and misleading evidence and the courts are taking the approach that the norm is, that is usually a custodial sentence will be imposed on people who give false or misleading evidence here. That's how serious it is. Now, I raise that again because I don't want to see you go to gaol.---Yeah, fair enough.

And you've told me that you are married with two young children and it would be an absolute tragedy if you were to go to gaol because of some misguided believe that it's more important to protect others than tell the truth. Do you understand that?---Understand.
20

Now, what I want to do is to draw your attention to some of the evidence you gave yesterday in relation to the Spider-Man pinball machine.---Yes.

And I'm going to do that for the following reason, amongst others. Last night I read the transcript of the evidence that you gave yesterday and I considered what you had said, and then I checked what you'd said about the pinball machine against other records that the Commission holds as obtained as part of this investigation, that includes emails, texts, telephone intercept transcripts in particular. Now, I've got no concluded view but I'm
30 concerned that you may have given untruthful evidence in a very silly attempt to protect somebody else. Can I say to you, sir, that it's never too late to tell the truth, and as I say, I have no concluded view and of course I haven't heard from Mr Smith yet. However, I ask that when you continue your evidence today you keep squarely in mind your own position and what telling lies might mean to you and your family. Do you understand that? ---Yeah, I understand, Commissioner.

You've got no obligation to protect other people but you have an obligation to tell me the truth, the whole truth and nothing but the truth. Do you
40 understand?---Understand.

I wonder whether the witness can be shown the transcript of yesterday's evidence. Is there a hard copy available?

MR ENGLISH: We have a hard copy here, Commissioner. Commissioner, would you like certain portions to be brought on the screen as well?

Sensitive

THE COMMISSIONER: It's a matter for you really. I think I'm going to assume that those present have got a transcript.

MR ENGLISH: Okay. There's a copy there. Would you like that to go to the witness?

THE COMMISSIONER: Yes.

THE WITNESS: Thank you.

10

THE COMMISSIONER: Now, I just want to draw your attention to some evidence you gave at page 497, and you were talking about the pinball machine and you'll see just above point 10 on the page, it says, "The Commissioner."---Yes.

20

And I asked you this. "This is a machine you wanted to buy for yourself?" And you said, "Pinball machine, Commissioner, yes, Commissioner." Then he says you're going to stay in, "Like this was the first year in 2016/17, we decided to not stay in the 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 we're just visiting each other, drinking and all this.' And 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.'" Pausing there, is that what happened, that you said to him, "I will give you this machine," and he says, "No, I'm not getting anything for free?"---What it is, Commissioner - - -

30

Yes or no?---No. He, he, he, there was no intention to give him machine for free.

But did you ever say, "I'm going to give you this machine?"---Give him machine for some time, not for free, and he, but he thought I'm giving him machine for free, Commissioner.

40

All right. You go on, "I say is okay. Then he decided, you can 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, where I, when I, when I got this machine I found it too expensive but it was too late for me." And then I put this to you, "So just let me get this clear." "Yes, Commissioner." "You wanted to purchase this machine for yourself?" And you said, "At the start, yes." Question, "And you did purchase it?" Answer, "I did purchase it but I did borrow the money, Commissioner." Question, "But at the time you purchased it you never intended it to go to Dennis. Is that right?" And you said, "When, when I paid for, when I paid for, because the money came at the end, there, there was intention Dennis to buy this, not to buy it, to rent it and also there was intention for - - -". Now, I just need to clarify something there.---Yes, Commissioner.

Sensitive

When was it precisely that you and Dennis agreed that he would take the machine for a period of time then pay you rent?---Before Christmas there was, there was a talk before Christmas sometimes. I'm not sure exactly the date, maybe November/December.

November/December. It couldn't have been any earlier than that, could it?
---I'm not quite sure, Commissioner. I'm just guessing, could be.

10 What do you mean it could be?---I am not hundred per cent sure exactly the dates, like, but when I got this machine, discussion was actually, as I paid, as I paid high money for this machine, Commissioner, he, he sort of offered himself and I was happy to do this so I can actually pay, to pay me some money for this. Like, to reduce the cost or reduce the invoice.

I assume, though, that the agreement you struck with Mr Smith that he would rent it happened after you placed the order, otherwise you wouldn't have placed the order.---I, I placed the order probably, maybe a half year, Commissioner. Like, not in November, it was probably placed earlier than
20 that.

But whenever it was placed, at the time you placed that order, there was no agreement between you and Mr Smith about his role in this pinball machine?---He, not at time.

It has to be the case, doesn't it?---He actually, he was the person, he was actually saying which machine you going to buy. I said I really don't mind, either Batman or anything like this. So he actually, I think, believe choose Spider-Man.
30

That may be but what I'm trying to pin down, sir, is when it was that you and Mr Smith reached this agreement.---Before machine went to his place.

That's very helpful. How long before the machine went to his place?---I'm not, I'm not quite sure in the, in the dates, Commissioner. Could be a month, could be maybe two months. I'm not hundred per cent sure.

Well, if it was two months, that'd bring it up to just before Christmas, wouldn't it?---It was, it was, it would be before Christmas, not after
40 Christmas.

But how close to Christmas was it?---If you could help me when I got machine, I, I can't remember when machine came to my place.

I think the machine was delivered in January, was it, Mr English?

MR ENGLISH: I think that's right, Commissioner.

Sensitive

THE COMMISSIONER: So let's assume it was delivered in January, how many weeks before that did you and Mr Smith agree that he would take the pinball machine and pay you rent for a period of time?---When I, when I placed order, maybe let's say month, two months later.

So you placed the order and approximately two months later - - -?
---Approximately, yes, Commissioner.

10 Yes, approximately, two months later.---I'm not a hundred per cent accurate with this, Commissioner.

But it was certainly after you placed the order, obviously.---Yeah, of course. Not before.

20 Yes. And was it also, was this agreement struck – I withdraw that. We know that Mr Lu had a charge on his credit card for this machine, \$6,000, and I think that was on 10 November. Did your agreement with Mr Smith happen after Mr Lu has provided the \$6,000?---I think, I think would be before, Commissioner, because that, I had to order the machine much earlier than this. It, they were saying to me, the delivery is November/December. This was, this, this machine meant to come at this time. I think it would be earlier than this. I do definitely remember, when I got this machine, then I realised I, I paid too much so this, I'm talking when I firstly order it, on the first occasion, Commissioner.

And it was after you placed that order that you and - - -?---Then I realised I, I - - -

30 No, but it was after, you just told us after you ordered it that you and Mr Smith came to this agreement?---Yes.

And you think, I'm not going to hold you to this, but you think it was approximately two months after the order, approximately?---Yeah. Let's say, roughly, Commissioner.

40 Yesterday, can I just draw your attention to page 500 of the transcript, and at about line 12 or so you see that there's the words, "The Commissioner" about quarter of the way down the page, page 500?---Oh, 500. Commissioner.

Now, you were talking there about Mr Lu and I chipped in and said 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. And you said, "Commissioner, you can ask even my wife. I give him two times 2,000 when he was at my house." Now, that I understood was a reference to your claim that you had paid him back the money.---That's right.

Sensitive

Then I said, "Just forget about that for the moment. Did you ask him to contribute to the pinball machine?" And you said, "For Dennis, no, not for Dennis." And then I said, "So you didn't mention Dennis at all?" And you said, "No, I did mention down the track when I got, 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 actually help me to, to decrease my balance." Now, that very much suggests, doesn't it, that your discussion with Mr Lu about contributing to the purchase price occurred before you had agreed with Dennis that he would rent the machine? What I'm saying to you, it must have been after 10 November when Mr Lu contributed his \$6,000.---It could be, Commissioner.

But do you agree that was the effect of your evidence yesterday? You said, "I'm going to give it to Dennis for 12 months."---Mr Lu knew that I will, that, then I will give to him as renting for, for that 12 months. Mr Lu knew this, Commissioner.

But can I suggest that he didn't know it at the time he made his \$6,000 payment?---Probably he didn't know at that time.

Well, is that your recollection that he didn't know?---Commissioner, I'm not quite sure. It's back and forward. I'm not quite sure. I want to be honest. I don't want to say yes or no.

Well, just going back to the question at line 20, "Just forget about that for the moment. Did you ask him to contribute to the pinball machine?" And you said, "For Dennis, no, not for Dennis." Now, that suggests to me, and particularly when you read the next answer you give, that at the time you asked him to contribute to the machine he didn't know anything about Dennis.---At the time, no.

No.---He didn't.

So he must have come to learn about Dennis after he'd made his payment?---Could be.

Well, is there any other explanation?---Yeah, yeah. The, the, I believe so, Commissioner.

So that suggests that the agreement you say you struck with Dennis to rent it occurred sometime between 10 November, 2016 and the date upon which it was delivered?---Let's agree on this, Commissioner.

Thank you. Oh, there's something I meant to ask you.---Sorry.

Did you sometimes call Mr Smith boss?---I called him all the time boss.

Okay.---I, I'd call him even today boss if I would see him.

Sensitive

And what about Tommy? Did you sometimes call him president or the president?---No.

Never?---Tommy never.

Not to his face but to other people?---No.

10 I just want to put a series of propositions to you and just get your response. Is the position this, that you and Mr Smith agreed that a pinball machine would be purchased for him, that is, Mr Smith?---Not to be purchased for him, Commissioner.

What do you say to the proposition that the pinball machine was a gift to Mr Smith because he had helped SIG to retain the subcontract with SNP? ---No, Commissioner. No, definitely not because Tommy had not any involvement in this.

20 Well, can I say, can I put this to you, that at some point you told Mr Smith that he could choose a pinball machine that he liked and he wasn't to worry about what it cost?---Because I was thinking to spend between 10 and \$14,000, Commissioner.

No, no, no, but - - -?---Yes, that's right.

What, you told Mr Smith he could choose a pinball machine?---Yeah, and I will get it to fill up the space.

30 No. Did you tell Mr Smith that he could choose a pinball machine for himself and he wasn't to worry about what it cost?---Not that I can remember, Commissioner, that I said this to Mr Smith.

Well, on your version you wouldn't have said it, would you, because you were taking the pinball machine and at best he was going to rent it and the one you wanted was Spider-Man.---Commissioner, I wasn't really worried which machine I going to get. There was actually three or four different types. I can't now remember exactly on the website, there was four different times, types of the machines.

40 Well, perhaps you didn't care what sort of machine you were going to get because Mr Smith was going to choose the machine for himself.---No, Commissioner, he didn't. He choose because he like the Spider-Man for some reason. I don't know why he liked the Spider-Man and I didn't mind.

Are you saying that he made the choice to get Spider-Man?---That's right.

Sensitive

How can that be when you put an order in and he didn't find, sorry, you didn't have a discussion with him on your version of events until sometime after 10 November.---That's - - -

MR O'BRIEN: Sorry, I protest, Commissioner. The evidence was yesterday, as I recall - - -

THE COMMISSIONER: I'm not worried about yesterday, I'm worried about today.

10

MR O'BRIEN: Well, there was an earlier conversation where they were at the desks within the office talking about the purchase of a pinball machine - - -

THE COMMISSIONER: That may or may not be the case. I'm asking him about his discussion where there was an agreement, so he says, that Mr Smith would rent it and he's just given evidence a little while ago that it had to be after 10 November and before he took delivery.

20 MR O'BRIEN: Yes, but, but, but the question - - -

THE COMMISSIONER: That's what I'm interested in.

MR O'BRIEN: The question, Commissioner, with respect was related to the type of pinball machine it was and whether Mr Smith knew about that.

THE COMMISSIONER: Thank you. You've agreed with me a moment ago that the conversation took place after 10 November.---Yes, Commissioner.

30

Right. And are you saying that Mr Smith had a role in choosing what pinball machine would be purchased by you?---Well, he, I didn't mind which one he wants machine.

But what, what did it have to do with him? You're buying a pinball machine for yourself.---The reason is, Commissioner, because I already made this agreement to get the machine. I don't think so I actually choose the Spider-Man, they just needed actually to have a booking that someone is interested, like, that is interest to get the machine.

40

Yes.---So for me really didn't mind which machine I going to get because he was, he was looking into three different types.

Who was?---When I was with Mr Smith on the website.

What did it have to do with Mr Smith?---Because we've been sitting next to each other, Commissioner.

Sensitive

Right. And you say on your oath, do you, or having affirmed to tell the truth, the whole truth and nothing but the truth, that you didn't communicate with him at any stage that he could choose a pinball machine that he liked and he wasn't to worry about what it cost?---I can't recall this, Commissioner, that I said to not worry about the cost or not, I'm not, I can't recall this.

Well, on your evidence the cost had nothing to do with Mr Smith, it was a cost that you were going to pay or bear.---It was going anywhere between 10 and 12, 10 or, 10 and \$14,000.

Which you were going to pay.---That's right, Commissioner.

Mr English, there's a document I'd like you to show to the witness. I'm not sure where it is in the brief, if at all, it may have to be distributed. The folder I have, it's marked page 241. Do you know what I'm referring to?

MR ENGLISH: Yes, I think volume 2, page 214.

20 THE COMMISSIONER: 214, is it?

MR ENGLISH: If that can be brought on the screen, please.

THE WITNESS: Yes, I can see it, Commissioner.

THE COMMISSIONER: That's an email you sent on 28 October, 2016 - - - ?---Yeah.

30 - - - to Mr Smith. "Boss, choose from here. Got in contact."---Yes.

"President said do not look price, only what you like."---That's right, Commissioner.

Who was president?---The way Dennis thinking, Commissioner - - -

No, who was the president that you were referring to?---Of the club.

The what?---Of the club, president of the club.

40 What club?---The, in the, my community in Serbian Club because first of all, I meant to get this machine through the community club, Commissioner, with a discount. You can ask Mr Smith about this.

I have to say I don't really understand that at all. What I suggest to you is that you were telling him that Tommy had said don't worry about the price, Mr Smith, you just choose a pinball machine that you like and it's yours. ---Commissioner, Tommy had no involvement in this. I can confirm to you this for hundred per cent and I never called Tommy president.

Sensitive

What's the club that you say - - -?---In the Serbian Club in the Elizabeth, on Elizabeth Drive in Bonnyrigg.

And so what did they have to do with your purchase of this pinball machine?---I had a friend and he, as you know Commissioner, the clubs buying these machines, like, they buy, like, also the different machines and pokie machines and all these things. So they would get obviously better price than, than, that actually I could buy as a normal buyer and I said to
10 Dennis, okay, you can choose from this and we will work out the price and if I go through the club I will get better price, Commissioner.

So you were going to get the club to order this machine because they could get a better price?---It never happen, Commissioner.

No, no, but that was your intention?---That's right, Commissioner.

But why were you telling Mr Dennis Smith that he was not to look at the price, only what he liked? That is, he, Mr Smith---Because Dennis thought,
20 he asked me how much you're looking to spend for this machine, I says 10 to \$11,000, but when I spoke to my friend to get through the club, he probably can get half of this price and he basically said to me, give this website. I didn't know this website, Zax Amusement, before. He gave me this website before, he says this is how you can get these machines to the clubs.

That's ridiculous. That's absolutely ridiculous, I suggest.---Commissioner, this is exactly what's happened.

30 Why didn't you mention it yesterday?---Because you said to me, you only answer the questions when we ask you. I, I didn't have this document in front of me.

Who was the president at the time?---I think it was Boris and I didn't know him much personally but I know my friend who knew him.

And who was your friend?---His name is Tejan.

40 Thank you. And Boris's surname?---Boris, I can't really, I, I have to find out, Commissioner.

And your friend's surname?---Tejan Velickovic.

MR ENGLISH: Commissioner, might the witness spell those names as best he can?---Boris, B-o-r-i-s.

And the last name?---I don't know the last name of the person.

Sensitive

I think you just said it, didn't you?

THE COMMISSIONER: No, the friend.---Tejan, T-e-j-a-n, last name, Velickovic.

MR ENGLISH: How do you spell that?---V-e-l-i-c-k-o-v-i-c.

THE COMMISSIONER: You said yesterday that you paid back two lots of \$2,000 to Mr Lu.---Yes, that's right, Commissioner.

10

And your wife was present when that happened?---Yes.

What's her name?---[REDACTED]

And do your children go to school?---Yes, Commissioner.

And does your wife work?---Little bit sometimes, Commissioner, since I left this place, yes.

20 MR ENGLISH: Commissioner, sorry to interrupt. I'm instructed we might need to make a suppression order in relation to the name of the witness's wife.

THE COMMISSIONER: Very well. Is this the first time we're using the red button, is it?

MR ENGLISH: It is, the red button's been pressed, and Commissioner, you might have to formally make an order under 112 for that purpose.

30 THE COMMISSIONER: All right. Being satisfied that it is necessary and desirable in the public interest to do so I direct pursuant to section 112 of the Independent Commission Against Corruption Act 1988 that the evidence, sorry, that the name of the witness's wife shall not be published or otherwise communicated to anyone except by Commission officers for statutory purposes or pursuant to further order of the Commission.

40 **SUPPRESS THE NAME OF THE WIFE OF EMIR BALICEVAC WHICH SHALL NOT BE PUBLISHED OR OTHERWISE COMMUNICATED TO ANYONE EXCEPT BY COMMISSION OFFICERS FOR STATUTORY PURPOSES OR PURSUANT TO FURTHER ORDER OF THE COMMISSION**

MR ENGLISH: May it please.

THE COMMISSIONER: Now, do we have to wait 30 seconds?

Sensitive

MR ENGLISH: We're good to go I think.

THE COMMISSIONER: So when she's not working she's at home, is she?
---Yes, Commissioner.

Thank you.---Looking after family and kids.

Well, the kids are at school during the day I take it?---Yeah, I would say
yes, sir.

10

So she would be available to give evidence here, wouldn't she?---Yeah,
Commissioner. You can, I can provide you the phone number, you can call
her now.

Okay. Mr English.

MR ENGLISH: Thank you, Commissioner.

Mr Balicevac, I do want to ask you some more questions about this pinball
20 machine, but before I do that, you said yesterday that your motivation to buy
this pinball machine was because you wanted to build a games room at your
house. Is that right?---Yes, at one stage, yes.

Did you build that games room?---No.

Okay. You just answered some – I withdraw that – gave some evidence in
response to the Commissioner's questions about involvement of the Serbian
Club. Do you recall that?---Yeah, that's right, Commissioner.

30 So do you say that the Serbian Club enabled you to get a discount in relation
to the pinball machine or not?---No.

But they made inquiries with Zax Amusements on your behalf, did they, to
see if they could obtain a discount?---From wherever they buy them, I
believe it's Zax Amusement, they actually, the, I didn't deal with the
president of the club, I dealt with my friend, and this guy, I believe he knew
the president and I was, he was saying to me he could actually work out a
better, better deal for me because they are commercial business and
obviously when they buy, I don't know how many, let's say 10 machines,
40 they will get better deal than I get with one machine.

So when you spoke with Zax Amusements did you say, oh, it's Emir and I
think you've been passed on my details from the president of the Serbian
Club?---Mr English, I can't really, probably I did mention this but I don't
think so I got any discount for this machine.

You would have made some inquiries as to whether you were entitled to a
discount through your links with the Serbian Club, wouldn't you?---Yes.

Sensitive

You would have done that by email, wouldn't you?---I don't know did I do this by email, I can't remember.

Well, you communicated with Zax Amusements by email, did you not?
---We did and we did actually speak on the phone too.

Now, how do you say the pinball machine was funded?---I, I, I, as I says, I borrowed that money from Frank.

10

So how much would you borrow from Frank?---Well, 6,000, 6,100 or \$6,200.

Okay.---Then, look, I'm not 100 per cent sure Ms Li actually gave me anything for this but apparently in the last examination she said she did and I, and I, and I did, and I put the money too. I can't remember her putting any money in this machine.

20

Okay. So - - -?---But maybe she did because she helped me in two or three occasions, Mr English.

THE COMMISSIONER: But she was asking you, sorry, you were asking her to get Tommy to contribute to it, weren't you?---No, Tommy didn't want, because when Tommy - - -

No, don't worry about what Tommy said.---Yeah.

30

There are a number of communications between you and Ms Lynn, aren't there, where you are asking her to get Tommy to contribute money.
---Commissioner, I can't recall I asked Tommy for this.

Sorry, Mr English.

MR ENGLISH: Thank you, Commissioner. So just if page 225 can be brought back on the screen quickly. This is the Zax Amusements invoice, and as you can see there's no discount applied in the discount column. Do you see that?---Yeah, that's right, Commissioner. That's right, Mr English.

40

And you can see the invoice number, 41786. Do you see that?---Yes.

If we can go to page 236, please. This is on 28 November, 2016. You say, "Hi, Lynn. Please put in reference Spider-Man Pinball Vault Edition." And you've provided the bank details of Zax Amusements. Do you see that?
---Yes.

And if we go to the next page, 237, you say, "Hi, Lynn. Please put invoice details in field area," and you've identified that same invoice number, 41786.---Yes.

Sensitive

So does that jog your memory as to whether Ms Li made a contribution towards the machine?---She, she, she probably helped me to purchase it. I will, I'm not saying she didn't. But she got the money back for this.

Then if we go to page 238, please. See on 7 December you email Shannon Keevers and Phil Boniwell. They're from Zax Amusements, aren't they?
---Yes.

10 And you say, "Please find attached credit card payment authorisation form and my copy of driver's licence and bank card copy. I believe rest is 1870." Do you see that?---Yes, because I had to pay the, the, the rest on the, when the machine is arrived.

So you were paying the balance of \$1,870, right? That's what you're saying?---I'm not sure how much I got it from Lynn. I'm not really sure.

Well, I want to suggest this to you. Frank paid 6,000 - - -?---Yes.

20 - - - plus a credit card fee, right?---Yes.

Lynn paid 1,500.---Yes.

Tommy paid 1,500.---No, Tommy didn't pay 1,500.

And you paid 1,870. Do you know what the total of that is?---10,780, is it?

10,870, yeah, which is the same as the invoice amount.---And Tommy didn't pay for this amount machine. I can bring you the statement I paid in probably in first instance whatever money was, and in second, Mr English.
30

THE COMMISSIONER: You say you paid more than 2,000, sorry, 1,800 and whatever it was?---It was six, how much Lynn saying she gave me? I can't remember, Commissioner.

MR ENGLISH: If we can go, please, to page 278. This is an extraction report from Ms Li's phone. If we start on page 279, you can see you say at 10.13.48 to Ms Li, "I hope you can get us Campus Assist through you." See that?---Yes. Yes, Mr English.
40

"I'm trying to work with Joe, Campus Assist manager." Do you see that?
---Yes.

So what are you trying to do there? What are you saying?---Can I elaborate, Commissioner?

I'm not the Commissioner.

Sensitive

THE COMMISSIONER: Answer the question, please.

THE WITNESS: Oh, Mr English, I'm so sorry.

THE COMMISSIONER: Just answer the question.

THE WITNESS: Joe, he's a Campus Assist manager at Sydney University. He would sometimes, he would, he would talk to us close, myself and Daryl McCreadie. He came to me. He says, "Mr Balicevac," like, "I have a 10 to 15 officers unlocking the building on the rate of \$46 an hour." With, with, trying to say that he need to save the money for his boss at Sydney Uni, I don't know who is he reporting to, and he would like actually to organise a security or with a cheaper rate.

MR ENGLISH: Is the simple answer you're trying to get SIG the Campus Assist work?---This, this was intention, yes, Mr English.

Now, if we go over the page to 280, please, you see at 11.03.39, you say to Lynn, "I'm talking to Daryl to make sure SNP not to find out." See that?
20 ---Yes, Mr English.

And you repeat that at 11.04, "Just one important thing, SNP never find out."---Yes.

What was your concern about SNP finding out?---My, it wasn't my concern. Daryl said to me, "If Tommy trying to put SIG in it will be conflict of interest."

So you had to hide what you were doing in relation to the Campus Assist endeavours from SNP. Is that right?---That's right because - - -
30

Now, if we go to page 281. You say at 3.11.14, this is on 28 November, 2016, "Lynn, you know if I can I would bring uni now." Do you see that?
---Yes.

Are you employed by SNP Security as at that date?---Which year this was?

This is 28 November, 2016.---Yes, I was on the, I was SNP employee.

So you're trying to take the contract from your employer in respect of Sydney University and provide it to SIG. Is that right?---100 per cent, Mr English.
40

If we go down you can see after that Lynn says, "I know." And then you say, "Lynn, I sent you an email and see if you guys can help me out, put for this machine in and that way I will return in two weeks. I understand you guys are tight at the moment paying for company fees, et cetera. I hope I get this contract going." Do you see that?---Yes.

Sensitive

Now, that's the Spider-Man pinball machine you're referring to isn't it?
---Probably, yes, Mr English.

And you're linking it to - - -

THE COMMISSIONER: Just a moment. What do you mean probably?
---Well, yes.

10 Thank you.

MR ENGLISH: And you're linking it to your endeavours to obtain more work for SIG. Correct?---That's right, Mr English, but I gave this money back.

We're not up to the money yet. I'm up to your state of mind that you're getting the pinball machine at the same time you're trying to obtain contract work, take that work from SNP and give it to SIG. Correct?---Incorrect.

20 Well, how could it be anything else? "I hope I get this contract going."
What are you talking about there?---Mr English, this was Campus Assist.

THE COMMISSIONER: What were you talking about when you said that?---It's Campus Assist which was not even in the SNP hands.

MR ENGLISH: So you're only linking the pinball machine to trying to get the Campus Assist work. Is that right?---Not, not really.

30 Well, what is it?---Pinball machine wasn't actually to get this job. Nothing to do with this.

Now, if you go on. Down the bottom of the page you can see Lynn says, "Look, if Tommy doesn't help you I will help you with the money." Do you see that?---Yes, that's right.

So that suggests that you'd made a request of Tommy to assist with this machine?---Not request. I just ask him to borrow the money.

40 Then she says, "I try him first." And we go over to the next page. There's some smiley faces and then Lynn says, "I know it's important." Do you see that?---Yeah, it's important for me because the machine is on about due to come and the people at Zax Amusements want the money.

Well, it's important for another reason isn't it?---What would be the reason, Mr English?

As in inducement to get more business for SIG to Dennis Smith.---No, Mr English.

Sensitive

You don't accept that. Is that your evidence?---Well, as I says, because I had to, it was due to pay machine and Lynn helped me on this. Tommy refused to help me on this.

Even though you've seen the email yourself on page 214 where you asked Dennis to choose the machine and not worry about the price?---That's right.

10 Look at the entry at 3.20, middle of the page. Lynn says, "Let's make a summary for the money. 1,500 he said he will pay at least." Do you see that?---Yes.

That's Tommy paying that, isn't it?---He didn't pay.

THE COMMISSIONER: No, but he said he would according to this.---To help me, yes.

20 MR ENGLISH: "And he said he's going to give 500 vouch money which you want to put in the machine." See that?---Yes, he did, as I says, he promised everything. He never did.

"Then now is total 2,000 so we missing 1,000 or less, right?" And you say, "Yes." See that?---Yeah, I would agree.

So what happened was, as I explained to you before, Tommy put in \$1,500 and Lynn put in \$1,500.---Commissioner, I mean, Mr English, \$1,500 Tommy didn't put. I can bring you the statement.

30 THE COMMISSIONER: And this statement will show, will it, that you put in - - -?---Bank statement.

This statement will show that you put in the \$1,500 that's referred to here? ---It came from my credit card, Commissioner.

So I think, Mr English, the authorisation signed by the witness was for an amount of - - -

MR ENGLISH: 870.

40 THE COMMISSIONER: And you say we'll see two entries, 1,870 and \$1,500 going to Zax, is that what you say?---Six thousand and something, 1,870 plus 1,500, does it come to - - -

MR ENGLISH: Well, I went through it with you before. There was 6,000 from Mr Lu, there was 1,500 from Tommy - - -?---From Lynn?

1,500 from Lynn and 1,870 from you and that comes to a total of 10,870. ---1,870. Lynn only paid 1,500.

Sensitive

THE COMMISSIONER: What did you pay, that's the issue?
---Commissioner, I, I don't have calculator here. 6,000 plus 1,500, that's, let's say 7,500. So 10,870, that's two, around 3,500, roughly. I'm not saying it, it's accurate.

MR ENGLISH: Do it this way, 1,500 plus 1,500 equals 3,000, correct?
---That's right.

10 3,000 plus 6,000 equals 9,000.---That's right.

9,000 plus 1,870 equals 10,870.---Mr, yes, that's right, Mr English, but from where Tommy paid 1,500?

So if Tommy didn't pay 1,500, on your evidence, you paid it?---That's right.

And there should be an entry in your bank account to that effect?
---Absolutely.

20

To Zax Amusements?---Well, yes. I paid them because they are in Melbourne. I paid them through my account, yes. I just have to find out with which card, with which credit card I paid but I can provide this.

THE COMMISSIONER: Pursuant to section 35(2) of the Independent Commission Against Corruption Act, 1988, I direct the witness to produce the bank statements he has referred to in his evidence tomorrow by 9.00am, to the Commission.

30

PURSUANT TO SECTION 35(2) OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, 1988, I DIRECT THE WITNESS TO PRODUCE THE BANK STATEMENTS HE HAS REFERRED TO IN HIS EVIDENCE TOMORROW BY 9.00AM, TO THE COMMISSION.

THE COMMISSIONER: Yes, Mr English. Do you understand what I've just done?---Yes, yes, Commissioner.

40

MR ENGLISH: And was it the same credit card you used for both these payments?---Mr English, I have to check. I can't actually confirm one thing hundred per cent. I have to go to the bank.

THE COMMISSIONER: I thought you said you've got bank statements?
---As I said, I don't have bank statement but if I go to the bank I can withdraw them, Commissioner, if I just go down the road, there is a bank

Sensitive

and I can ask them, can you give me this. I'm not, I need to confirm did I pay with HSBC card or with Commonwealth card.

So you don't actually have in your possession at this time, the statements that you were referring to in your evidence?---Not, not with me no but I can provide it, Commissioner.

By 9.00am tomorrow?---Well, as soon as I finish here, I will run to the bank.

10

MR ENGLISH: Go to page 283, please. You asked Lynn one question at 10.20.59 on 2 December, 2016, by Monday morning, you say, "I'll have around 250 hours." Was that was you were intending on claiming that week?---I believe so, Mr English.

And you're aware there's 168 hours in a seven day week, aren't you?
---This could be around when, at, these things happened all right Rozelle, Kirkbride.

20

Well, the Kirkbride eviction occurred in October, 2016.---No, no, no, no, no. Conviction [sic], yes.

Eviction.---Eviction. But before eviction there was a building was occupied for 60 something days, Mr English.

30

Yes, but you're in December here so it's over, the eviction's finished. So what I'm asking you is, what did you have 250 hours owing to you for in that week of 2 December, 2016?---December 2016. I'm trying to just think, Mr English. I can't, if I check time sheets or something what's actually, what I have sent to SIG I will remember but I can't now exactly remember, this was three years ago what I did.

Well, did you just beef up your hours that week so you could make a contribution towards the pinball machine?---This what I could see here is I was asking SIG to give me the money then I will give the money back. This was, this was the whole plan.

40

Well, have a look at this. You say, "By Monday morning I will have round 250 hours which will be 5K plus. I will send to you on Monday morning." Now, that's the time sheet you're referring to, "I'll send to you on Monday morning." See that?---Yes.

"Is it possible on Monday to send 3.5 to account I gave you." Now, that must be the Zax account, right?

MALE SPEAKER: It's 3K.

Sensitive

MR ENGLISH: Sorry, 3K. "3K to account I gave you plus 500 present Tommy said, so in total it's 3,500." Do you see that?---Yes.

The account you're referring to is the Zax account, Zax Amusements?
---I believe, I, I believe so, Mr English.

So you're asking Lynn there to send 3,000 to the Zax account, right?
---Yeah, and she didn't.

10 And you say, "So in this case I'll be okay to pay off machine so I will just be borrowing for two days. I would get money by Wednesday anyway."
---Yeah.

It goes on, "See with Tommy if it is okay with him, so around Wednesday they will despatch machine to Sydney, if I send the money on Wednesday night might take two days to clear and might keep on hold. Let me know, Lynn, and explain to Tommy, if I will explain to him might understand me wrong." Do you see that?---Yeah, that's right.

20 You're asking Lynn and Tommy to contribute 3,000 to this machine, aren't you, which then you say you'll pay back later.---If I did I paid in two days.

Then Lynn says, "I explained to him the situation these few weeks, we need to pay lots of things, it's hard to get 3,000 at one spot. The payment we will transfer to the account on Monday morning 1,500." Do you see that?
---Yeah, from, Lynn gave me 1,500, not Tommy.

No, that's SIG giving you 1,500, right. Lynn's saying there's a lot of business expenses at the time, we can't afford anything more than 1,500.
30 ---Yeah, but Lynn did call me and she says, "I gave you from my money, not from SIG account."

Just let's keep reading. "It is from CBA to CBA so I think they will receive it that day and I will help you for the other 1,500, I will transfer today to their account so they will clear on Monday as well then you have 3,000." You see?---Yes.

40 So Tommy pays 1,500 and Lynn pays 1,500. Correct?---Because I can't now remember exactly what's actually happen but I was submitting time sheet on Monday morning, Mr English, and as I was submitting Tommy used to pay guards every Wednesday so it was only two days' difference. If he did give this money, I'm saying I can't now remember, we're going three years back, he got this money back. He didn't contribute to this machine.

Now, you gave some evidence yesterday that you collected this machine from Mr Smith's house with your trailer and you were having I think some car difficulties on that day.---I didn't, I didn't collect on that day when I was coming from Honeymoon Bay, Mr English, I swing past his house at

Sensitive

Gerringong and I meant to load it on the trailer but the machine is too fragile and I couldn't do this, as I took actually place to Wollongong my engine failed in the car and I took my car to the Volkswagen and I said, "Dennis, that's okay, I will get the machine when my car get done."

So how many times have you been to Mr Smith's house?---In Gerringong, maybe - - -

10 Wherever the machine was, how many times have you been to that house?
---Once when I was delivery and once actually when I was going with the repair guy. Two times. Or, or, no, no, you talking, since, just when machine was there or are you talking, like - - -

No, ever.---Four times maximum.

You've been to Mr Smith's house, and that's in Gerringong, is it?---Yes.

20 So four times, you say?---Mr English, I don't count. Actually is there difference four times or five times, but it's not, definitely, 20 times.

So it's four five now. Now, did you go to Mr Smith's house once when you came back from holidays?---Yeah, that's right. I, that's, when I came from Moreton Island, I picked up my machine, that's right.

You said Moreton Island?---Yes, that's right.

Is that near Honeymoon Bay?---No, that's incorrect. Moreton Island is in Queensland.

30 So when you came back from Moreton Island, you drove south to Mr Smith's house?---Yes, that's right, Mr - - -

And that was one of the four or five times you've been there?---Could be, could be, let's say four or five times altogether, yes.

But he lives towards the south of Sydney, correct?---No, he lives in Gerringong.

40 THE COMMISSIONER: It's hardly swinging on by then, is it?---Can I, can I explain - - -

MR ENGLISH: No, not yet.---Okay.

If Exhibit 81, page 163 can be brought on the screen. This is a transcript of your compulsory examination on 15 June, 2048. Can you see at line 6, you were asked, "Do you have a social relationship with Mr Smith?" Do you see that?---Yep, yes.

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And you say, “What it is, at Honeymoon Bay, Mr Smith has moved, he’s going to be moving. He was living in suburb, he sold his house and he moved down and then he's going to live down there but his mother-in-law which was living there, somewhere in Caringbah, she passed away.” And the you go on your second answer, “When I, sorry, I went to Honeymoon Bay, he gave me a visit down there, maybe for one hour and this was it, he went back and on the way back I went to Sydney. So what it is, at Honeymoon Bay, it’s very familiar family place down in Jervis Bay. I would take the kids, take them down to Jervis and Honeymoon Bay with the trailer and they would camp there, maybe three or four weeks and she would stay there. I would come here, work Monday to Friday, Friday afternoon, sit in a car and drive down there and so Dennis did give me a visit down there. He came down, I said I'm here but on the way back, we stopped actually, stopped by and maybe stayed there for half an hour. He showed me down the beach and surrounding where he is and, yeah, but drive, drive back my engine blowing up on the car.” See that?---Yes, yes, Mr English.

You’re talking about one trip to Mr Smith’s house there, aren’t you?---You ask me, Mr English, in total how many times, I went four/five times to his place but this was what else I, at Honeymoon Bay, that’s past Gerringong and he was visiting Gerringong, like, we was, he visited me at Honeymoon Bay, he wanted really to see what’s in Honeymoon Bay. He visited me, I don’t know which day, day was and he never visited me again. He says when you, when you finish, swing past our house and, like, I wanted Actually my wife to have a look as well.

Well, you’re saying to the Commission on 15 June, 2018 you’ve been to Mr Smith’s house once. That’s the extent of your social relationship, do you agree?---At this time, yeah.

And now you’re saying you’ve been to his house four or five times.---In total.

MR O’BRIEN: I object to that line of questioning and that form of puttage because these questions and answers are related to the social interaction between Mr Smith and the witness. They’re not related, nor was it ever asked how many times he visited. He’s simply giving an explanation as to the social interactions and the professional relationship.

THE COMMISSIONER: And he mentioned one.

MR O’BRIEN: He mentions one at a particular time where he’s sharing time with his family, but he’s not asked if there’s more or other times.

THE COMMISSIONER: Yes. Go on, Mr English.

MR ENGLISH: So you didn’t tell the Commission on that occasion that I’ve been to his house four or five times, at least two of those times was to

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pick up a pinball machine, did you?---No, pinball machine was after that, Mr English.

Yes, I know. But you didn't tell the Commission. You were asked about your social relationship with Mr Smith. Now, a pinball machine's an entertainment game, right?---Yes, that's right.

Yeah, it's not something that you play at work.---No, you don't play at work.

10

So you're picking up a pinball machine from Mr Smith's house. You're asked about your social relationship and you failed to disclose it, correct? ---No, I disagree with this, Mr English.

20

THE COMMISSIONER: Why?---Commissioner, reason is I disagree, now we're coming to the point talking to each other, how many times you visited each other. If I, I have a friends, I don't count how many times he visited me and how many times I visited him. If he going now to count the times, oh, I visited you six times or three times, what's the difference? I'm sorry, but I, I, I'm not trying to be rude or trying to be smart but, like, literally coming to the point how many times he was there, how many times he, I said in the previous thing he never came to my house.

MR ENGLISH: No, that's you trying to paint a picture that you had very limited social interaction with Mr Smith, would you agree?---No, Mr English.

30

A candid answer would have been, "I've been to his house four or five times." Do you accept that?---Four or five times around that, yes, probably.

So this wasn't a candid answer, do you accept that?---Probably wasn't. I says I was once when I was at Honeymoon Bay and took my wife to have a look.

Are you agreeing with me? It's not candid, your answer on page 163 of Exhibit 81?

40

MR O'BRIEN: Can I object again just in relation to, that is obviously a matter that, that, that Counsel Assisting might make in submissions, and obviously in fairness is to put it to the witness. But to suggest that where there wasn't a question as to how many times he's visited and there's not a direct answer to that suggests that he needs to disclose these things in a course of questioning over not one but two days, and that question was never asked. It is unfair.

THE COMMISSIONER: Mr O'Brien, he was asked about his social relationship. He gives, not as an example, but he gives an answer that suggests that he only had a social interaction with him on one occasion.

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MR O'BRIEN: That wasn't followed up upon. Not - - -

THE COMMISSIONER: Well, why did it have to be when he said one occasion?

10 MR O'BRIEN: Well, there's a very lengthy dissertation as to that one occasion that's been given, and then the next question flows into a different topic. There's not exploration of the number of times, which would be natural, I would have thought, with respect to the question at the compulsory examination.

THE COMMISSIONER: Why? We don't know the social relationship. So he's asked about it and he gives one instance, that's it.

MR O'BRIEN: One instance involving his entire family over a Christmas event.

20 THE COMMISSIONER: So what?

MR O'BRIEN: Well, to suggest then that there aren't, there's not a more candid response because he didn't say four or five times - - -

THE COMMISSIONER: Are you putting to me that that was a candid response?

MR O'BRIEN: Well, I just don't think it's a fulsome response. That doesn't mean it's not candid.

30 THE COMMISSIONER: Yes, continue.

MR ENGLISH: You were asked some questions yesterday about hotel bookings for Mr Smith. You recall there was the occasion in October 2015. You remember that?---Yes.

And there was the occasion in February 2017 that was cancelled because of the sick mother-in-law.---Excuse me. Yes.

40 Did you offer to provide Dennis Smith with any other hotel bookings in between those two periods?---Tommy Sirour would in occasion organise something and he would give to me oh, you need to give this to Dennis and I, and in many, in, in, two/three different occasions I didn't even approach Dennis I would just give back to Tommy. I says oh, Dennis is not interested. He's too busy.

So you didn't speak with Dennis on any other occasions about a weekend away or anything like that?---I can't really remember but he would, if I did maybe one more time but like, there was actually occasions when I never

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discussed but I would say to Tommy yeah, he's too, he's not interested or he is busy and he would be just keep forcing doing some bookings, like I even go on the ferry or he would do some, he'd just say oh, yeah, can you give this to Dennis. And there was actually a gift card in, when Dennis Smith met up with Tommy and he gave him I think like a sort of, it was coloured. It was gift cards inside. And Dennis would return these gift cards to me. He would say, and where I can actually say this we've been at the pool. He was with his boss, at that time it was Steve Sullivan, and he would give me these cards back. He says, "Emir, these cards you need, I'm not allowed to take this." He says, "Please take this back to Tommy."

All right. So on your evidence as I understand it Tommy was trying to arrange or trying for you to arrange accommodation stays for Dennis that Tommy would pay for?---I, I, yes, I would say. Not just accommodations other things as well.

And you wouldn't go back to Dennis and discuss them. You'd make up a lie to Tommy and say Dennis isn't interested or he's busy. Is that right? ---That's right because once when I spoke to Dennis at the pool he said to me, "Emir, I'm not interested in these kind of things." And that's why I didn't want to approach him anymore. Not that I didn't want to approach him anymore. I don't want to, you know, once someone tell you that's it why would I actually pushing someone again on this.

All right. Volume 2.2, page 40, please.

THE COMMISSIONER: Can I just clarify one thing. What were the other things that he wanted you to give or do for Mr Smith?---Restaurants, dinners, yeah, as I says accommodations. I think there was something to do with ferry, to go like, a weekend on the, be on the big boat. He, he also, I remember when was one, this occasion when I was sitting there he was actually asking Dennis if you are interested to come to Egypt and Dennis just sort of listen, listen like what he's talking but when we finish Dennis says no, I'm not interested to go there at all.

Thank you.

MR ENGLISH: Mr Smith moved houses at some stage, didn't he?---He move, he moved only once, Mr English.

And was there ever a discussion to assist him in the moving process or to provide homewares for his new place?---To provide, there was discussion of, actually I did help him in a few occasions move the house, yes.

And did Tommy ever offer to make a contribution to his moving arrangements?---He was pushing for this and I said, "Tommy, you don't need to worry about this." He says, "I have my trailer and what he need I'm happy to, happy to help him."

Sensitive

So you were taking time out to help Dennis move, were you?---Yes, I did help him on maybe, I could say maybe two occasions. Or maybe, I might be wrong because his son needed move as well once.

And you did that in your own time?---A few times happen when I was actually at the uni and I did this for him.

10 So you left the uni and you went down and moved something for Dennis Smith?---I'm not really 100 per cent sure. I think when he was moving to Gerringong actually I think that was a Saturday but other two occasions for his son I think when I was at the uni, yes. I, I can't just recall it but it could be.

All right. If we just have a look at page 40. You'll see it's an email – I withdraw that. It appears to be a text from you to Tommy where you say, "Tommy, I have talked to Dennis, he is okay with things now. He said he will let me know when settle in if need something." Do you see that?---Yes. This settle in, it's not about moving, Mr English.

20 What's it about?---This settle in, Tommy was forcing, where Dennis was living in Kareela, this house got sold, then Dennis was living with his, in his mother-in-law unit because mother-in-law went I think in family care. This unit got sold, I mean all kids took the share and they sold this unit, then Tommy was pushing to get Dennis actually accommodation to be at the Sydney and Dennis saying, "This is my last year at the uni." I believe this is what we're talking about.

30 Sorry, I don't follow that. He's settling in where, where is he settling in there on your evidence?---Just let me read, sorry, Mr English. I didn't follow, this is something else.

So what is it?---I believe at this time Dennis was going to settle in, get, like, getting his place sorted, getting all what he has to do, that he is busy for two months, when Morgan replacement come and settle in his house.

40 So Tommy's offering to assist him settling in in his new house, is he? ---I would believe so, yes. Like when I say settling in his new house, Tommy wanted actually to be part I can move Dennis and Dennis never wanted this.

So instead you just moved Dennis into his new home.---Yeah.

THE COMMISSIONER: What did you mean by - - -

THE WITNESS: When you say move - - -

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THE COMMISSIONER: What did – just a moment – what did you mean when you said he said, “Well, let me know when settle in if need something?”---Tommy actually said, “Ask, ask Dennis if he needs something.”

Yeah.---I believe something like this down the line, because I don’t have a full transcript of the messages.

10 No, but is it the case that after Mr Smith had moved in and was settling down in his new home, he said, that is Dennis said to you he would let you know if he needed anything?---That’s right.

Yes. Okay. And you go on to say, “Also I asked him weekend away for him and wife saying now hard, maybe in two months when Morgan replacement come and settle in his house.”---Yes.

So you were offering him on behalf of Tommy, weren’t you, a weekend away with his wife?---Commissioner - - -

20 Yes or no?---No.

All right. And he was saying to you, look, it’s a bit hard at the moment but once Morgan, I assume that’s Morgan Andrews?

MR ENGLISH: That’s right, Commissioner.

THE COMMISSIONER: Comes in and he’s settled into his house, then he might accept that offer, that is go away with his wife at Tommy’s expense. ---This is probably what we’re talking about 2017 thing.

30 MR ENGLISH: No, it’s 2016, 9 August.---Yes, yes, that’s right, but I’m saying in 2017, because Tommy was forceful, I really cannot recall, I want to be honest, I cannot recall that I even mentioned this to Dennis about this, I just actually wanted Tommy off my back because he was always saying, “Oh, when Dennis want to go away, when he’s interested to do this? Is he interested to do this?” He would, and I will be honest, I have to sometimes lie to him that I even spoke to Dennis and I didn’t.

40 All right. So do you accept on your evidence that you’ve assisted personally Dennis to move into his new house?---Yes, I will, I, I, I did this.

You’re also saying by reference to page 40 that you’ve had a discussion with Dennis as to whether he needs something for when he settles into his new home.---As I said, Mr English, I might actually just said to him just to get him, get him off my back.

Well, wouldn’t the way to get him off your back, say I’ve spoken to him, he doesn’t need anything?---Mr English, if I do say this to Tommy, he would

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go crazy but when I, not – if, if you ever intercept conversation between me and Tommy, I don't know have you heard him sometimes, like, just going wild on the phone?

And you accept also that on page 40 you're suggesting to Tommy that you've approached Mr Smith and asked him about a weekend away for him and his wife and he said, Mr Smith, that it's hard at the moment but maybe in two months when things settle down?---Yes.

10 And then if we go to the bottom, you say, "Tommy, this is final from him, Said to me Friday, 9.00am at the back of the car park." See that?---Yes.

"Where we met before."---Yes. Because Tommy was - - -

Just let me ask the question, please. Is that where you met with Mr Smith, at the back of a car park?---At the, at the office, there is a, that car park, there is a small coffee shop.

20 Well, you don't say meeting at the coffee shop, you're saying "At the back of the car park where we met before."---Yeah, that's right. There is a coffee shop at the back of the car park where we sometimes used to go and sit there as well.

And where we met, are you saying you, Dennis and Tommy?---Yes.

And what did you speak about at around 9 August, 2016, when you met at the back of the car park with Dennis and Tommy?---Yes, we, I will, I will - - -

30 But what did you talk about on that occasion?---Tommy came, Tommy came and he would complain to Dennis that he's, he's running with the businesses, all these things and he would actually mention to Dennis that he doesn't have a, a support with the uniforms and a one thing, second thing, he doesn't have, he is, he cannot keep the good guards, like, what do you call, like, like a George Boutros, for example, which I can say he's one of the most experienced operators over there. Mina and all other senior representatives, he would say I cannot keep them anymore because I am paid only \$24.80 and I have to pay them \$23 and he would complain that he's in loss and when he brought this on, on the book, I'm not saying I'm
40 maths expert but, then he say \$24.80, I get flat rate either day or night or weekends or public holidays and he's saying, I have to pay the guards 23, he says, still I pay GST, tax and all these things, he says, Emir, I can't breathe. He used to tell us this.

So he was complaining about his business expenses to Mr Smith, was he?
---Yep. He saying he, he, that's where we, that's where me, myself and Daryl McCreadie tried to help him to get this unlock, at least, to balance that he can, he can survive. I was always believing he's sort of more, more

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broke but he was saying, I'm making up from other businesses to match up these losses.

THE COMMISSIONER: As I understand your evidence at that meeting in August, there was yourself - - -?---Dennis and - - -

Dennis and anyone else?---And myself, and, and Tommy.

Sorry, and Tommy?---Yep.

10

And what was the purpose of that meeting, just tell me again?---Tommy, Tommy, Tommy's, Tommy's purpose, Tommy's purpose of meeting was always I want to be close to Dennis to look after me and, and potentially to get some jobs down the track. This was the, that, this is his intention was and Dennis, and Tommy would sometimes express himself saying how SNP wants to get rid of him, Commissioner. Like, they want to just, they don't want to have any business with him and Dennis saying, look, Tommy, he does do good job, make sure your guards are turn up, we being presentable and he would say I can't provide them uniform because I don't, from SNP, they don't supply to me. Apparently this was, like, you need to do customer order, you couldn't just go to the shop and buy it, Commissioner. He would bring this up and he was asking for Dennis supporting this and Dennis saying look, I can, I can ask for the guards are not in uniform but I can't actually say, SNP, you have to do this, you have to do this. This was basically, not basically, this was Dennis response.

20

30

And how often did you have meetings in the car park, at the back of the car park?---Maximum, Dennis seen Tommy, let's say maximum I would say three times but four times is the top. In, in all this time, we, we, since 2012, sine Tommy came.

And at those meetings, there was just you, Dennis and Tommy?---Yes.

MR ENGLISH: And is it the case that as a consequence of those meetings where Tommy said he couldn't make any money effectively out of the current arrangements, you and Dennis started discussing how SIG could get additional work out of the contract?---To balance the loss.

40

To balance the loss. Now, did Tommy provide any financial information or documents to show that he was losing money?---Tommy once, not, I don't think so he provided to Dennis, I will be honest, but once he brought to me at the pool and he had the invoice of \$24.80 which he is sending to SNP. He says, "See, Emir? This is the invoice I sent to SNP charging for the guards."

And you said a moment ago that Tommy said that he had to pay GST and all these other things?---Yes, that's right.

Sensitive

Well, he paid you in cash. I withdraw that. He paid you into your wife's bank account, correct?---That's right.

And to your understanding there was no tax withheld from that money, was there?---No, but Tommy he was saying when he get this 24.80 he would have to pay tax on this money. And if you ask the guards, Mr English, down there, from 2012 to 2015, Tommy would come to us. He would get, like, you know the tax (not transcribable) like a form. He's saying, and he would, would be passing to the guards, "You guards don't have to worry about. You're paying less but I'm fixing you all tax for all of youse."

Well, you were aware that wages were being distributed in cash to a number of guards from the CSU office, correct?---Hundred per cent, yes, I am aware of this.

And you were aware that tax wasn't being withheld from those cash payments?---2015 I broke Tommy on this. I said, "Tommy, you're not paying nothing of the tax." Saying, "Why you lying the guards?"

So the answer's yes, then, is it?---Yes, that's right. From 2015, when I checked with my tax, with the agent who does the tax for me, he said to me you, you don't, you don't pay any tax on this money.

So is it fair from, after these car park meetings, you and Dennis put in plan a series of steps to see if more work could be provided to SIG?---In the Tommy's explanation it was sort of fair to help him, yes.

And on your evidence Dennis was just doing it because he was upset about Tommy's financial predicament, is that your evidence?---I would say so. He felt sorry for him.

THE COMMISSIONER: Dennis felt sorry for him?---Well, Dennis was saying this is, this is crazy, and at the end he even said to Tommy, look, I, I will be impacted if you pull out and pull your guards. Dennis also was worried, actually, if Tommy pulled the guards out because Tommy actually threaten a couple of times that he will pull all the officers with him. He's saying because I can't continue paying this money anymore.

Who did he say that to?---He said to myself and to, to Dennis once.

Were you present when he said it to Dennis?---As far as I know, yes.

MR ENGLISH: Can Exhibit 37, page 40, please be brought on the screen?

THE COMMISSIONER: Mr English, what I'm proposing to do is to sit through to 11.15 and we'll take a short break at 11.30.

MR ENGLISH: Yes, Commissioner.

Sensitive

THE COMMISSIONER: And then continue through till 1.00.

MR ENGLISH: Yes, Commissioner. Just so you're aware, this is an extraction report from Ms Li's phone.---Yes.

If we go over the page, can you see the conversation commences from 31 March, 2017. Do you see that?---Yes.

10 Ms Li says any news for the contract coming?---Yeah, she was asking me to get this additional work, which I'm talking official library lock-up and unlock.

So this followed, on your evidence, a car park conversation where you agreed with Dennis to take steps to try and get more work for SIG, correct? ---Yeah, but car park conversation was in 2016, Mr English. This is now 2017 when we're talking.

20 Yes, and I just asked you after that you decided with Dennis to take active steps to try and obtain SIG more work, and you agreed.---I could agree, yes.

And this is a continuation of that plan, isn't it, to get that work for SIG? ---Yes.

And if we go down to 10.43, see you say, "Also Dennis said not overly pushed." Do you see that?---Yes, that's right.

30 What's that? Dennis is giving you advice for SIG's benefit on how it should approach these contract negotiations, is that right?---Yeah. He basically, when he, he meant with overly pushed, Dennis meant actually we, we can't actually run into this and straight away put Tommy into this, this position or took the, to take the contract.

If we can go over to page 42, please. On the 31st of the 3rd, 2017 you say to Lynn, "Main thing, Lynn, it will happen." And then on the 5th of the 4th, 2017 you say, "Good news, approved." Do you see that?---Yes.

40 And if you go down. About a minute later you say, "I'm with Dennis at coffee." Do you see that?---Yes. Only me and him.

What did Dennis approve during that or over that coffee that you had with him on 5 April, 2017?---Look, Mr English, I'm trying to remember in detail. As we, as both of us would come super early in the morning there is a Srinath or Srinny we used to call him. He's the main finance person and he would, like recruitment. He would come also early in the morning and Dennis in, in my presence ask him as you know the Fisher Library and all these jobs coming across like a lock-up and unlock because this was not part of SNP contract and he says we can probably give you a better rate.

Sensitive

Tommy was happy with I think \$31 to cover this or 30, I can't really remember but it was three or \$4 difference than what SNP would give and Dennis would say to me at least we can actually make Tommy to breathe, doesn't actually get drowned.

So when you're having this conversation with Dennis he knows you're an SNP employee?---Of course.

10 Does he ever say to you why are you working so hard for Tommy?---Not, not really. Mr English, Dennis Smith was aware that me and SNP are not on the good terms. When I say not on the good terms, talking let's say for example for Canberra. When I went over there and you got there you are not welcome. How would you feel about this?

So you say that Dennis Smith was happy to see you work against the best interests of your employer. Is that your evidence?---I don't think so he, he ever actually thought of this.

20 So he's just approving, on your evidence, potential business that can come SIG's way with you solely because he feels upset for Tommy's financial predicament?---Sorry, Mr English, can you, I didn't understand.

On your evidence Mr Smith is taking these steps to have new work for SIG approved for the sole reason that he feels upset for Tommy's financial predicament?---I could say so, yes.

THE COMMISSIONER: Was that your understanding?---Yes, Commissioner.

30 And what was the extra work that had been approved?---What's actually happen it, it, it was, Fisher Library, Commissioner, lock-up and unlock it came later than SNP, this was, this was not factored in SNP contract what I understand so in this, in this case I think uni could approach any other company with better deals to save money and Tommy I believe he mentioned to Dennis saying look, Dennis, if I, I am happy to give you even 34.56 was the rate what SNP was giving. He said to Dennis I am happy to give you \$31. Don't hold me for award but it was four to five difference, difference. And then, and, and also Tommy says this will balance my loss with SNP what I have and it will save uni some money. This is what
40 Tommy gave to, this impression to Dennis and Dennis says well, this is good. I save, I save some money and Tommy actually get him out to not get drowned.

Thank you.

MR ENGLISH: And during these discussions you had with Dennis at around this time to try and get more work for SIG, it was discussed that SIG

Sensitive

might have a conflict of interest, wasn't it, with Dennis?---SIG might have a conflict of interest with SNP.

Yes, and you discussed that with Dennis, didn't you?---Daryl actually was the person who gave me more these details. He says if SNP find this Tommy will fly out from any extra work.

And that was told to Dennis as well, wasn't it?---Yes.

10 And so a discussion was had about using a company called Triton?---Yes.

And Dennis was involved in that discussion?---Yeah. I, I, I could say so, yes.

Okay.---He was I think aware of Triton. But Dennis also mentioned, he's saying, "Tommy, why you are worried about if you don't make money from SNP anyway, what you're saying, why you worried if SNP actually turn you down with the SIG, you will still have here more money, you're saying you're losing, then drop it off."

20

All right. And did you have a discussion with Dennis about a need to keep that company, Triton, clean?---(No Audible Reply)

I mean that it had no link with Tommy?---No, no, no. This, this was actually Daryl's, this was Daryl's idea, that Tommy cannot be on master licence or something like this.

But that discussion was had in the presence of Dennis too, wasn't it?
---I, I really can't recall that he was much interested is it going to be Tommy
30 master licence - - -

I didn't ask you if he was interested, I asked you if the discussion was had in his presence.---Probably it was, Mr English. I can't say no or yes.

THE COMMISSIONER: So that was a discussion between you, Tommy and Daryl.---Yes, Commissioner.

40 Thank you. And Dennis.---Dennis was, Dennis was vaguely involved, I will be honest with you, Commissioner. He, he just wanted to actually, he even, he even wasn't much, for him was confusing why Triton, why all these, he's saying basically Tommy get all this ad hoc what we have and keep running.

But as I understand your evidence, Daryl McCreadie was explaining to you and to Dennis and to - - -?---Tommy.

- - - Tommy what the problem was.---Yes.

Thank you.

Sensitive

MR ENGLISH: And then when you had those discussions, Dennis discussed, did he not, how he might be able to introduce Triton to the university?---Yes, I could agree on this, but - - -

And one way might be that he could go through the procurement process with the university?---Yes.

10 And another way was that he could use some leverage with another employee. Correct?---I believe, yes.

And who was that employee that he thought he could use some leverage with?---I, I, I believe the new Morgan, Simon Hardman.

20 Okay. And what did you understand about the leverage that Dennis might have been able to use in relation to Simon Hardman?---I will explain. He was thinking Simon can actually help get Tommy's the hours in this case, like not to help him to get this, this particular job, but the finance or recruitment person, again I'm saying his name was Srinath or Srineth, he says if the amount going over \$100,000 or \$200,000, I'm not quite sure, that has to go to the tender, and from my understanding Dennis just says, "Look, this is too messy, I'm not interested in this, like."

So there was some advice received from someone called Srinath that if the new contract was over 100,000 you'd have to go to a formal tender.---This is the way I understood, Mr English.

30 Okay, thank you. And you understood Dennis proposed another option which might have been using some leverage with Simon Hardman.---On this one, yes.

And what did you understand the leverage that Dennis was going to use in relation to Simon Hardman?---Well, leverage I believe it's like a power or something, isn't it.

THE COMMISSIONER: Yes.

40 THE WITNESS: Like Simon to try to put Tommy in with, with, with these jobs.

MR ENGLISH: So he was going to use Simon through leverage to bypass the tendering process at Sydney University. Is that your understanding? ---No, no, that Simon put him through the tendering process for Tommy.

Just explain that a bit more, please.---That he will, when I say leverage, to get Simon to put Tommy through, through this recruitment process and put him on.

Sensitive

So Simon would influence the outcome of the recruitment process. Is that your understanding?---This is the way I understood, Mr English. I'm not saying it's, maybe I understood it wrong way but I believe this is the way I, I, I believe it, yes.

And just when you say that's how you believe it, how did you form that belief? What did Mr Smith tell you exactly?---About Tommy or about leverage?

10 About leverage and Simon. What did he tell you Simon, he was going to hope that Simon could do?---To get the, to get Tommy.

And what were his words as best as you can recall?---Let, let me think, Mr English.

THE COMMISSIONER: Yes, take your time.---I trying to be think, to be honest. The, what I understood, this is my understanding, that he will get Simon to get Tommy. This is my understanding, Mr English.

20 Is that what he said to you?---Well, I can't actually say did he really say, oh, I'm getting Simon to help you, but the way I understood, yes.

Did you have an understanding that there was some prior relationship between Mr Smith and – what's his name?

MR ENGLISH: Simon Hardman.

THE COMMISSIONER: Simon Hardman.

30 THE WITNESS: Simon Hardman used to be area commander of Newtown, I believe, for I think all his, he went to the retirement where I understand, from police officer, so I believe they knew each other in police.

MR ENGLISH: And what did you understand the power or the leverage was? I mean, you said that that's what you thought it was, leverage was power. What was the power that Mr Smith was going to use in relation to Mr Hardman, to your understanding?---Mr Hardman, he was like (not transcribable) Morgan and I believe he, he is the boss of the security.

40 Had he started his job when you were having this discussion, Simon, or was he about to start? Can you recall?---If, if I have the, I can't recall. Is it before or after, I don't know.

Can Exhibit 37, page 59, be brought on the screen, please? This is an extraction report from Ms Li's phone this time. If we go to page 60 you can see the MMS message. Do you see that? It comes from you. And if you look at the first then SMS message, it says, "Tommy and Lynn, see screenshot I received from Dennis, please." See that?---Yes, Mr English.

Sensitive

And then you say, "Keep Triton clean." Is that what Daryl had said, "Keep Triton clean"?---Yes, yes.

And then look at three. "Hardman man Dennis was negotiating to get him in Morgan's chair." See that?---Yes.

10 And then you say, "He got in. Don't say to no one yet. Even adults don't know." And then you say, "Daryl." Can you assist the Commissioner with what your messages mean? And they were, that's three, four, five and six, noting that they were sent within about 40 seconds.---Yes. What it is, Commissioner, Hardman at this time, I don't think so he was, he was still in Morgan's chair. He had the one lady, she was in Opera House. She was basically his counter candidate to who going to sit, like, to take this role, Morgan's role. And Dennis would say to me when he saw this lady and when he, with Hardman, he actually says she has no chance, the way Hardman's experience was, the, his ability to work, and Dennis believed that she wanted to have a chance to win over Hardman. This is the way I understood it, Commissioner. But some people actually, when they look at
20 you, they probably think you might lose, lose this competition or race, however you're going to call it.

Well, you're a bit more certain in your fourth message or the one that's identified as four. You said, "He got in. Don't say to no one yet." So you seem to know that he's got in but it can't be made public.---That's right.

30 So how did you know that he'd got in?---Dennis said to me, as I, as I mentioned to Commissioner, Dennis said to me the way I can see, Hardman will go through. But he said, I don't know, he always would say to me keep low-key, like, don't, don't say this.

What does "even adults don't know" mean?---In this I really don't know what I meant, "adults don't know". I don't, I don't, I don't know, Mr English.

Did you mean to say Daryl and you're correcting it later on, perhaps?---Yes. Sometimes when you type the message, it writes different.

40 If we go over to page - - -

THE COMMISSIONER: Just before we do, what was the screenshot that you sent?

MR ENGLISH: Well, that's what I'm coming to, Commissioner.

THE COMMISSIONER: Sorry. Yes.

Sensitive

MR ENGLISH: That is page 62, please. This is the screenshot that Dennis sent you by SMS, is it? The MMS which you sent through to Lynn?---Yes.

It's hard to decipher but Mr Smith seems to be saying, "Tell Tommy, haven't forgot but going to do it a different way." Says, "Not procurement, too hard. I going to use Hardman leverage." Now, do you understand where he talks about procurement, is that through Srinath?---Srinath, yes.

10 And he's saying, "Not procurement, too hard." Do you understand that there's a negative there, that he's saying the procurement way is too difficult, I'm going to use Hardman? Or do you say, do you understand that he's not saying that procurement's too difficult?---"Not procurement, too hard."

Was he saying, "Not procurement. It's too hard." Is that your understanding? We're not going to go down the procurement route because it's too hard.---Could, could, could say, my understanding was when Hardman is here he will actually help Tommy to get in. This is the way I understand.

20

And then he says down the bottom, he says, "Oh, good." And then, "Why no talk anyone Hardman. Has not signed letter but will this week." See that?---Because Dennis would, Dennis probably knew from his boss that Hardman got in, but there would be actually sometimes no one knows till the final, till the probably managing director or someone announce it. Like, example, I would know the result you getting the job but I would actually keep it quiet till the final announcements come. This is the way I understand, Mr English.

30 Well, just let me ask the question first. Do you understand or is it fair to say that what your understanding of Mr Smith's message is, that Mr Hardman hasn't got the job yet but he will this week, he's going to sign the letter, and when he does I'm going to use some power or leverage over him to get Tommy these extra jobs?---This Fisher Library and all this, yes.

THE COMMISSIONER: So did you understand the leverage to be that Mr Smith had ensured that Hardman got the job?---What I could see, he probably knew that he got the job. As I mentioned, Commissioner, like, there is, and I can give few examples like - - -

40

Don't worry about that. But what was your understanding of the leverage? ---That he will talk to Hardman to assist Tommy to get this hours through the Fisher lock and unlock, Commissioner. This is the way I understood.

Do you know, Mr English, whether we have Mr Hardman's employment file?

MR ENGLISH: I'm instructed we do.

Sensitive

THE COMMISSIONER: Thank you.

MR ENGLISH: And so what was the wash-up of all this activity? Do you know whether Mr Smith was able to get, I think you said, the lock-up and unlock and Fisher Library work for SIG?---No, he, he couldn't.

10 Well, what, he made – to your understanding, what happened? He's saying he's going to use the Hardman leverage to do that. What happened?---He didn't, I can't actually, because Simon at that time was just new and he, I don't think even Dennis have ask him to do any, anything to help Tommy at that time, but he basically just says, look, unfortunately it's too much paperwork. Like, basically it's a mess. He's saying just leave it alone. This is the way the, the final was, the way I understood, and Tommy never got this job.

Just quickly before the break, did you store Dennis's jewellery at your home?---Yes, Mr English.

20 What were the circumstances by which you did – now, was it Dennis's jewellery or his wife's or his family's?---No, no, no, no, no. This is his – look, I don't know whose jewellery is. I believe it's him, his wife, whatever jewellery that have. I actually showed the Dennis, he asked me about the safe. When Dennis went to Europe, he didn't want to, he, he had all jewellery apparently in the house but he never have the, this jewellery in the safe. And he says, look, I'm going for this period, like, do you have a, I said, and he knew I'm doing actually as a hobby as a hunting, recreation, and he, I show him a photo, I have a safe of two tonnes, and I says, "Dennis, it's up to you. Either I can actually store it for you in my safe, when it's
30 finished, when you back, I give you back."

THE COMMISSIONER: Your safe is a gun safe, is it?---Yes, Commissioner.

MR ENGLISH: And did he bring the jewellery to work or did he come to your house and deliver it?---He never came to my house. He came to the, he brought it to the uni and I actually then from the uni took it to my place.

40 You would agree that that showed that Mr Smith put a great deal of trust in you?---Well, I believe so.

Is that a convenient time, Commissioner?

THE COMMISSIONER: Certainly. We'll adjourn till 11.30, but I do really want to start at 11.30.

MR ENGLISH: Yes, Commissioner.

Sensitive

19/02/2019
E17/0445

BALICEVAC
(ENGLISH)

552T

SHORT ADJOURNMENT

[11.17am]

MR ENGLISH: Is the witness here, Commissioner?

THE COMMISSIONER: Yes, I think so. Come forward.

10 MR ENGLISH: Yes, if he can come forward, and while he's doing that, Commissioner, can I hand up and tender a copy of the statement of Shannon Keevers, K-e-e-v-e-r-s, he's the workshop manager at Zax Amusements and the statement's dated 5 February, 2019.

THE COMMISSIONER: Thank you. That statement will be admitted in to evidence and marked Exhibit 83.

#EXH-83 – STATEMENT OF SHANNON KEEVERS DATED 5 FEBRUARY 2019

20

THE COMMISSIONER: Mr Balicevac, the affirmation you took this morning still binds you to tell the truth.---Yes, Commissioner.

Thank you.

30 MR ENGLISH: If volume 2, page 185 can be brought on the screen, please. This is an extraction report, this time from your phone, Mr Balicevac. Just go to page 186, please. You can see – no, this isn't, sorry, this isn't the right page. Volume 2, 185 and this should be 186. Yes, that's the right page. If we can just have that increased please, that's 186. This is your phone and you can see it's a series of messages which have been retrieved from your phone, having been deleted, WhatsApp messages, do you see that?---Yes.

And I just want to draw your attention to the entry on 12 December, 2017, 8.06, it says, "Direction incoming," but I think that's just generic. It says, "Tommy, as we spoke yesterday, I forgot to mention to you," do you see that?---Yes.

40 It suggests that it's a message that you're sending to Tommy, would you agree?---Yes.

"Look, Christmas coming, not sure you want to get something for Dennis and Simon." Do you see that?---Yes.

Does that suggest it's another message you're sending to Tommy, would you agree?---Yes.

Sensitive

19/02/2019
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BALICEVAC
(ENGLISH)

553T

And then, "I will get them something from me in next two to three days."
Do you see that?---Yes.

Another message that seems to be from you to Tommy.---Yeah, yeah. I can see all transcripts.

And then he seems to write back, "No worries. I will get them something too." Do you see that?---Yes.

10 Simon's Simon Hardman, isn't it?---Yes.

So did you get Dennis and Simon a Christmas gift as you said you were going to do in the next two to three days from 12 December, 2017?---Mr English, I actually got for whole, whole, us, security unit, I got us, like, how to say, is, when I say Christmas present, like, a bottle of whisky or something like this.

20 So what did you give to Dennis and Simon for Christmas in 2017?---From, from top of my head, was, I believe bottle of whisky or bottle of scotch, I'm not hundred per cent sure, one of these, yes, it was.

And Dennis accepted it from you?---And he gave me bottle to me as well.

What about Simon, did he accept it from you?---I believe, I believe he did.

30 And did Tommy give Dennis and Simon something for Christmas that year?---I'm not quite sure, not through me, Mr English. I don't recall he did something through me unless he was here, when he was writing this message, I think he was in Egypt. Maybe I am wrong what I am saying. he bought some pyramids, I think, not pyramids, like, something old. Just trying to remember, not sure.

I just want to ask you, going back in time to 2015, there was a time when you and Daryl considered applying for internal jobs at the university?---Not 2015, Mr English. I, I can't recall 2015 but before ICAC came in, yes, we did but 2015, I don't, I can't recall it, Mr English.

40 Volume 2, page 5, please. This is an extraction report from Ms Li's phone. if we go over to page 6 you can see there's a message at the bottom of the page, "Wow, thank you. Update, Dennis going to talk to Daryl tomorrow to organise internal job position available to show to TL as fair raise but put me in. They going to lunch job tomorrow or Wednesday." See that?---Yes.

What are you talking about there?---This was in 2015 when I was only a team leader or security officer, I wasn't even SNP. This was related to a job what I was in before I left uni.

Sensitive

Sorry, I don't understand. Can you be a bit more specific, please.---Sorry, Mr English. The reason is this, this what I was saying Lynn it was more that we will, me to get into the job what I was before I left uni, not internal like as at Sydney in-house.

This is when Mr Smith assisted you to get your job back, is it?---No, no, no, no, no. When I was, before this, Mr English, I was just like a team leader working two days/two nights and I was still SIG person in this (not transcribable) 2015 I still was working for Tommy and Lynn as a - - -

10

So you were employed by SIG then?---Yes.

So then - - -?---There was a job - - -

So Dennis was going to talk to Daryl to get you a job at SNP as a team leader. Is that right?---What I was, yes.

20

But why do you understand that Dennis was going to intervene for your benefit in relation to that?---Well, because I was there for five/six years, Mr English, at, like at this time I was almost six years at the Sydney Uni and Dennis says we don't want actually someone who come again new because apparently in the past when the person come who didn't know much about Sydney Uni sort of it would fail.

30

But if you just go back to that message you say internal job position. What do you mean by internal job position?---Really at that time, Mr English, I, I probably misspell right but when I say internal job probably I was referring to SNP. Definitely at that time was no uni, any uni like, talk at that time I'm saying.

That came later, did it?---Well, before you, you guys came in. I am talking in 2018/beginning or at the end of 2017.

If we go over the page you say at 11.40.34, "Keep low-key. No one know." That's on 10 August, 2015 and then you say at 11.42.41, "I mean no one mention no show fair go, et cetera." What do you mean by that?---When I say no fair, fair, fair - - -

40

Show fair go, et cetera.---Dennis, Dennis the impression that SNP will try to bring some people which have not much experience about the uni and he says, look, we will try to help but we will see if SNP push forward to put someone in and well, at that time I was only one who applied for this job. There was not any candidate came for this job at all.

So did Dennis use his influence with SNP to assist in you obtaining a job there to your knowledge?---No. Well, he didn't have to, Mr English, because he, I was only one. I didn't, I didn't race or compete with any other parties.

Sensitive

Page 7, middle of the page, your message at 11.51.31, "Lynn, as soon as I get there as guarantee will bring them. We're going to make easy way to get them. I be good with Dennis. When this happen me, Daryl and Tommy to take Dennis dinner, et cetera. No one know." See that?---Yes.

10 Just break that up. "Lynn, as soon as I get there as guarantee will bring them. We're going to make easy way to get them." What are you referring to there?---This is actually Tommy, I am just trying to remember but there was a few guards which were at the uni. Trying to think. Madhat Tadros. There was another two or three officers where Aaron Lucas basically took them off-site. He basically kicked them out and they were fully trained guards.

Why did he kick them out to your understanding?---Madhat in one instance he was asking to go to toilet and Aaron said to him, "Bad luck. You just started. You have to wait."

20 Well, why does having a guard that needs to go to the toilet make it easier for Tommy?---No, he got sacked then.

Yes, but you're saying on your evidence you're going to bring these people back because it will be easier. Why could these guards make Tommy and Lynn's life easier?---Because they were fully site-trained and Tommy would not need to, because the mandatory was two weeks' training which Tommy had to pay from his own pocket.

Are these SIG guards that you're talking about?---Yes.

30 Okay.---And they are, they, they were site-trained.

You say, "I'd be good with Dennis." What are you saying there?---Say I'd be good with Dennis and I will bring these guards in the, in the, in, in, in the way I will bring them back to work for you so you don't basically have to arrange training again.

40 So you'll get Dennis to assist in ensuring that those guards are brought back onto the site?---Well, they've been, they, I don't think so Dennis knew two of them actually were actually kicked out from the site, I don't think so, Mr English.

Can you just answer the question. Were you going to be good with Dennis so Dennis would assist in bringing those guards back onto the site?---Yes. I will ask Dennis can we bring these guards back, yes.

Okay. And you said, "When this happen, me, Daryl and Tommy take Dennis to dinner, et cetera. No one know." Do you see that?---Yes.

Sensitive

Did you take Dennis to dinner with Daryl and Tommy?---Because Tommy was saying we need to organise dinner - - -

Did you take him to dinner or not?---No, no, no, no. We didn't go on dinner all us together, 100 per cent, Mr English.

Okay. Well, what about just you and Tommy and Dennis, did you go to dinner?---No, not dinner. As I said, this at the uni, just like a little coffee thing, but we never - - -

10

Why, if it's just a little coffee why could no one know?---Yeah, this was talk about the dinner, Mr English, not about coffee, this was actually, the discussion was, but Dennis never actually went with us but we went, I think Tommy called us, myself and Daryl I think once at Brighton and that was it.

So Tommy called you and Daryl at Brighton, was it?---Yes.

What, he called you? I don't understand.---Like a for dinner thing.

20 So he took you and Daryl?---That, yep.

Dennis didn't come. Is that your evidence?---100 per cent.

Okay. I just want to talk about some of the benefits you received from SIG. There was your weekly cash payments. Correct?---Yes, Mr English.

Did you receive other gifts or benefits from Tommy?---I can confirm when I got this Medal of Velour [sic] he gave me \$200 and once actually when I went to Snowy, but I believe this money I had to give him back.

30

Okay. So - - -?---This was, I don't recall, and only these gift cards what I did say, Mr English, which Dennis pushed it back to me, then Tommy says, "You can have it."

So how many gift cards did you receive from Tommy?---I think, I could probably say one or maximum two.

40 Is that all you received? So one or maximum two gift cards from Tommy, your guarding payment and your regular cash payment. Is that all you received from Tommy?---And possibly, I'm not saying, possibly for this, what do you call, when I went to the Snowy Mountains. I'm not, I'm not - - -

What did you get possibly when you went to the Snowy Mountains?
---I think he gave me \$1,000 but I, I, I'm sure I had to give him this money back in instalments.

Sensitive

Okay. And none of those, that money or the gifts, you disclosed to SNP?
---No, no, I didn't.

All right. If we can go to volume 2.2, page 41, please. You'll see these are some messages from you to, and from Mr Sirour to you. Friday 24 June, 2016 you say down towards the bottom of the page, "Tommy, brother, I think I deserve to be on the same pay as Daryl on week pay. Let's be honest, I brought you with client, I add you in email with client, Daryl would never do this and you know it." See that?---Yes.

10

What's the value that you're suggesting to Tommy that you're bringing that would entitle you to Daryl's weekly wage?---Yes.

But what is it? What exactly are you doing, you're cutting him on emails with who?---In just one email, I sent, because with this uniform, Tommy actually sent I think because he had issues with the uniform where SNP didn't want to provide him but he, always his guards were out of uniform and he actually cc, I think he cc Dennis in this email.

20

Well you say, "Let's be honest. I brought you with client." What are you suggesting there?---Just he meet up with Dennis on once, one occasion or two occasion. This is what he was, keep, willing, from day one, he wanted this.

"I add you in email with client." So you're fostering a relationship between Mr Smith and Tommy, are you?---Maybe once, yes.

30

And is that when you received a wage increase at around 24 June, 2016, to be on the same pay as Daryl?---When I started in 2015, I was on 150 a week, Mr English. Then he, he started increasing this, from top of my head, what I could remember and came up to 300 and I think Daryl was almost on, I think he was on 400 at that time.

So around that time, were you brought up to match that, was your pay brought up to match Daryl's?---I, I could agree, yes.

40

If we can go to page 42, please. Another email – I withdraw that. Another SMS from you to Tommy on Tommy's phone. You say at the top, "Thank you, Tommy. Tommy, if you're looking for me weekend away, I prefer to get me fly ticket to Cairns in April. I'm planning to fly with my family." Do you see that?---Yes, Mr English.

Did Tommy buy you those plane tickets?---No. I actually never went there.

Well you say, "Tommy, I'll be booking hotel and vehicle, so can I confirm dates I sent you?" See that in the middle of the page?---Yes.

He didn't book you a hotel?---No.

Sensitive

Can you go to page 39, please. Just going back in time, I'm sorry about this. 30 November, 2015, were employed by SIG or SNP back then?---SIG.

You were asking Tommy not to spend money but if he really wants to, you tell him you're building a car, correct?---Yes.

10 So, "Look, again, brother, I don't want you to spend on me but if you do, I prefer whatever money you wanted on the ARB account for rear bar but honestly, don't worry, Tommy. All what I do at uni for us together." Did Tommy assist with the accessories for your ARB?---Hundred per cent, no.

And when you say, "All what I do at uni for us together," what do you mean by that?---To, to have a job at that time, Mr English, I was working excessively and my, my, my goal was to make as many hours as possible and it was my interest too, to have a job.

20 So what, because you're working extra hours, Tommy's making more money, is that what you're saying there?---Probably at that time, yes, and I, well, at that time, at that, this was 2015 but at that time, we didn't much discuss about what he makes and I believe I make more hours, I make money, you make money.

Now, talking about hours at the university, are you aware of anyone from the university – so not an SNP employee but a university employee – ever conducting headcounts of the guard force out there?---Mr English, in my awareness, no.

30 Did anyone to your understanding ever inspect the time sheets from the university?---Again in my awareness, no.

Now, were you responsible for forwarding the time sheets to SNP?---When you're saying responsible, Mr English, it was all between us.

So, what, it was everyone's responsibility, was it?---When I was a team leader it was, it was like a normally I do, Daryl do or other team leaders, yes.

40 Is the process that once time sheets had been completed and approved, and that would involve some reconciliation with the SIG staff, correct?---This did happen, yes, Mr English.

Because the SIG staff would need to make sure that the right false names were written on the time sheets so there were no clashes, correct?---That's right, yes.

Once that was done, the time sheets were scanned and forwarded to SNP. ---Yes.

Sensitive

And they were kept in your drawer for some while.---I will explain how it was in the drawer. At one stage when I started, Mr English, a lot of guards would have a clash between each other about, about actually time sheets. “Why this, I, I was working 70 hours last week. Why this guard was working 80 hours last week?” So that started happening, then Frank Lu, he, he actually took the key off my drawer and he would be locking these time sheets in my drawer. He’s saying the guards come and have a look. But also it was intention when they write these names, the other guards not seeing it. This was as well.

So it was kept in your drawer for how long, the time sheets?---Two, two to, two weeks to one month.

And then, what, they went on the shelf behind the - - -?---Behind me there was a shelf and the time sheets probably were there for one or two years.

So what was the purpose of keeping them in your drawer for one or two months? Just so no one could, could ascertain whether there was false names used - - -?---That’s right, Mr English.

- - - in time sheets that were close to the present day and time, is that right? ---Yes.

Now, you played a role in entering false information onto the time sheets, didn’t you?---I did. I did, but very limited, Mr English. Compare, I, when I said, not very limited but Frank Lu was more into this than myself, Mr English.

30 From time to time you’d liaise with the SIG office staff.---Yes.

And you’d enter false details into the time sheet yourself.---What they provide me, yes.

If Exhibit 40, page 202 can be brought on the screen, please. This is an email from Lynn to yourself. Do you see that? Do you see that?---Yes, Mr English.

40 Wednesday, 2 November, 2016.---Yes.

“Hi, Emir. Please see attached SCA protest time sheet. Please confirm with Daryl if he has sent this to SNP. There are three names changed or added compared to Monday. Please double check and make sure this one was sent to SNP.”---Yes.

And there’s also an instruction in relation to Tuesday time sheet.---Yes.

Sensitive

And then, "Please send all the time sheets to us once you amend all." See that?---Yes.

That's the sort of tasks you perform in conjunction with Ms Li?---Yes, on, but as I says, not on daily basis but, yes, it did happen, Mr English.

So if we can go to page 203, please. I'm just wondering if you can identify here if any of the handwriting is yours.---In this, this one, Mr English? None of them.

10

None of that's your handwriting. Okay.---Definitely not.

Sorry?---Definitely not.

Okay. Do you see here how this sheet only has a sign-on?---Sorry, sign-on?

You see in the top row there's "Shift" it says something that is blacked out, and then it says, "Role, Name, Sign-on, Comment." Do you see that? ---Yes.

20

Okay. Now, Sign-on, in most of the sheets there's also a sign-off, isn't there?---Well, it should be, yes.

And there's also normally a space for a licence number, isn't there?---It should be, yes, but no.

Okay. And this is a sheet titled "Security Numbers for SCA Protest 25 October, 2016." Do you see that?---Yes.

30

Do you know why this sheet doesn't have those columns for the sign-off and for the security licence number?---To be quite honest with you, Mr English, I'm not, I'm not sure. I didn't create this timetable.

Well, it's been sent to you by Lynn and she's asked - - -?---This - - -

- - - and she's asked you to confirm with Daryl if he sent it to SNP.

---Yes, I, I, I agree what you're saying, but this time sheet what was, it was probably placed in before and what I believe sent from Daryl to Lynn then Lynn sent it to me to clarify and what I've seen another email, there was three emails clashing.

40

Okay. If the witness can be provided with a copy of Exhibit 47, please. I just want to ask you some questions about the claims that you made personally, Mr Balicevac.---Yes.

And the documents will be brought on the screen, but at the same time if you can please, if you need to, flip between any of these documents, so you've got a hard copy as well.---Yes.

Sensitive

If you turn, please, to tab 3, which is Exhibit 38, page 97.---Yes.

Just waiting for it to come on the screen. So this is your time sheet for the week-ending Sunday, 28 August, 2016. Do you see that?---Yes.

10 Now, where we see for example, looking at Monday, you've said, "Lincoln protest, me four and a half, Daryl four and a half." Would you sign into the time sheet ordinarily under Lincoln's name to perform that shift?---I would say yes.

And what about Yahya, again would you sign in under Yahya's name to perform that shift?---Mr English, it would be probably me or Daryl, one of us would sign, but yes, I can say it's me, but - - -

More likely you. Would you agree?---More, it was more me than Daryl, yes.

20 So when you're providing this time sheet and indeed even signing into, providing this personal time sheet and indeed even signing in to the site time sheet under the name Lincoln and/or Yahya, you're pretending to be that person?---Yes.

And you're doing that so you can get paid pursuant to your personal time sheet?---Yes.

And that's dishonest?---Yes.

30 Look at Saturday. You say in the open day on the 27th you want to claim the work for Lincoln Nock, Yahya Alabdulla, Ashlee Parker, George Boutros and Nader Gad, or you say that's to be split between you and Daryl. Do you see that?---Yes.

Now, if we go forward to Exhibit 39 which I'm looking at behind tab 7 now. I'm sorry, it's - - -?---Did you say 49?

40 Just one moment. Exhibit 39, page 169, which you'll find behind tab 7, if you want Mr Balicevac. Do you see in the middle of the page, Yahya Alabdulla, Ashlee Parker, George Boutros, Nader Gad?---On the time sheet?

Yes, on the time sheet. Middle of the page.---Yes.

And this is for the open day on Saturday, 27 August, 2016. Is that your handwriting in respect of Yahya Alabdulla, Ashlee Parker, George Boutros and Nader Gad?---I would say this, I would, I would say this one, yes.

What about Lincoln Nock?---Definitely not mine.

Sensitive

Do you know whose that is?---The way I can see the writing, I, I believe this was Daryl's writing.

So if you go back behind tab 4 and if volume 4B, page 12 can be brought on the screen, please. So this is a SIG document that has been reorganised so it's in chronological format from Monday to Sunday. Do you see that?
---Yes.

10 And remember how on your personal time sheet, you identified for Saturday at the open day, Lincoln Nock, Yayha Alabdulla, Ashlee Parker, George Boutros and Nader Gad, which you were to split 50/50 with Daryl?---Yes.

So you can see here that SIG had apportioned to you the shifts for Ashlee Parker on the Saturday. Do you see that?---Saturday, sorry, just - - -

On the screen.---Yes, yes.

See Ashlee Parker, Lincoln Nock. Do you see that?---Yep.

20

And Yayha Alabdulla down towards the bottom.---Yes.

So you'd been paid, in respect of the use of those ghost names for the open day shift, correct?---Yes.

And if we go, please, to Exhibit 39, page 64. This is the SIG payment schedule for the same week, the week ending 28 August, 2016, do you see at line 42?---Yes.

30 It suggests that you're to be paid for 218.5 hours, a total of \$4,770. See that?---Yes.

So you accept that SIG has identified that you were to be paid that much for that particular week?---Yes, if the hours, match, yes.

Well, they're a little bit out, to tell you the truth. If you go back just to tab 3, which was Exhibit 38, page 97, you've claimed 216.5 hours. Do you see that behind tab 3? You'll see it on the screen.---Yes.

40 So they're paying you 218.5 but then if you, there should be another document in your tab 3, which is Exhibit 38, page 135. Have you got that there or otherwise it will come up on the screen.---I will wait for the screen.

So here you've actually updated Lynn – I withdraw that – Maggie and you said, “You should be paid for an extra four hours for an unlock shift where you covered Ashlee.” Do you see that?---Yes.

So you said your weekly total was 220.5 hours. Do you see that?---Yes.

Sensitive

But you've actually only been paid according to SIG for 218.5. Remember we just went to that document?---Yes, yes.

Okay.---This, this could be, sometimes let's say Frank would come and say these hours belongs to me. I want to take it. And I never would have a sort of conflict at him saying okay, you can't. I says Lynn, okay, whatever he say you pay to him.

10 So sometimes there'd be a bit of reorganisation as between the amounts claimed on the personal time sheets and what you ultimately got paid each week?---This, this did happen, yes, Mr English.

Then if we can please go to Exhibit 39, page 75. It's behind tab 9 in your folder. This is the bill that S International sends to SNP Security dated 31 August, 2016. Do you see that?---Yes.

If we go to page 81 you can see for Saturday, around the middle of the page, you can see those names Lincoln Nock, Yahya Alabdulla and Ashlee
20 Parker.---Yes.

And remember they're names that SIG worked out you were to be paid in respect of those shifts?---Yes.

So you agree there that in these circumstances the names you've nominated in your personal time sheet have been passed on in an invoice to SNP. Do you agree with that?---Having a look now, yes.

30 And you'd agree that you've been paid because SNP was deceived into believing that the person you falsely nominated actually performed the work?---Yes.

Now, your claim for that week was in the order of, well, you said 220 hours but you were paid some \$4,770.---Yes.

That happened frequently, did it not, that you were paid amounts in that order?---Mr English, this did happen only when was busy, like this didn't happen on every week. Let's say talking in particular SCA this didn't
40 happen after SCA.

What do you mean ACA [sic]?---SCA there was actually high number of guards required, like it was asked by uni to help only in this period but it wasn't \$5,000 every week. If, I'm not saying, I'm not trying to say I didn't and this and this but when there is no hours there is no hours, Mr English.

When you were able to you made claims in that order. Is that fair to say?
---Let's say yes.

Sensitive

And the Commission has determined that you've been in the order of \$261,000 from December, 2015 to April, 2018 by SIG. Would you accept that?---To be quite honest with you not quite sure 260, Mr English.

You say more or less?---Less.

What's your best estimate of how much you got paid?---In honesty around \$130,000.

10 130. Now, the money was paid on your instruction into your wife's bank account. Correct?---Well, that what, that what I had at that time and I actually asked to put that.

Why did you ask for it to go into your wife's bank account?---In honesty there was no hidden reason, Mr English.

Did you declare any of the money you were paid by SIG through your wife's bank account to the ATO?---I will be honest, no.

20 What did you use that, on your evidence, \$130,000 for?---You mean what did I use for, Mr English?

Yes.---Well, I went, I went actually to Tasmania. I can say this. I went to Queensland with my family. Went to the snowy fields.

They're holidays. So you used it for holidays?---More likely, yes, Mr English.

30 What about, you spoke earlier about a desire to make a games room at your house. Did you make any improvements to your house with that money? ---With the games. No, not with the games.

No, irrespective of the games room, did you use that money to fund improvements to your home?---I could say yes in some occasions. I'm not saying for everything but I could say yes.

Do you own your home?---Well, it's, it's under the mortgage.

40 Did you use that money to pay back the mortgage?---No. Not this money. For, to, for paying the mortgage, no. I'm, I'm still paying the interest, actually.

Well, did you use it to pay some of the interest?---Look, Mr English, probably, yes. I'm not quite sure when I get this money on the account. I'm not denying, maybe not.

And you like outdoor activities, do you not?---Yes.

Sensitive

I'm wondering if volume 2.2, page 46 can be brought on the screen, please. This is an email from you on 24 September, 2018 to John Lohr and Sandra Hillman.---Sandra Hillman, yes.

Who's John Lohr and Sandra Hillman?---John Lohr, after Daryl he is the, not, he's, he was at Sydney University SNP site manager, and Sandra Hillman, she's, she's the, not uni director, I think she was working for uni as a contractor for a, for a time period. Like - - -

10 And you've sent them three photos. If you can go over the page, please. ---Yes.

That can be rotated, perhaps, if that's possible. The photos were titled Amarok. Is that your vehicle?---Yes, Mr English.

How much did it cost?---Oh, I think 46.

And there's a boat on top. Is that yours?---Yes.

20 And what are you towing?---Camper trailer.

How much does that cost?---This costs 25,000 but I've still got two and a half years loan on it.

And there's some - - -?---Quad bikes.

Quad bikes. Two quad bikes are there?---Yes.

30 How much do they cost each?---\$1,200.

And then there's some other equipment on top of the camper trailer, is that right?---Two fridges.

So the value of your possessions in that photograph are, what, in the order of \$70,000?---I would say so, yes.

More than your annual SNP salary?---Yes.

40 Did anyone – I withdraw that. Did Mr Lohr or Mr Hillman ever say to you, "How did you afford all that?"---No. Mr, Mr Lohr, he, he doesn't know me much. He just came when Daryl came across.

Did you use the moneys you'd been paid by SIG pursuant to the time sheet fraud to pay for this equipment that we can see on page 47?---I would say so to the some proportion, yes.

Just go back to tab 4 of your bundle, and if volume 4B, page 13 can be brought on the screen, please?---This is a spreadsheet which transposes your

Sensitive

time sheet claims – I'll withdraw that. The amounts of money that you've been paid by SIG pursuant to the shifts you've nominated across a seven-day period. Do you see, if you look at 24 August - - -?---Yes.

- - - you make a claim for four shifts occurring concurrently. Do you see that?---Yes. This SCA, yes.

Well, there's A09 static, right? So that's at campus, right, at Camperdown?
---Yes.

10

And then at the same time you claim to be performing works at Rozelle for three shifts, correct?---Yes.

Did you perform any of those works?---Mr English, what, this was Monday? This was Monday so I'm not quite sure what this was.

Monday's the 22nd, 23rd is Tuesday, 24th is a Wednesday, I understand.
---Yes. I can say open day definitely I was on-site.

20

I'm just asking you to focus on the 24th. Did you do those shifts in the evening?---A09, yes.

You did those shifts, did you?---Well, I couldn't cover, like, I mean, I was there but obviously I wasn't for all three persons. I was one person.

And what about on the 23rd, you see you, and I should say that blue indicates you've done your rostered shift. Do you see that, the blue?---Ah
hmm.

30

As a 2IC and then on the 23rd, you've done a full shift using the name Syed Imran, do you see that?---Yes.

And also a lock-up shift, Yahya Alabdulla?---Yes.

And then you've come back, according to this, and started all right 8 o'clock on the 24th, your 2IC shift and then you've completed the shifts according to this that we've just discussed. Do you see that?---Yes.

40

So according to this, you've had around five hours break in 48 hours, you've worked consecutively in that period, would that be right?---Yes, but I can see, I mean - - -

What, you've been on campus for 43 hours out of 48?---No, no.

What are you saying then?---I, I can, as I said, Mr English, I can explain few occasions, like, some things yes, definitely can't explain that, that's what it is, Commissioner. For, I did say this before, for unlock guard or lock-up

Sensitive

guard, really doesn't take much. I will be honest, I'm happy to demonstrate to the uni site. It will take you 20 minutes to unlock the building.

I'm not asking you precisely about that and you've already said what your evidence is in relation to that. You could do it in 15 to 20 minutes.---That's the maximum, 10 minutes.

And you'd be paid for four hours?---That's how the security industry is.

10 The Commission understands that. Can you just focus on my questions. Look at the 27th, which is in the morning and across the day, you claim payment for six shifts performed at once, correct?---Yes.

One is at Rozelle, one is B19 access, do you see that?---Yes.

What is that, guarding a static building?---No. Just to open up few doors and - - -

20 Well, that can't be right because it's 10 hours you've been paid, it's not a four hour shift.---No, but in this instance, because this was access job, Mr English, you would go there, open up the four/five doors, whatever is required, and basically the guard is not there. This is actually the Campus Assist common practice was for years.

So how long did it take you, do you say, to perform the B19 access task on 27 August, 2016?---Let's say, get the keys from the control room, go down, open up these five/six rooms or whatever is required, it's not whole building open up, let the contractors in, let's be fair, 40 minutes.

30 And did you have to lock it up as well?---At the end, yes.

And then you paid for three open day shifts?---Yeah, well, I just, I, I just covered one of them, which I was there.

While you're covering the SCA occupation and you're doing the access shift as well?---This one was at SCA, basically Frank said to me, there is I think guards or something, don't worry about this, this is what he basically said to me.

40 Well, you never turn up to Rozelle that day.---I will be honest, no. Unless, unless there would be a protect and we would be asked to go over there. So I, I can't recall if this was the case at that time but if no one asks, no.

And then you claim to be paid for half a shift for a static guard at a building M02G, do you see that?---Yes.

Did you perform that shift?---No.

Sensitive

So, what, there was no guard out the front of the building M02G, is that right?---This would be Amyna Huda there.

So Amyna did it and you claimed half of the payment for that work?---She, she would, yes.

10 Why was it, that you understood, she agreed to pay you half her pay when she did the job?---In 2016, probably we did half then after it was basically, you're on the shift, it's your responsibility if something happens, you get everything.

Well, she's on the shift, why would she agree to paying you half the money for a job she performs?---I don't know she agreed but she didn't have issues with this, Mr English.

Well, did you force her to agree to that?---Never forced any guard on campus to do anything.

20 THE COMMISSIONER: Just remind me, in August 2016 were you employed by SIG or SNP?---At that time I was SNP, Mr Commissioner.

SNP.---SNP.

And you were being paid by them to do your job on campus. Correct? You were being paid by SNP to be at campus?---For, for 40 hours, but any, any additional it would go through SIG. Even, even writing this open day, usually it's on Saturday, am I right, Mr English, on 27th?

30 MR ENGLISH: Well, it is on this occasion, yes.---Yes. This time myself and Daryl, we would have to write someone else names so it doesn't go through the SNP books.

All right. And just having a look at then the shift that starts from 1600, you go halves in a shift under the name of Anthony Scott Chan with Daryl for an access shift. Do you see that?---Yes.

Then you go halves with Frank for a shift working at the Badham Library. Do you see that?---Yes.

40 Do you think you performed either of those two shifts?---CPC access – Mr English, I, I don't want to say maybe yes, maybe no, but again if this was access it was just to let people in.

Okay. So is your evidence that if it's an access shift, someone opened the doors?---And let them in and that would be it.

Okay. Then it suggests that you're paid, there's a gap there, but at least in respect of two SCA occupation shifts at Rozelle.---Yes.

Sensitive

Would you have performed those shifts from - - -?---No.

No, you didn't do that?---I, I, I don't think so I went there, no.

Okay. And then on the Sunday you've split an access shift with Mr McCreadie.---Yes.

10 Do you think you – it would be more likely that you did that rather than Mr McCreadie, if anyone did it, wouldn't it?---I mean not saying this and this, but Mr McCreadie, he sometimes knew I come on the weekend, Saturday/Sunday at the Sydney Uni Campus.

So what, you're saying he wouldn't turn up?---He, he, I, one actually when was at Carslaw, power shutdown, it was I think meant to be three guards and myself and him, we stayed this all day and we, we actually claimed extra guard, or maybe extra two guards, I'm not 100 per cent sure, Mr English.

20 All right. And then you're paid in the evening for an SCA occupation shift and a Badham Library shift that you've split with Frank Lu. Do you see that?---Yes.

Did you perform any of those shifts?---I, I don't think so.

Well, it's likely, isn't it, just going off your evidence – tell me if this is a fair summary – that you might have performed some of the day shifts at the university but it's unlikely you probably performed any of the night, any of the evening shifts. Would you agree with that, over the course of those
30 seven days?---In different occasions, Mr English.

Well, I'm talking about on this occasion here.---Yes.

Because otherwise you barely would have had a break over six days. Do you accept that?---Well, till 2015 December I was working constantly six shifts continuously.

But not 24 hours a day, six days a week, were you?---Well, 15/16 hours a
40 day.

Well, you'd want to spend time with your wife and kids, wouldn't you?
---Well, at that time I didn't have much, much choice, Mr English.

And so if you go over to page 14 you can see there's 100 hours that you've been paid for where the shift overlaps with another shift. Do you see that, when you add it all up?---Yes.

Sensitive

And that represents occasions where the university is not getting what it's paid for, doesn't it?---Yeah, that's right.

And if we can go, please, to Exhibit 40, page 78, please, and that's behind tab 12.---Yes.

This is your claim for 505 hours in the week ending Sunday, 30 October, 2016. Do you see that?---Yes.

10 Now, I asked you some questions yesterday about this as to why you didn't tell Daryl you were claiming this amount of money, or you were claiming this many hours. Do you recall that?---Yes.

And your evidence was from transcript page 487 that you had to claim so many hours because you said, "Mr Sirour or Tommy he would ask on the big occasions to have his 50 per cent off."---That's right, Mr English.

And then I asked you, "So you're saying that you had to make that claim because you knew Tommy was going to ask for a cut?" And you said,
20 "Yes."---Well, I'm not saying he forced me but he would try to get 50 per cent of the big occasions like, even like for Kirkbride where you show me the other hours, Mr English, he would, in all this probably he would take probably five of the big payments, half, 50 per cent.

And that's your reason as I asked you for why you didn't tell Daryl, is that right, that you were claiming such high hours? Because you've only claimed 77 for Daryl and in a previous correspondence to Lynn I showed you before that you claimed 77 for Daryl and you claimed 77 for yourself.
---Yes, because Tommy Sirour didn't want actually Daryl, how it is,
30 Mr English, Tommy Sirour with everyone had different deals. Like with Daryl he had some deals I didn't know. With me he had some deals I didn't know. With Frank he had some deals I didn't know.

So you kept this secret from Daryl because in effect, what is it, tell the Commissioner, why did you keep it secret from Daryl?---When, Commissioner, when, when, when Tommy would call me or any of us he would basically say make sure no one knows about this. You don't discuss with other people. You don't discuss with the other guards and he even would cause sometimes a fight, sir. Once actually or twice me and Frank
40 were very close to have a fight and even with Daryl he would call me. Me and Daryl we used to go for lunch together. Tommy would call me saying Daryl saying he going to, he going to get rid of you or he would make some, is it, could I use a word manipulation or could I use intimidation but this is the type he was. He would call me and he would go crazy on the phone. I made these hours, blah, blah, blah. Then he see me at the uni. I said Tommy, why are you yelling on me? And when we are at the uni he completely different person, like I would probably say he is like, having schizophrenia or something.

Sensitive

Mr Balicevac - - -?---Sorry, Mr, yeah.

Can Exhibit 82, page 233 please be brought on the screen.---Yes.

10 You don't have that in your bundle. It'll come on the screen. 223. Perhaps in fairness if we go back to page 221. Do you see there about line 18 you turn to a document that says which is 31 October, 2016 between you and Lynn and down the bottom there's quite an extraordinary amount of hours, 505. Do you see that?---Yes.

So we're talking about the same document. We go over the page.---Is this in previous examination we're talking?

It is.---Okay.

It is, yes.---Okay. I just thought there's a text message or something.

20 No, no, no. And then there's a discussion of Daryl's at line 11, 77 hours and you say, "Yes, he got 77 hours for doing nothing."---Yes. Basically he didn't turn that weekend, as far as I'm aware he didn't turn for this shutdown.

And then we go to page 223, and you're asked a question at 29, line 29, "Should, yes, okay, now keeping in mind this is 505 hours, if we turn to the next document, which relates to the very same week, and it was sent approximately 40 minutes later, on this email Daryl was included and Daryl's hours are exactly the same, 77 hours."---Yes.

30 You've got the document in front of you and you say, "Ah, sorry, I'm looking okay, yeah, this is what, yes, I put 77 because if I put I was there for all the time, he would say I want, I want another 200, whatever the difference is."---Yes.

And the Commissioner asks you, "So he'd want a cut?" and you said, "Yeah, yeah."---He would want a cut, yes, Daryl would want a cut in this as well.

40 If you go over the page, it continues on page 225. You say, "He would want a cut," referring to Daryl, right?---Yes.

Now, your evidence yesterday was you beefed up these hours because, in effect, Tommy was pressuring you to pay him a cut.---Yes. But again I will be honest in, he didn't actually constantly pressure me with his. It wasn't constant pressure from him. Like, when he would see big amounts he would actually turn around and say, because the girls would tell him (not transcribable) this hours and he would just saying okay and he would call me and he would come to the uni and get the money.

Sensitive

Well, what's the honest reason that you hid this from Daryl?---The honest reason, Mr English, is Tommy didn't want in, in some areas he would push Daryl to not be involved in some areas.

Well, the honest reason, I suggest, is that you saw this as a particular week that you could make a large claim, correct?---Could agree to the certain point, yes.

10 And - - -?---I still made - - -

Just let me ask the question.---Yes.

You had an agreement with Mr McCreadie that you were splitting hours 50/50, correct?---Yes.

And if you had to split these hours 50/50 with Mr McCreadie, you'd have to give him money that you didn't want to give him, correct?---Yes, that's right. If - - -

20

Yes, so you wanted to enrich yourself, correct?---Not really, Mr English.

THE COMMISSIONER: I don't understand that. You say that Tommy wanted sometimes 50 per cent - - -?---Of large amount of hours.

Yes. And so let's say you were going to be paid \$4,700. I think we've seen that somewhere.---Yes.

30 In that week, Lynn would only make up your pay for 2,350.---No, Mr Commissioner, Lynn would pay me, then Tommy would come not straight away, but in that week or two week, let's say week later he would come and collect his cut.

Why didn't he just arrange for you to get half of what you're entitled to?---I will be honest with you, some things he didn't even tell the girls what he is doing.

40 Are you saying the girls were unaware that you were paying amounts of money back to him?---By, by looking, since I've been last week here, yes, because what Lynn's saying she didn't know what arrangement Tommy has.

Do you have any knowledge at all as to why he would want to conceal that from Lynn?---No idea, Mr Commissioner. I have no reason. He, as I says, he would come to me and say, "This is between us and that's it," and I wouldn't discuss with Daryl, I wouldn't discuss with Lynn, I wouldn't discuss with anyone.

Doesn't make much sense, though, does it?---Well - - -

Sensitive

Him paying you the money, then coming out and collecting some of it back.---This was I will say maybe four or five occasions, Commissioner. I'm not going to say this was every week or every, like, an ongoing thing.

10 No, no, no. I understand that, but it's just an odd way to do business, isn't it? He seems to have trusted these young women to engage in this fraudulent conduct, but on your evidence he wasn't prepared to disclose to them that he was getting some of the money back. Just doesn't make sense, does it?---Commissioner, I don't know. He's a funny person. That's all what I can say. Well, he would call me and say, "Oh, Daryl want to kick you out," or "He's talking bad behind you." He would do this on (not transcribable) on occasions with Frank. "Frank's saying, oh, Frank is looking to stab you at the back." And I would say, "Why?" Or we would have a coffee. We finish coffee. I'm actually receiving from Tommy that "This person is after you." I would be thinking, I would be surprised, Commissioner.

20 But what's that got to do with him taking money back from you that he's already paid you? What's that got to do with that?---No, no, no, nothing, Commissioner. The reason is, I'm saying he would exercise these games.

MR ENGLISH: I share the Commissioner's lack of understanding of your evidence in some respect. Do you say two weeks later after you'd have a big payment, Tommy - - -?---I - - -

30 Just let me ask the question. Tommy would say he wanted a cut of a previous payment, correct? Is that your evidence?---Two weeks or weeks or pay be two days later or something like this, yes.

And you're saying that rather than going to Lynn and saying in Emir's next pay, please deduct X, he'd say to you, please go to your bank account and pull out what I paid to you two weeks ago and give it back to me, is that your evidence?---If, when he know that I got a lot of hours, he would call me and he would, he would say, okay, this is what's going on. Like, Emir, I am paying this, I have this, I have this, I need, I need a cut of this and he would say also to me, he is actually getting cut from Frank.

40 But it's not your evidence that he'd instruct Lynn or one of the office girls to just reduce your pay one week, he'd come to you and make - - -?---He would come to me.

What, did you pull it out of your account and give it to him in cash?---Well, when he say to me, like, I didn't - - -

Did you or didn't you?---Sorry?

How did you pay him?---I paid him cash.

Sensitive

So, what, you went to your bank, you pulled out, what were the amounts of money that you'd pull put in cash and give to Tommy?---I think when was 4,700, or, or, I would, I think, pay him two or two and a half.

So we'll be able to find withdrawals for, say, \$2,500 from your wife's bank account?---Some, on the - - -

10 Cash withdrawals.---On the big amount, when was 10 grand for 500 hours or something, definitely you can find this.

Well, let's go to that. It's Exhibit 41, page 68, please. This is the SIG payment schedule. You've seen this before?---Well, for, I didn't see it before,

Just assume from me it is. If we go over the page, please, entry 44. So this week, according to SIG, you were paid \$9,560 in cash?---Yes.

20 And none of that was declared to the ATO, correct?---No.

THE COMMISSIONER: That's for how many hours? 503.

MR ENGLISH: 503 there, thank you, Commissioner. So if we go back, it's tab 13 I'm looking at in the bundle you've got in front of you. Exhibit 76, which is, I think volume 5B, page 13. So here's all the shifts, and it goes over the page, this one. Here's all the shifts that you've been paid for, for this particular week, using assumed name. Do you see that?---Yes.

30 And if we go to the end, you can see the total's 503?---Yes.

If we go over the page, this is this other, sorry, to Exhibit 76, page 15. You might find it behind tab 13, Mr Balicevac. These are the shifts that you've claimed in this other format, do you see?---Yes.

So you can see that you've claimed, on Tuesday, Wednesday and Thursday, nine shifts in the evening over those three days for the SCA eviction?---Yes.

40 Would you have gone out to Rozelle and performed those night shifts out there?---In some occasions, yes, Mr English, but I can't recall if I was this particular night.

Well, if you did that, you would have come in to work the next day because you'd done your 2IC shift on Monday, Tuesday, Wednesday, Thursday and Friday. So you would have come in on almost no sleep, would you not, to do your 2IC shift?---Not, not the whole shift I would be there but say for two/three hours, this, this was sometimes but there was actually times when I didn't turn up at all.

Sensitive

So you'd turn up maybe for two to three hours, and as you can see on occasion be paid for the work of four people.---Yes.

And sometimes you wouldn't turn up at all.---Yes, that's right.

And this is for the eviction, isn't it?---(No Audible Reply)

10 You see from Tuesday the 25th, it says, "SCA eviction."---Yes.

So this is when the police were involved to evict the protesters from the Rozelle Campus.---Yes.

Could have potentially been a high-risk situation?---At this time there was arrangement, I think 20, 25, I might be, I might actually just be guessing but it was around actually 20, 25 guards. Tommy Sirour could not, or Lynn or either Frank provide these guards to the, to the uni, they, they didn't have capability to do this.

20 So you just signed false - - -?---Yes.

- - - names into the time sheet and took the money yourself.---Well, Frank was as well in here, not just me, I believe, so he, he, he knew this.

You didn't have any concern that you needed to report it to anyone that SIG couldn't field the required number of guards for this potentially high-risk shift?---No, I didn't report, but Frank knew it. As a, as a rostering person, he knew this.

30 Okay. And then the power shutdown occurred where you said you were told get more names than you were required. See the power shutdown from the 28th?---Is this the one we're talking what's happened at the Alpha 02 or Alpha 01, the one on Science Road?

I can tell you, just bear with me.---This is related to the 503 hours, Mr English, yeah?

Yes, the 500.---Yeah, yeah, okay. I understand. That's okay.

40 So you can see you've claimed, well, firstly on Saturday, sorry, on the 28th you do your 2IC shift at Camperdown and also claim for a Rozelle shift.---Yes.

You wouldn't have gone to Rozelle for that shift, would you?---No, definitely not, unless I go to have a look is everything okay.

And then you've claimed four shifts for the power shutdown in the evening.---Yes.

Sensitive

Would you have been present for any of those shifts?---Not probably for the whole shift but for some time probably, yes.

A couple of hours?---Yes.

Okay. Then you finish those evening shifts on the 28th at 4.00am and then from 6.00am the next day, if we go to the next page, you can see that you're claiming for another five shifts concurrently.---Yes.

10

Would you have been there for any of those five shifts?---No.

Okay. And then at 1700 you claim for a shift at the Badham Library, a shift at the occupation at Rozelle and at the same time another five shifts at the power shutdown.---Yes.

Would you have done any of that work?---Not, not the whole shift but I probably believe I just came in.

20 To which campus, Camperdown, did you?---Camperdown.

So you didn't go to Rozelle then for the occupation?---I, I don't think so.

Okay. Then according to this you finish at 5.00am and then on the 30th you start at 8.00am and you're being paid for five concurrent shifts for the power shutdown - - -?---Yes.

- - - on the Sunday. Would you have turned up on campus for any of those shifts?---Probably on Sunday I didn't, Mr English.

30

And then you've gone into an evening shift starting at 2200, another five shifts concurrently.---Yes.

Would you have turned up for any of those shifts for the power shutdown? ---I don't think so for Sunday, only maybe came Monday early morning.

So what happens with the power shutdown? I take it an entire building's power goes offline, does it?---As I explained yesterday, Mr English, this Daniel, I think Livings or Daniel Livingstone, I'm not really sure his (not transcribable) name. He's a Lendlease foreman.

40

Can you just answer the question and explain what happens with a power shutdown, please.---Sorry, what do you mean what happen?

Does the power shutdown occur when part of campus loses power?---No, no, no. Only certain buildings.

Sensitive

So certain buildings lose power.---And I think it was only three or four buildings impacted in, it was impacted like sort of one area is now impacted and second area.

And what does a guard do at a power shutdown?---Stay around.

10 What, with a flashlight at night because is there a lack of lighting?---Oh, yeah, could be yes, but the guards would hang around there. The amount of guards what we been required to organise, it was excessive. So in this case I can assure there was no one or there was no any safety compromise, Mr English, when I say this. Reason is I'm saying because it was enough guards anyway. Even let's say 12 take four, even eight was excessive.

If we can go to Exhibit 41, page 16, please.---Yes.

Do you see the entries for Ashlee Parker, Gabrieli Matia and Matthew Matehe?---Yes.

20 You see any similarity between the signatures for those people?---This is Thursday. Yeah, actually Gabriel and Matthew. I could say this is the, yeah, this probably, I don't know for Ashlee, but Gabriel and Matthew I can probably say that was my writing.

So you signed in for those people, did you?---Yes, but for Ashlee I'm not quite sure this is my writing.

What about Sameh Haroun? Did you sign for Sameh as well?---No, I don't. This, this is not my writing.

30 Those people never turned up to perform a shift that you signed in for, correct?---15 to 19, New Law Building. I don't know what was the job, Mr English.

Well, it says SCA for Gabi and Matthew.---Yes, SCA, yes. But I mean for Sameh Haroun, I don't know what was the job.

It says New Law Building something.---New Law Building. I'm not sure what, what was the, what was the, what was the job request.

40 If we go, please, to page 17. This is the time sheet for the SCA protest. ---Yes.

Is that your handwriting down underneath Additional Services?---Let me have a look. No, none of this writing. Maybe I can confirm Ahmed Saleed. The rest definitely is not my writing.

Page 7, please. This is for the power shutdown on Saturday, the 29th. See that?---Yes.

Sensitive

Is any of that your handwriting?---Nader Gad. Maybe Amir Khan. And I would probably say Adnan Saeed, (not transcribable) and Amir Khan. I'm not sure about Mostafa Elkholy, I will be honest, but this small writings and I didn't write, and this Eugene Kerr, this is not my writing, Nader or Matthew, none of them.

Okay. Page 3. The entries for the power shutdown.---Yes.

10 Are any of those your handwriting?---Yeah. To be honest with you, Mr English, I don't think any of my writing is here.

Where I took you to the previous page and you identified your handwriting, that included you signing in for those guards, did it?---What I said, yes, because Frank Lu would say couple of times I wrote, but he said to me, "Your writing is obvious." And he saying he would more write than me, but I did write as well.

20 If we can please go to volume 42, page 110. This is your time sheet for the week ending Sunday, 17 December, 2017. You see?---Yes.

If we go over to page 112 you've claimed 118 hours for yourself and 11 for Daryl.---Yes.

Turn to Exhibit 77, page 11, please, which is behind tab 22 if you want to look at your book. So you've been paid for 123.25 hours this week.---Yeah.

30 So you've claimed 111, sorry, 118 I think. I'll go back. 118 you've claimed but you've been paid for 123.25.---Yes.

And then if we go to Exhibit 77, page 12. You can see on Monday and Tuesday the evening shift you were paid for Kirkbride shifts.---Yes.

Would you have turned up for those?---Again, Mr English, if I would it will be just for, for a start of the shift.

40 So you're just leaving the building unattended, are you, on those occasions? ---I think there will be a guard on-site. It wouldn't be left completely unattended with no guard on-site.

Could it be? You're not perfectly sure.---No, no, no, I'm sure.

You're sure. On the 14th you're claiming a shift for Fisher Library at the main campus in Kirkbride at the same time.---Yes.

Then on the 15th you're claiming a shift for tents. Is tents at Camperdown? ---Yes.

Sensitive

Kirkbride which is in Rozelle a half shift with Frank.---Yes.

And a patrol shift as well. That's a contracted shift, isn't it, not an ad hoc shift?---Yes.

So would you have done any of those shifts?---Again, Mr English, if this would happen this would happen on the, on the beginning.

10 So you'd just turn up for a couple of hours at the start?---Yes, but didn't stay for a whole night.

So I mean you can see there that you're doing your 2IC shift as well. Would you just stay a couple of hours extra after your 2IC shift and then make these other claims?---Yes. Like I would finish 4 o'clock then after it.

If you go to Exhibit 44, page 50. It's behind tab 30. This is your time sheet for the week ending Sunday, 15 April, 2018. You're sending it apparently by SMS. Do you see that?---Yes.

20 Over the page you've claimed a total of 49 hours.---Yes.

If we go to Exhibit 78, page 10 and you're paid for 53 hours Do you see that?---Yes.

And if we go to Exhibit 78, page 11, you can see how those shifts have been performed. What's a Sydney Uni Village shift?---SUV.

30 What did you have to do there?---I think meant to be static until 7 o'clock or 9.00am from top of my head, Mr English.

So look at Monday. It says that you're doing an SUV shift from 5.00 until 8.00 and then you start your 2IC shift at 8.00. Do you see that?---Yes.

5.00 until 9.00, sorry, you do the SUV shift. Would you have turned up for that?---In, in some occasions, yes.

And then you did a Redfern bus shift after your 2IC shift. Would you have performed that task?---Yes. I would drive, drive, like, the students.

40 And then you're getting paid for some locking and unlocking tasks that week, do you see that on the 11th and 12th?---Yes.

And also the 13th, do you see that?---13 lock-up. This was unlock, yes.

And then no work on Saturday but on Sunday you've got a small patrol shift you're paid for. Would you have turned up and performed the patrol shift? ---Patrol shift for four hours. Mr English, I, I can't recall what was, like, I

Sensitive

usually, four hours patrol shift we, we never done, like, a, would be rather 12 hours than four but - - -

10 So you're paid here by SIG for 53 hours on top of your weekly wage from SNP. Would this represent a fairly regular week whereby there was no major ad hoc tasks going on but you were still performing additional shifts or at least claiming money for the payment in respect of such shifts?---Mr English, when, when this kind of period would come up, I also would perform a lot of shifts, like, let's say sometimes unlock guard, which doesn't take you long but you still get four hours or, like, a, or, or, like a lock-up. What even did sometimes happen during the day, they, like, people or, or some clients, they need escort to the Central Station and they - - -

Can I just ask you my question again. I think you're veering off track a little bit. Would this represent a regular week where you've claimed payments for additional shifts, notwithstanding that there weren't that many ad hoc tasks requested to be performed?---I will say, probably an average of 40 hours.

20 So here's 53. So you're a little bit more than the average for a quiet week, is that right?---When, when is really quiet, depends how, like, when it's a lock-down there is nothing. Example, when the Sydney Uni's in the lock-down, I don't think so there is, there is many shifts. I mean, all, all depends of how busy it is.

Is that a convenient time, Commissioner?

30 THE COMMISSIONER: Yes. Mr English, how much longer do you have to go, do you know roughly?

MR ENGLISH: I think I'll finish this witness today.

THE COMMISSIONER: All right. And I may be incorrect on this, but was there some suggestion that there was going to be interposing of witnesses today?

40 MR ENGLISH: There was. George and Mina Boutros, I don't know who would be called first at this stage, I believe they're going to be here from 2 o'clock, so we could interpose one of those witnesses or both at the Commissioner's convenience after I finish my examination of Mr Balicevac.

THE COMMISSIONER: Right. So that seems to contemplate that you will finish what, in another hour or so?

MR ENGLISH: Maybe a little longer. I don't expect to be long with either of the Boutroses.

Sensitive

THE COMMISSIONER: Okay.

MR ENGLISH: And before you adjourn, Commissioner, I've got compulsory examination transcripts of George and Mina Boutros. I'd ask if you'd consider vacating the 112 orders.

THE COMMISSIONER: Yes. I vacate those orders.

10 **COMMISSIONER VARIES THE SUPPRESSION ORDER OVER EVIDENCE GIVEN BY GEORGE BOUTROS AT THE COMPULSORY EXAMINATION HELD 19 OCTOBER 2018 SO AS TO PERMIT ACCESS TO THE TRANSCRIPT OF THE COMPULSORY EXAMINATION TO AFFECTED PERSONS AND THEIR LEGAL REPRESENTATIVES.**

THE COMMISSIONER: And do you want to tender them now?

20 MR ENGLISH: This is just George, I should say, George Boutros. Yes, if I can tender that now and we can hand it out over the luncheon adjournment.

THE COMMISSIONER: All right. That will be admitted into evidence and marked Exhibit 84.

#EXH-84 – TRANSCRIPT OF COMPULSORY EXAMINATION OF GEORGE BOUTROS DATED 19 OCTOBER 2018

30 MR ENGLISH: Would you like a copy, Commissioner, or - - -

THE COMMISSIONER: Not at the moment, no, I'm fine.

MR ENGLISH: Thank you.

THE COMMISSIONER: I'm reasonably keen to allow this witness to leave as soon as he can so he can get down to his bank and get those bank statements.

40 MR ENGLISH: I see. Well, I'll be as fast as I can.

THE COMMISSIONER: Thank you.

LUNCHEON ADJOURNMENT

[1.06pm]

Sensitive

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