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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 2.00PM

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

MR ENGLISH: Can Mr Balicevac come back to the witness box.

THE COMMISSIONER: Sir, the affirmation you took this morning still binds you. You're still obliged to tell the truth.---Yes.

Thank you. Take a seat.---Thank you.

10

MR ENGLISH: Mr Balicevac, on periods from January 2017 to February 2018 you were an SNP employee?---Sorry, again the years, I didn't hear.

January 2017 to February 2018.---Yes, '17/'18, yes.

And you took holidays, annual leave from SNP during that period?---I believe so, yes.

20 And you wouldn't argue against the suggestion that when you got paid in that period – I withdraw that. When you took annual leave in that period from SNP you were still making claims and getting paid through SIG?  
---Claims through SIG, you mean on the weekly payment or with the hours?

Both.---Well, when I was on holiday Frank Lu was down and he was saying, "I give you some hours."

Okay.---Yes, this happened.

30 And that included when you went on holidays with Mr McCreadie in New Zealand?---I probably would say so.

And in that period, January 2017 to February 2018, do you recall where else you went on holidays during periods of annual leave only from SNP?---I went to Tasmania.

And you would have got paid for some shifts pursuant to the arrangement with Frank on that occasion?---Probably could be, yes. I went to, I went to Queensland to Fraser Island.

40 Yes. Got paid then as well, did you?---I believe so, yes. And I believe I went to Snowy.

Snowy Mountains?---Yes.

And did you get paid then to your recollection, pursuant to the arrangement with Frank?---I believe so I was.

Now, in March 2018 a decision was made, or around March 2018, perhaps April, a decision was made at SNP to remove SIG as the contractor.---Yes. Something, something along this line, yes.

And you played a role in having Dennis Smith intervene for SIG's benefit on that occasion?---Yeah, well, yes, we, we - - -

Not we, you.---You, yes.

- 10 What did you do on that occasion in relation to encouraging Dennis Smith to make representations on SIG's behalf to not be removed as a contractor? ---Removed, yes.

What did you do?---Well, first of all, Mr English, I didn't have information that SNP is removing SIG. I mean, they never called me in the office. I believe Daryl McCreadie attended one meeting where they called him for the meeting and they advised him that the company, Multiworks, is coming across and decision is to remove SIG or Tommy off the Sydney Uni site.

- 20 And you're aware that Mr Smith wrote an email to Tom Roche from SNP? ---Yes.

Did you have any involvement in Mr Smith doing that?---Well, put this way Mr English, I didn't dictate him what to write or tell him you must write this and this. Yes, I, as I was sitting next to him, he was writing this email.

You also asked Dennis that he had to save Tommy, didn't you?---Well, could be, yes, if there is evidence, yes.

- 30 Well, you said on 20 June, 2018 – which is Exhibit 82, page 231 – you said, “Then I said Dennis, if he can somehow save Tommy, he did this for me.” That was in the context of - - -

MR O'BRIEN: Can the exhibit be identified for the witness, please?

MR ENGLISH: Sure. It was Exhibit 82.

MR O'BRIEN: Which is?

- 40 MR ENGLISH: His compulsory examination transcript from 20 June, 2018, page 231. I thought I did that, sorry. It's on the screen now. So we're talking about this period in 16 April. Do you see that?---Yes.

Down at around line 33, “Then I said Dennis, if he can somehow save Tommy, he did this for me.”--- “Then I said Dennis if he can somehow save Tommy.”

“He did this for me.” That’s your evidence there, you see?---If you could remind when I say he did this for me, what he did for me? Like, what did I -  
- -

Well, this is in the context of the email that Mr Smith wrote to Mr Roche, about saving SIG’s contract. Do you see, I mean, are you still reading it? See, “He did this for me. He says, look, Emir, I will do it but it’s a business between SIG and SNP and he still did this for me.”---He still did this for me.

10 Do you see?---He still did this for me. 2015.

No, it’s 2018. This is 2018. April, 2018. He did this for me, I don’t, I don't understand the - - -

Well, they’re your words. And if Exhibit 36, page 342 can be brought on the screen, please.---Yes, I can see it, Mr English.

20 The email from 16 April, 2018 is on the screen, do you see, when you were asked those questions?---Yes, I can see it and I, I do remember.

If we go over to page 3431.---Yes.

That’s the email that Mr Smith sent to Mr Roche.---Yes.

And was it your evidence that you were present when he wrote that?---I, I see the email before it went to Tom, yes.

30 Did you provide input into the contents of the email?---Not that I, I will say this, not that I provided input. In Dennis belief was as the building’s coming, like there is, there is a new development coming across and Dennis was more, was more worried that actually the guards will leave than basically, basically Tommy because he even said to me the way I can see this probably Tommy will last till November and that would be it.

So is this fair, you went to Dennis and said we’ve got to save Tommy and he said, well, I need Tommy to stay on for other reasons. Is that your evidence?---I could say so but this was, I will be honest also, this was from my end was dishonest towards Dennis.

40 What was dishonest towards Dennis?---Because I mentioned to him then like that Tommy will look forward to pull the guards off-site.

So you - - -?---Dennis was more concerned about that things get short, like guards go. This is where he was more worried than actually in believing probably saving Tommy in a way.

So you said to Dennis that Tommy will pull all his guards off-site if he goes, did you?---I think in this context, yes.

Was that some sort of threat you made to Dennis on Tommy's behalf?  
---When you say threat, not like a physical threat towards him.

No, no, no, but a threat of unpleasant action.---I could say so, yes.

And if we just go back to page 342. Dennis forwarded it on to you the response from Tom Roche. Do you see that?---Yes.

10 With a tick and a box and a number of question marks. Do you see that?  
---Yes, I see this email while I was, I was already on holiday on my mobile phone.

I didn't ask you where you saw it. And then if you go to the next email you forwarded along to Tommy, Lynn and Rosters and you say, "This email is to be between us, please. No one to forward further. See DS response below to Tom and Tom reply." Do you see that?---Yes, that's right.

20 Why couldn't anyone forward that on any further?---This was, this was actually an email between Dennis and Tom and in my belief also Tom wouldn't publish this email like, to anyone. It was basically high-management email.

Why did you betray Dennis's trust then and forward it on to Tommy and Lynn and Rosters?---Well, I just, because they, they were calling me almost every day asking me, even when I was on holiday they were asking me are we okay? Are we safe? Is anything happening with us?

30 Why did you go in and take these steps to speak to Dennis Smith with a view to saving Tommy?---Why did I go. To be honest with you, Mr English, I'm not quite sure why.

Was it because Tommy was paying you by this stage \$500 a week and you

Was it because Tommy was paying you by this stage \$500 a week and you felt obliged to help him?---Yeah, I could say this, yes, I could say this.

40 Now, was it the case that you said to Dennis, hey, we've got to save Tommy and if you do it, Tommy will look after you or give you something?---Not, not really along this line, I don't think so that I actually said this to Dennis. Dennis was more worried about actually what will happen with him, with guards.

Were you aware of any offer made to Dennis that if he did this Tommy would reward him?---I'm actually, Tommy was actually trying to get him something and he was offering myself and Daryl to go all of us in Gold Coast or in Melbourne, I'm not quite sure where it was, like all of us to go, but then - - -

THE COMMISSIONER: Including Dennis?---Yes.

Thank you.

THE WITNESS: But even myself believing this like, I would never believe Dennis would come with us.

10 MR ENGLISH: Did you do anything yourself to offer a benefit to Dennis if he was going to save Tommy?---No. No, Mr English. Like, myself to offer Dennis, no.

Did you ever pass on that Tommy wanted to offer a benefit to Dennis for helping him on this occasion?---Well, never actually was mentioned to Dennis that because if you save him you get this, but Tommy was sort of pushing to provide whatever is needed just to get saved.

20 Did Dennis every say, I'll do this but I'll only do it if you give me a benefit?---No, 100 per cent no, Mr English.

Never said anything like that?---100 per cent no.

Never requested anything to your knowledge in return for drafting this email and communicating with Mr Roche?---No. To me, no. I don't know with other people, Mr English.

If volume 2, page 183 can be brought on the screen, please.---Sorry, I don't  
- - -

30 Still waiting. This is an extraction report from Ms Li's phone.---Yes.

If we go over the page, there's a series of text messages.---Yes.

On 16 April, 2018, see that?---2018, which, sorry, which date was this?

16 April.---Yes.

See the timestamp?---Yes.

40 I'm just reminding you that your email to everyone that you forwarded on, having received an email from Dennis - - -?---Yes.

- - - you received the email from Dennis on 16 April at 11.35?---Yes.

And forwarded it on at 13.23. So you see the first message is from Lynn to you saying, "Please call me." See that at 10.02?---Yes.

And shortly after she says again, “Are you at work?” or “You at work?” Do you see that?---Yes.

10.29, Lynn sends a message to Tommy saying, “Tommy, Emir asked me to remind you about organising a gift for Dennis.”---Yes.

What do you know about that?---There was actually a talk from, actually Dennis was not probably much aware of this but Tommy wanted actually to buy him some flight tickets for overseas, Mr English.

10

Why didn’t you say that a moment ago when you were given every opportunity?---About what?

About when I was asking you questions and I think the Commissioner asked you a question as well about whether there was any gift or reward offered to Dennis in conjunction with the email which was on page 342. Why didn’t you talk about a trip overseas that was offered by Tommy?---Mr English, you asked me did Dennis say, I write this email, I get this, you ask me this question, and I said to you, “Dennis did not say in return I will get the tickets.”

20

No. I think I put a number of propositions to you, one was did he request something and the other was did Tommy offer him something.---I keep saying all this today, Tommy keep offering everything like to get Dennis in.

So let’s just focus on message number 3 from Lynn to Tommy. “Tommy, Emir asked me to remind you about organising the gift for Dennis.” Your evidence is now that Tommy wanted to organise overseas flights for Dennis, did he?---This is what he, what Tommy wanted.

30

And you knew that, didn’t you?---I was aware, yes, sir. I, I knew this.

And Tommy wanted to do that as a reward for Dennis speaking to Tom Roche, correct?---Well, we can agree, agree, this, yes, Tommy, this was Tommy’s intention, yes.

And then you can see the fourth message, Mr Sirour says to Lynn, “Yes please.” Do you see that?---Yes.

40 And then Lynn says to Tommy, “Do you want me to organise?” See that?---Yes.

And the same day, now the sixth message, 10.37, “Tommy says he wants tickets to overseas. Just call Emir and get all the details from him and then let me know.” See that?---Yes, I can see it.

That’s suggesting that Dennis wants the tickets and you know the details, correct?---What details, Mr English?

Just what it says, Dennis wants the tickets for overseas, “Just call Emir and get all the details.” So it’s suggesting you know that Dennis wants these tickets.---I did know because this is, this was Tommy’s suggestion when he was at the uni. He is saying how, because in this return, like, it’s sort of vague what Dennis does and he’s, like, sort of saving him. Tommy was the, I believe, sir, he was at the uni or before he went overseas, I can’t really remember. He was talking to me to get him overseas tickets. Yes, I am aware of this.

10

THE COMMISSIONER: Who was talking?---Tommy.

But this suggests that Dennis had said that he wants the tickets.  
---Commissioner, I’ll be honest with you, Dennis never asked Tommy for this.

Did he ask you?---He actually didn’t see him, I can’t recall even he seeing him for this.

20 But did he ask you?---Not that I can recall.

Is it possible that he did?---No.

Very well.

MR ENGLISH: Are you protecting Dennis?---Not at all.

30 Message number 8 from Lynn to you, “Hi Emir. I have talked to Tommy already. He asked whether you can give me all the details about the trip so I can organise the ticket.” It suggests that you had the details in relation to the trip that Dennis was requesting. Do you agree?---No. I didn’t have details. I don’t, I didn’t know where he wants to go.

THE COMMISSIONER: But you knew he was going overseas?---He had, Commissioner, he did have a plan to going overseas. I think his first trip was to Europe, is it maybe the year before or something. He did have plan to visit Europe and also he wanted to visit, I believe Russian Federation at one stage.

40 And he did go overseas, didn’t he?---He did two - - -

He went overseas after this, which is 16 April, I think. Is that right?

MR ENGLISH: I think he might have gone in 2017.

THE COMMISSIONER: Oh, I’m sorry.---I think year before, Commissioner.

MR ENGLISH: He wanted to go again, is that your evidence?

THE COMMISSIONER: Yes, to Russia.---I believe so, yes, to Russia.

MR ENGLISH: And at least, do you accept, Tommy thought that you knew the details of the trip that Dennis wanted to go on?---No, I didn't know the details of the trip.

Well, Tommy's suggesting he thought that you knew them, do you agree?  
10 ---Mr English, I can't recall that I knew. He had multiple destinations where he was talking to me he wants to visit and I was okay with this.

Tommy seems to think you knew all about it.---No.

MR O'BRIEN: I don't think that can be read, in fairness, into those SMS messages, Commissioner.

MR ENGLISH: The answer's been given but I don't rely on the answer  
20 anyway. And then go to message nine, you can see this is from Tommy to Lynn, "Tom emailed Dennis late last night and said there will be no changes to SIG at Sydney University." See that?---Yes, I, I, I do know this.

So it's clear, I suggest, that what's being discussed between Lynn and Tommy, do you agree, is organising a trip for Dennis because of his assistance in this matter of saving Tommy?---Mr English, I'm not saying he, they probably didn't but would Dennis Smith accept this or not, that's another, another thing as well.

Well, he couldn't accept it because two days later the warrants were issued  
30 in this matter, or executed I should say.---Well, I'm sorry I'm not fortune teller, I don't know what people think in the head.

And what did you say to Dennis after those warrants were executed?  
---I was at the, out at Moreton Island, I actually, Daryl, I think Daryl called me about this, like, ICAC, and I did ask him, I think in conversation I asked him who is these people and Daryl explained to me the full version ICAC and what they're doing and what's this function. I also messaged Dennis I think what's happened there, I think I previously sent that text to Dennis saying some police was down there and they took our computers and he  
40 didn't actually comment on this, he just, maybe two days later he mentioned something about his, his, his neck or shoulder or something in the message and we didn't talk. My reception was quite limited as well, but Tommy sometimes would call me, oh, this has happened. I says, "Tommy, I don't know who they are."

All right. And what about when you came back from Moreton Island? Did you see Dennis on campus?---Yes, I saw him first thing in the morning.

And did you have a discussion about the execution of the warrants?---He explained to me, he's saying, "Look, Emir, this is what's happened, do you believe this is, this is the, what's happening on the campus?"

And what was that, a time sheet fraud? What did he say had happened?  
---He mentioned, he mentioned time sheet fraud, he mentioned ghostings and he explain to me what's, I didn't even know at that time about ghosting, what he means. Then he says, "I'm sure this is, this is no way this happened." And I said, and I had no heart to tell Dennis this did happen and  
10 this didn't happen.

So you didn't come clean with Dennis and say, oh, look, I'm sorry, I'll be honest with you - - -?---No, I wasn't - - -

- - - you're like a father to me, I should tell you what actually has gone on, there were some weeks I claimed 505 hours of pay?---Yeah, I couldn't tell him, Mr English.

And you've never told Dennis the truth about your behaviour at the  
20 university. Is that your evidence?---I have to admit, no.

So since – when was your last day at the university?---4 November.

So from 18 April to 4 November you've just been working, sitting next to Dennis Smith?---He, he was at the uni, I really cannot remember when was his last day but I think he was there I think maybe a month or two months and he wasn't at the uni anymore, he, he went, he was always complaining that he has to do the surgery on his neck.

30 And did he ask you, do you know anything about this, Emir, can you tell me, why were the warrants executed, can you help me out?---What I could see he didn't believe in this scenario.

You thought he read what was contained in the search warrant and thought to himself, I don't believe this has happened here?---This is what I could see in his face.

You've said you're not a fortune teller I think a moment ago, but you can read faces.---I'm saying what, because, not just actually reading the face, he  
40 just says, "This is impossible, we never had complaints since," he doesn't, I don't remember any major complain for years, Mr English.

So you said he mentioned the time sheet fraud. Did he say, Emir, I want to see the time sheets going back for the last couple of months. Did he say anything like that?---He did mention but I says they're all disappeared from my shelf. You took, took them away.

And there were no copies kept to your understanding in soft copy?---Well, we had this paper copies, we would scan them, send them to SNP and this hard copy will sit there.

And you didn't say, oh, well, I'll go through the scanner log and find the copies that were scanned to SNP and provide them to you?---I wouldn't be able even to bring them, Mr English, unless I would contact IT at Sydney University.

10 So you say your evidence is that after the warrants you never disclosed to Dennis your knowledge of what was happening insofar as the time sheet fraud at Sydney University was concerned.---I, I sort of did mention to him that actually guards would turn up but use different names, but not ghostings.

You mentioned that to him, did you?---I think so, from top of my head, what I could remember.

20 When did you say that to him?---I think before he went to, before he went on his sick leave.

Did you say, so guards have been doing work, signing in under other names. You told him that, did you?---In sort of, in sort of this way, yes.

What was his response to that?---He, he says how this often did happen, and I, I didn't say to him much. I said to him it did happen but not heavy, and he says, okay, he basically say, "Who is going to get called in?" I says, "I have no idea."

30 Did he say, "Did you ever do that?"---No, he never asked.

So you've disclosed to him that there's people signing in with the time sheets at Sydney University using other people's names, and your evidence is that Mr Smith never said to you, "Did you ever do this practice yourself?"---I cannot recall he ask me this personally. I can't remember, Mr English, if he did ask me or not. He does, what I could see, he just didn't believe in this scenario. This is what I remember.

40 Did he say that? Did he say that to you? There's no way that this could have happened at Sydney University?---Not to this extent.

What did he say?---I didn't even read this search warrant papers. Anyway, I didn't even have access to this paperwork. But he, there was some big numbers involved in this, in this scheme and he, he basically believe this is, no way this happened.

He thought it was make-believe, did he, to your understanding?---When I say, Mr English, put this way, he more was related there was no issues. If

this was up to this extent, someone would raise something from the uni, like would say there is no guards, there is no this, there is missing people. If you understand what I'm trying to say, Mr English.

Did you ever tell him, well, there were occasions when there were no guards? In fact - - -?---No, I never told him this.

10 You never told him. Did you ever seek advice from Dennis as to how you should behave on campus after the warrants were executed?---What, what Dennis was advised from his boss – I think was Ben Hoyle or something – we had some meeting. He came and he said, okay, we, how to explain, we are now sort of in depression state but business as usual. This is what he said and, well, Dennis was passing message to all of us, business as usual.

All right. If Exhibit 56 can be played, that's the audio, and Exhibit 57 is the transcript. I don't ask that that come on the screen yet. If you can just listen to this, please, Mr Balicevac.---Yes.

20 It's a conversation between yourself and Mr Lu on 23 April, 2018.

**AUDIO RECORDING PLAYED**

**[2.34pm]**

THE COMMISSIONER: Mr English, I seem to have misplaced my copy of the transcript. Would there be a spare one down there by any chance? I may actually have a copy. Just bear with me for a second.

30 MR ENGLISH: You found it? It's a 14-page transcript, Commissioner, if that's the one.

THE COMMISSIONER: Just bear with me for a second. I've got it.

MR ENGLISH: Mr Balicevac, on your evidence today you had collected the pinball machine from Mr Smith's house sometime around Australia Day, was it, in 2018?---No.

40 But certainly by the 23 April, 2018, you'd collected the pinball from Mr Smith's house?---When I came from the Moreton Island.

Yes. So was that before or after 23 April, 2018?---No, it would be after.

What, so you're saying you collected the pinball machine after this call, is that your evidence now, is it?---When I came back, when I came back from the holiday.

And you're on the holiday here, are you, and you're saying, so you've collected it after this call?---No, when I came back to Sydney, I still was away, Commissioner.

THE COMMISSIONER: Yes, but after 23 April?---Yes.

MR ENGLISH: So after you knew the warrants had been executed pursuant to this investigation, you went to Dennis's house and collected the pinball machine, is that right?---Yes.

10

Did you do that out of the consciousness of guilt?---Not, not really, Mr English. I'm happy to explain the whole details.

No, you did that yesterday and you said - - -

THE COMMISSIONER: I thought you said Australia Day.

MR ENGLISH: Yes, Australia Day was your first evidence, that by Australia Day, you said he didn't want it, that Mr Smith didn't want it anymore and you went and collected it.---No. I never says on Australia Day, I, I collected, Mr English.

20

Just hold on.

THE COMMISSIONER: I thought you did, but anyway.

MR ENGLISH: So your evidence, I'm looking at, Commissioner, transcript page 498, you said that there was this renting agreement, do you recall that, he rented it for about a year?---Yes, 12 months, yes.

30

12 months. So on your evidence you deliver it to him in January 2017 and you said, transcript page 498, line 27, "For how long?" "I gave him in January, so in Australia Day. This is when I meant to get the machine and he didn't pay me, from that day he didn't pay me anymore."---Well, that's right, Mr English.

40

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

You said, "When did I get it, when I came back from Moreton Island."---Yes, this was the original deal to get it from him.

So, question, "How long ago was that?" "Maybe almost a year ago but I meant to pick it up in January in Australia Day."---Yes.

So is that your, so your evidence was you meant to pick it up at Australia Day but you didn't pick it up until April. Is that your evidence?---Yes, that's right, Mr English.

10 All right.---Maybe, I can't even recall I pick it up in April, probably would be May. I didn't pick it up first week of April or when I came back, probably two weeks later or three weeks later.

THE COMMISSIONER: What did you pick it up in? How did you get it from Mr Smith's place to your place?---I actually wanted to go with my, on my car to put it on trailer but because the trailer have the, what do you call, as you know, it's not very stable and this, this all things can jump up and down, then I went to my friend and got the van and I actually put it, put it as more safer in the van than put it in the trailer.

20 And who was your friend?---Ezy. I can give you his details, Ezy Sisic.

Can you spell those names, please?---S-i-s-i-c.

That's his surname, is it?---Oh, sorry, yes, yeah.

And his first name?---I-z-z-y.

30 And was he with you?---No. He had a worker somewhere around Cronulla and he says, he said to me, "You go to this place, leave your car there, get the van and you can, you can bring the van back."

And how did you get the machine into your van?---It's a big van, Commissioner.

It's a big machine too.---Yeah, but you know, honest, I brought it in the van.

But how did you get it into the van?---Well, opened the back door - - -

Was Mr Smith at home when you did this?---Yes.

40 Did he help you to get it into the van?---Obviously. I wouldn't be able to do on my own.

That's my point. And when you got back home, how did you get it out of the van?---I believe me and my missus took it out. It's not super-heavy machine, Commissioner, but it's more, more, more awkward to carry on.

Thank you.

MR ENGLISH: Why did you tell Frank that if Dennis asked about the pinball machine he had to act like he didn't know?---When, when I borrowed, when I borrowed this money from Frank, Dennis never knew I borrowed any money from here, okay. I first meant to get this through one community - - -

Can you just answer the question?---Yes.

10 Why did you tell Frank, "If Dennis asks you about the pinball machine, act like you don't know"?---It was more I meant to say - - -

Not more what you meant to say, why did you tell him that?---Because he never knew about this machine.

Who's he?---Dennis, he never knew Frank is, has gave me this money.

So gave or lent it to you?---Well, lent it.

20 Okay. So on your evidence today before the Commissioner you said that Frank lent you the money at a time when you hadn't even agreed to rent the machine out to Dennis. On your evidence today Frank thought the machine was for you.---Well, on the start, yes.

And then did you happen to say to Frank, oh, well, you know, Frank, I've now lent it on a commercial arrangement to Dennis?---Well, yes, I did say this to him.

And if it's - - -

30 THE COMMISSIONER: I don't understand, I really don't. Let's just go back a step. At the time you had this conversation you believed apparently that Dennis might mention the pinball machine in his meeting with Mr Smith, sorry, with Mr Lu at Broadway. You thought he might mention it. ---I thought Frank will mention it, about the, something about machine.

No.---I was more in to believe this, Commissioner, in the conversation - - -

40 No. I'll just remind you what you said. First of all you said, "Frank, about my thing okay." Now, that - - -

MR ENGLISH: I think that might have been machine and it's a mistranscription.

THE COMMISSIONER: Oh, my machine.

MR ENGLISH: Yes, my machine.

THE COMMISSIONER: And then you said, "About the pinball machine, if DS ask me act like you don't know, okay?"---Yes.

So that seems to suggest that you were concerned that Mr Smith might mention the pinball machine during this meeting at Broadway. Do you agree?---The way I said it I should probably say other way around.

But you didn't, you see.---Yeah, I didn't, Commissioner. That's right.

10 No. So why did you believe that Mr Smith might raise the pinball machine with Mr Lu?---I don't know, Commissioner. I, I'll be honest with you. I have no idea why I even mentioned this to him.

And you told him to say to Mr Smith - - ?---I have no idea.

- - - if Mr Smith talked about it that Mr Lu was not to say anything about it. ---Yes, that's right.

20 And so it was important to you that Mr Lu pretend to Mr Smith that he didn't know anything about it.---Why - - -

Is that right? You can give me an explanation in a moment but you were telling Mr Lu, weren't you, that if Mr Smith raised the subject he was to say - that is, Mr Lu - was to say I know nothing about it.---Yes, that's right, Commissioner.

30 And was that because Mr Smith had made it clear to you that you should never ever tell anyone about this pinball machine?---It was, it was more as he, as I gave the, as I lended him this machine it was more he might bring to Frank and say Frank, look, now all these things happen. Even I have this machine or not and I just says Frank, you just say you have no idea about this.

Why would you be worried though? If you're telling the truth and he was merely renting the machine from you, why would he give a damn about whether Frank had provided some of the money to purchase it for you? ---Commissioner, I, I will be honest with you. I was, I was always a bit worried someone say something from one thing become the massive things.

40 One thing that people might say is that you purchased this machine for Mr Smith.---No, Commissioner.

And I can understand in those circumstances that you'd be very concerned that Mr Lu did not indicate to Mr Smith that he knew anything about it. Do you agree?---My moral, my, my moral intention was that actually Mr Lu doesn't sort of make him more sort of in panic in this. Like I'll be honest with you, when this machine was done and when I came back I said Dennis,

this is what it is. And he believed no one will, will believe this, Commissioner.

Yes, and people might believe that you in fact had purchased it for him. Correct?---Well, looks like - - -

No, is that right?---Commissioner, it looks like this way too.

10 Yes, and Mr Smith told you, didn't he, that he was concerned about that. That if the Commission got hold of the records they might form the view that this machine had been given to him as a bribe.---Well, in one way it could look, look like that way, Commissioner.

And that's what Mr Smith said to you.---No, he just, what actually happened, Commissioner, when I meant to get this machine in January from him he basically, when I came at the uni he said now, this can look like that actually machine you bought for me.

20 Yes.---And I says, I says why you worried about this, Dennis? I actually told him this when I was at the uni. He says you don't know, today one thing, from one thing can turn other way around.

But he still took it, didn't he?---They can, I still took it, yes, Commissioner.

No, no, he took it.---Yes. No, no, no, this was, I'm talking when I came back from holiday, Commissioner. But I'm talking before, he didn't actually raise this concern, Commissioner, that he will be worried or anything. He says I am paying you this. In one year you get it back.

30 But he raised that concern with you after you returned from your holiday at Moreton Bay or Moreton Island?---Yes.

And did he tell you that you must not tell anyone that he had that pinball machine?---Not really, Commissioner. I was more, I just didn't want him to know how I, like that I borrowed the money from anyone.

Why?---I don't know, Commissioner. I, I can't explain - - -

40 Isn't this the fact, that you believed that if it became known to Mr Smith that other people knew, such as Mr Lu, that he had this pinball machine, he would get very upset?---I don't think he would be, he would be upset that he didn't know how this machine come. He would be more upset about this, Commissioner, than, he would say (not transcribable) he was keeping me this, that I didn't know how did you get this machine.

What did it matter if he was only renting it from you?---Commissioner, things happen when I got this machine and it was all upside down. Like, when I say upside down that is also where this as well factored, there was

also email, Commissioner, where Frank had access to, I can't remember now the date, he had access to my email account, and he would actually write from my email. This is actually where I really was panicked about this. This was like two thousand maybe '15 or '16. He wrote this email saying that Dennis giving us hours and everything, and he kept this email. Since that time I told him clearly you, to destroy this email. This is not true. And Frank would go with this email, he says, "You don't know. Emir, you need to plan what can happen in five years' time." I don't know do youse guys have, if you do, it was basically putting the facts down that when the thing hit the fan, that they, they can just show this to whoever, to the police or to the uni, this is what was happening, so we can have him on this. I says, "Frank, you never use this ability because if the person has nothing to do with this, why you actually throwing him down?"

What's that got to do with you being concerned that Mr Smith might find out that Mr Lu had loaned you money to buy a pinball machine?  
---Commissioner, I was embarrassed. This is real true. Like - - -

Embarrassed about what?---Huh?  
20

Embarrassed about what?---Dennis was in believe I am actually getting this machine for me on my own.

Yes, and you were, on your evidence.---Yes. But as soon you get someone else lend you the money, doesn't look actually it's yours. Like, I mean, it does but he probably would say, okay, I don't know, Commissioner, I can't explain myself.

Isn't the fact this, that as you understood it, Mr Smith would be very concerned if he knew that Mr Lu was aware that he, Mr Smith, had anything to do with this pinball machine?---I'm not sure would he be concerned, Commissioner.  
30

All right. Let's go back to Moreton Island.---Yes.

You said you picked up a machine from Mr Smith's home.---Yes.

And around that time you had a discussion with him where he expressed concern, as I understand your evidence, that this might look bad, this pinball machine. Is that right?---Yes. He did mention this to me.  
40

When did he mention this to you?---When I came back. And I said to him, "Dennis, if you want for another year, you can keep it now."

And what did he say?---He says, "I, I really don't, don't want this machine anymore." He says, "I paid you 12 months." Even at that time when I was at, from Honeymoon Bay at his place, he says, "You can take it from me. Taking me space in garage."

As I understood the evidence you gave about five minutes ago, he had expressed concern that this arrangement might be misinterpreted.---Yes, that's right.

And therefore you should take the machine away.---He was more worried about this, that this thing would be misinterpreted, Commissioner.

10 And so he wanted you to take the machine away from his house to your house.---Yes, which (not transcribable) in January.

And did he say how it might be misinterpreted?---Commissioner, I can't really remember, but he basically just says, "Think sometimes even what you don't do can turn around against you. Till you prove the point, can cost you big dollars." This is the way I understand.

20 That's what he said to you?---Yeah. He said, "Sometimes till you prove yourself, it can, or some people end up even in gaol for nothing, and after 20 years, oh, sorry, it's mistake."

That's what he said to you?---Yes, in that context, Commissioner.

Thank you. Yes, Mr English.

MR ENGLISH: I just want to change subjects if I can now. Do you remember when you first gave evidence I asked you about who had access to your Apple iTunes account?---Yes.

30 You said you did and sometimes your wife might access it but she'd generally need to ask the password from you, do you recall that?  
---Sometime she would ask, sometimes not. Depends how iTunes would ask her, yes.

And you suggested you thought that the phone that you provided to the Commission was not the same phone that you received back. Do you recall that?---Mr English, I was in belief of this but you mentioned something, serial number and some SIM cards. I, I did never checked on this, what did you, I never checked my serial number of my phone.

40 Well, I'm going to hand you a document. I've got a document for you, Commissioner, well, it's really two documents. This version that I hand up contains personal information and I believe a redacted version can come on the screen. Can I tender that now with a copy of that - - -

THE COMMISSIONER: Are you tendering it as a redacted - - -

MR ENGLISH: Can the redacted version be the version that's tendered, which is that which comes on the screen.

THE COMMISSIONER: Yes, of course Of course.

MR ENGLISH: There's two copies there, one for the Commissioner, one for the witness - - -

THE COMMISSIONER: The redacted version of this document, which is to be put on the screen now will be admitted into evidence and marked 85. Thank you.

10

**#EXH-85 – EXTRACTION REPORT AND EVIDENCE RECEIPT OF THE MOBILE PHONE OF EMIR BALICEVAC**

MR ENGLISH: So if you just recall, Mr Balicevac, your compulsory examination was on 15 June, 2018, which was a Friday?---Yes.

20 It finished in the afternoon that day, very late, did it not?---Maybe 4 o'clock or something, yes.

And you can see the first page of Exhibit 85, if that can be brought on the screen, please. I'm told the redacted version's not ready. So I'll just - - -

THE COMMISSIONER: That's okay.

MR ENGLISH: I'll just do as best as I can for those who are disadvantaged by not looking at this. You can see it's an extraction report, can you, Mr Balicevac, the document I have just provided?---The front page, yes.

30

And you see it says, "Source extraction," and it says, "Extraction start date and time." I'll just give you one to look on with your – I've got one coming on the screen now. You can see there it speaks of an extraction start time of 18 June, 2018 at 17.12, do you see that? See that, Mr Balicevac?---Yeah, yes.

And there's an IMEI number, do you see that, IMEI, and there's a long number that ends in 8-8-6?---Yes.

40 So just accept from me that the IMEI number there refers to your SIM card. Is that the handset? I'm sorry, that's the handset and the SIM ID is the other one ending in R-A-1-1-0. Do you see that?---Yeah, yes, but I don't know these numbers. To me doesn't mean - - -

Well, and then it says that an extraction commenced on 18 June, 2018, at 5.12, do you see that? Or at 1712, do you see that?---Extraction, yes. Yep.

And just to the next page of Exhibit 85, if we can. I'm told this one can't go on the screen. I'll just show your legal representative. If you see, Mr Balicevac, if you look at the first page, the evidence number matches up with the evidence number on the second page, which is a receipt for property being returned to you, do you see that? See that evidence number ending in 0-0-1?---Yes, I can see it.

That matches the evidence number on the first page?---Yes.

10 And then if you look at the IMEI number, ending in 8-8-6, it matches the IMEI number on the receipt for property being returned to you?---Yes.

So is it still your evidence that you think that the phone that was investigated by ICAC and examined isn't the same phone handset that was returned to you?---Mr English, comparing this evidence, yes, but I did mention yesterday this was my belief.

Okay. Is it still your belief?---I don't know.

20 Okay. All right. And then I'll just, Commissioner, hand up another two documents. These are unredacted versions. If a copy could be provided to the witness and one to you, Commissioner, and if the redacted versions can be tendered as Exhibit 86.

THE COMMISSIONER: Thank you.

30 **#EXH-86 – EMAILS TO EMIR BALICEVAC FROM APPLE  
SUPPORT REGARDING ICLOUD SIGN IN VIA WEB BROWSER  
DATED 15 JUNE 2018 AND 18 JUNE 2018**

MR ENGLISH: I've got a copy for your legal representative, Mr Balicevac. ---Thank you, sorry.

40 If the redacted versions can be brought on the screen, please. Can we go to the other document first, please. Now, see that one on the screen, if you can look at your document and it says, "Dear," and there's a certain name underneath that redaction, "Balicevac." Do you see that?---Yes.

And it says your Apple ID and then there's an email address there.---Yes.

That's your details, isn't it, as you see the hard copy in front of you?  
---(not transcribable) yeah, yeah, that's my (not transcribable)

Don't repeat it. We might need to, do we need to suppress, Commissioner? We might just need to take a suppression order, the witness there I think just mentioned what his login detail was.

THE COMMISSIONER: I don't think he went the full way. I'm quite happy to deal with it any way you like. There's no need to repeat those details, but just confirm whether they are or are not yours.

MR ENGLISH: Okay.

THE WITNESS: This email, yes, Commissioner.

10 THE COMMISSIONER: Thank you.

MR ENGLISH: So if you see that, it says that someone using your Apple ID accessed or signed into iCloud via a web browser, and the time is 15 June, 2018, 1.53pm PDT. Do you see that?---Yes, Mr English.

Now, you can accept from me that that is Pacific Daylight Time and it equates to the time of Saturday, 16 June, at 6.53am Sydney time.---6.

So the next morning.---Yes, could be, yeah.

20

So was that you, do you recall, after you came in and participated in your compulsory examination on 15 June, that you logged into your iCloud via a web browser?---No, Mr English.

You didn't do this?---No.

On your evidence the only people that could have done this is you or your wife.---Well, I, we are only one who have access to the Apple ID in my knowledge.

30

Well, it must have been either you or I suggest your wife on your instruction. What do you say about that?---Sorry, Mr English, no.

If you look at the second page - - -

THE COMMISSIONER: Sorry, this is on the 15<sup>th</sup>, is it, or the morning of the 16<sup>th</sup>?

MR ENGLISH: No, it's the morning of the 16<sup>th</sup>, Commissioner.

40

THE COMMISSIONER: Which was the Saturday.

MR ENGLISH: That's right

THE COMMISSIONER: Just remind me, when did he first give evidence?

MR ENGLISH: On the 15<sup>th</sup>.

THE COMMISSIONER: Thank you.

MR ENGLISH: The Friday.

THE COMMISSIONER: Thank you.

MR ENGLISH: Finishing at around 4 o'clock.

THE COMMISSIONER: Thank you.

10

MR ENGLISH: Then the second page you can see it's made out to the same people on the version you've got in front of you?---Yes.

And this time says, "The following changes were made to," that's your email address, is it not?---Yes, that's right, same as previous.

Yes, "Were made on 18 June, 2018." Now, that says Greenwich Mean Time. Now, that is Monday, 18 June at 6.19pm. So on the Monday at about 6.00pm at night there was a change made to the billing information. Do you recall doing that?---No, Mr English.

20

Well, it could have only been you or your wife who made those changes to the billing information. Do you accept that?---I will definitely say not my wife because she really doesn't know much about computers.

THE COMMISSIONER: Well, that leaves you.---But, Commissioner, it's not me. I be honest with you. But if this erase happened on Tuesday, Ms White emailed me on Tuesday, this erase happened on Tuesday morning, am I, am I correct on this email what I'm - - -

30

No, you're incorrect.

MR ENGLISH: No, you are incorrect.---But, Commissioner, I have email. I don't have access to my email account. On Monday I was talking to Anthony and to Leonie regarding my phone. Is this correct?

What I want to suggest to you is that you knew that there would be incriminating messages on that phone between you and Tommy.---Between me and Tommy?

40

Between you and Tommy.---No, we didn't, we, we, Tommy was calling me on WhatsApp. He can't call me on the, on the, on the, what do you call - - -

This is your handset, you see. This is the issue, that it's saved on your handset.---He would, he was always calling me on WhatsApp when he's overseas. He never use - - -

He messaged you on WhatsApp too, didn't he?---He did message me and he did call me.

And you knew that your messages with Tommy would be on that phone and you in a consciousness of guilt took steps to have it restored to its factory settings. Correct?---No, Mr English.

10 THE COMMISSIONER: Is there any other explanation you want to offer as to how this information disappeared having regard to the fact that you're the only person apart from your wife who knew - - -?---Commissioner, how did this happen?

Mmm.---I don't even know myself.

20 So there's nothing further you want to add?---I was, I was (not transcribable) on Tuesday because on Monday I can confirm now, Mr English, I was receiving feedback for, from Ms White and Anthony that examination is in place to take my phone because the deal was on Monday 9.00am I get this phone. Am I correct, Commissioner?

I don't know.---Yeah, and on - - -

What's that got to do with - - -?--- - - - Tuesday morning I receiving phone but erased.

Because somebody had accessed your account and erased it.---I am not saying this is not correct but - - -

30 And the only person who could have done that was you.---No, Commissioner. I don't have nothing with this.

Very well.---I just was upset, Commissioner, that I lost 10 years of data on my phone.

MR ENGLISH: Well, if we can go to Exhibit 36, page 345.

40 THE COMMISSIONER: Sorry, just one other matter. Were there texts between you and Mr Dennis Smith on that phone?---It was between everyone, Commissioner.

Thank you. Including Mr Smith?---Yes, everyone.

Thank you.---I never changed this device.

MR ENGLISH: Sorry. Exhibit 36, page 345. This is the extraction report of your phone. If you go to the first page. You saw this page yesterday. This was part of the WhatsApp messages that you deleted between yourself and Tommy. Do you recall seeing those messages when I took them to you

earlier about Christmas presents for Dennis and Simon?---Yes, that's right, Mr English.

And then it jumps to the 22<sup>nd</sup> of the 4<sup>th</sup>, 2018 and although it all says incoming, we'll try and decipher some of these if we can. It seems to be Tommy saying to you, "How are you, Emir? I need to talk to you when you're free." Do you see that?---Yes, I, yeah.

10 Now - - -?---This was in, yeah, this was - - -

After the warrant has been executed.---Yes. Yeah.

If we go to the next page, 347.

THE COMMISSIONER: What does the word deleted mean, Mr English?

MR ENGLISH: The messages have been, there's been an attempt as I understand it to physically delete these messages from the phone but they've been retrieved through the extraction process.

20 THE COMMISSIONER: So they were physically deleted?

MR ENGLISH: That's right.

THE COMMISSIONER: On the phone?

MR ENGLISH: That's right.

30 THE COMMISSIONER: Did you do that?---I can't recall deleting, Commissioner.

Who else would have done it?---When you're using, Commissioner, the, like, I don't know for WhatsApp, but if I send you the photo, the photo goes inside the phone straight away on WhatsApp, automatically saves in your photo messages, and I don't recall deleting any messages, me and Tommy.

40 Well, somebody did, using your phone.---I, I don't know unless was, unless someone accesses the remotely, Commissioner. I didn't notice my phone turning on and off by itself.

MR ENGLISH: If we go to page 347, this time on 24 April, you say, "Tommy, I'm here with friends. Can't talk." Do you see that?---Yes.

He says, "Okay. Are you online?" Do you see that?---Yes.

Did you chat via online mechanisms as well with Tommy when he was in Egypt, did you?---Like, online or we would call, like, make a WhatsApp call, which is like a, as a normal telephone number.

Then it says, “Emir, we need to talk. Call me when you can.” Do you see that?---Yes. He probably, he wrote this to me, am I right? Yes.

Yes, that’s on 21 May, 2018. And then on the 22<sup>nd</sup> you seem to say, “I’m not sure, Tommy, why are you ignoring my calls?”---Yes, because I called him multiple times, because when I was in Moreton Island he would call me so many times, and when I got back to Sydney I tried to call him back.

10 You go on to say, “Well, I’m going to gaol. You don’t care.”---Yeah. This was more, more as a banter, like as a, more as, I can’t say it’s a joke, this is a serious thing, Mr English, but I sort of was just not having fun but just sort of as a joke.

Well, then you go on to say, “Tommy, I’m fucked,” and then he writes back, “Why? I heard that you and Frank are good now. The only person who is blamed for everything is me and you guys trying to put it on me, and you know that I didn’t do anything and you and Frank were collecting the money and the hours.”---Yes, he was saying this, yes. And I said to him, he  
20 asked me, I think we had a contact and he asked me how many times I was at the ICAC, but this was only 22<sup>nd</sup>. I says I went two times but by that time I didn’t even come at least even once.

Yes, so, what, you’re lying to Tommy there, are you? Because you didn’t go to ICAC until June of 2018.---No, no.

So why did you tell Tommy that you’d been to ICAC when you hadn’t?---It was just more – to be, to be honest with you, Mr English, I thought even I  
30 won’t even come. I’ll be honest with you.

You won’t even – what, you wouldn’t be summonsed to turn up here? Is that what you thought?---At one stage, probably. But Tommy would call me and he says, he says, “Oh, Emir, this is a federal matter. This is going all through the, through the roof of the country.” This was his evidence.

It goes on to say, and it’s difficult to know who’s saying what here, but “I called you a few times. You’re ignoring my calls.” It says, “If you are that clean, why are you not here?” I suggest that’s probably you, your message to Tommy.---Yes. I said to him if you thinking you are innocent, because in  
40 many, in many other messages he would write to me, oh, you done this, you done this, and I, and I started getting enough of this. I says, well, if you are clean, Tommy, you come and prove your innocence.

And it seems that you say towards the bottom of the page, “Just remember you fucked,” I think you meant to say, “so many guards.”---Yes.

How did he fuck so many guards?---Mr English, he left them. He left them. When I came back from the Moreton Island, these guards would come to

me, and I'm not saying they would cry but, oh, my God, what should we do now? If he was a proper boss or employer, he would be sitting with the guards and saying, okay, I'm here for you.

And I think you say paying cash. See that? So - - -?---Yes. Well, a lot of guards concerned this to me.

- - - that's 10 seconds later. So, "You fucked so many guards by paying cash," is that what you're saying?---Yes.

10

Now we go over the page. "Now for your stupidity, they paying bills while you hiding overseas." See that?---Yes, that's right.

You say, "Tommy, not only pays are involved, also money laundering." What do you mean by that, "also money laundering"?---What Tommy, like, used to do, like, even, can't remember which year, he did offer me I think before I signed with SNP, he offer me in probably 2014 or '15 to open up the company to get like what's actually happened, the same thing, just to not go back with - - -

20

THE COMMISSIONER: Elredi.

THE WITNESS: - - - Elredi. He did offer me this and I knew getting this much money, obviously I'm not saying I did the right thing what I, when I was at the uni but I think this is more, more bigger.

30

MR ENGLISH: So you knew Tommy was paying guards through what you described as a money laundering scheme, is that right?---Well, he, not that I, I did, I found this out when I actually came from the, from the, from the holiday, when I got from holiday and even if you have some conversation myself and Frank, Frank would come to me and say Tommy took 10 million dollars to Egypt. He done this, he took this. And I says wow, like, I says well - - -

So why, if you know that Tommy's involved in money laundering schemes, are you - - -?---This is what Frank told - - -

40

Just let me ask the question, please. Why you, just five weeks earlier, say to Dennis Smith, who's a man you trusted, correct, and looked up to?---Yes.

You've got to save this man, Tommy, why are you saying that?---About money laundry when I was at, on holiday up there, Frank actually brought this to me saying Tommy was doing a lot of money laundry.

Oh, come on. You just gave evidence to the Commissioner where you said that Tommy had approached you to do a scheme like Elredi.---He didn't, how to say, he, I will be honest, like, doesn't, he's not here and I'm not saying, he didn't say I need to do money laundry for him but he wanted me,

oh, I build you a business and you are your own boss, you are this, you are, you don't have to worry much and I wasn't interested in this but he offered me this, yes.

Well, it's your phrase, money laundry, so you knew it was one way to hide money from the authorities, is that what you knew?---This phrase actually Frank gave to me to be honest with you, Mr English. He gave this phrase about money laundry.

- 10 All right. Let's go down to the middle of the page, 10.54, "Tommy, how come you kept records when guards are crying now? Tommy, there will be guards as well going in gaol, getting cash plus Centrelink." See that?  
---Some guards, yes.

Who are the guards that got cash plus Centrelink, to your knowledge?

---When, then I came back, this was a talk about there is a guard Yahya Alabdulla, then, then I found this out that he was on Centrelink plus doing the work at the uni. I didn't know earlier than this.

- 20 You were getting paid using Yahya Alabdulla's name too, weren't you?  
---Yeah, yeah. I, I'm not saying I didn't, Mr English.

Well, you said guards, so you said plural, who else?---Yahya, I think, I'm not hundred per cent sure, Mr English, but I meant to say guard or guards, like, but every guard at the uni was sort of worried about this because some guards, apparently they were students.

- 30 So then you say, "I have another meeting on Thursday again. Tommy, this is big, I can tell you." Do you mean a meeting at ICAC?---Yes.

So you're lying to Tommy there?---Yeah. I just, yeah, that's right. Because he was, he would always call me and he would basically try to scare me, this is what's happened with you, this is what's going happen with you. Then I says, okay, Tommy, you want to go with this, I will, I will tell you back things too.

- 40 And then Tommy seems to issue a threat to you that "If you and Frank are not going to stop, I'll send all the evidence to ICAC to prove to them that you and Frank are the ones who did everything." Do you agree with that, that you and Frank are the one that did everything?---No, I wouldn't say we did everything, Mr English. Tommy's instruction was clear that he would be providing the names to us, giving us all these details, he all approved this to Lynn and this was all from him. Not, I'm not saying myself or Frank we didn't the, we, we did a good thing but if he didn't allow this to happen, obviously he could intercept it.

Go to the bottom of the page. It's a bit hard to know who is saying what here but there's a message at 7.32, "ICAC has everything, Tommy." I'd

suggest that's from you. And there's a message, "Your evidence they have just to let you know." And then there's a message at 7.33.25, "No, what I'll send you a record now from you and Dennis also with Frank." Do you see that?---Yes.

Is that you sending that to Tommy or is that a message from Tommy?---No, I believe this is from him.

10 THE COMMISSIONER: What did you understand him to mean?---There is more messages to this, Commissioner. He would actually sometimes just like a make-up thing - - -

Forget whether he's making it up, but what did you understand him to be saying?---He basically giving us a false threat.

And what was that threat?---I have evidence about a record from you and Dennis with Frank. He basically trying to make this false threats. It truly didn't bother me, Commissioner.

20 A recording?---I don't know. He was, he was always talking he has a lot of recordings and what he has I don't know but I, in my, in my knowledge he never actually had any recording with, what do you call it, that I know that Dennis and Tommy made direct contact over the phone.

Thank you.

30 MR ENGLISH: Go over the page. Tommy seems to suggest to you at 7.34.34, "Did you tell them we, we been business partners?" And you say it seems, "We never been business partners."---We never been business partners, that's right.

Well, do you agree Mr Sirour thinks you were partners?---Maybe he does. He can think anything but we never been business partners.

40 And then do you know who says, "About money laundering, you need to explain them." Who says that?---Again going back, Mr English, I don't know who did say because there is a lot of some deleted messages and on and off but when I, when I came back I heard a lot of things. There was talk how this time we did a lot of things for him. How did Nader, let's say for \$2 million to transfer overseas he would get \$100,000. This was all, this was all talk. There was no evidence that I know Nader did this. There was no evidence that Taymour did this. It was - - -

Well, that's right, isn't it. So you say - - -?---It was more talking.

Nader and Taymour admitted to ICAC you've transferred big amounts of money overseas. Do you see that?---Yes, I told him this.

That was a false statement, wasn't it?---Yes.

And you're putting those two people potentially at risk by making that statement, aren't you?---I didn't put them at risk. They, this is actually, this is actually what Frank told me, Nader and Taymour admit everything to ICAC what Tommy did to them.

10 Yes, but you're spreading false information about Nader and Taymour to Tommy and you know quite well he might not take kindly to hearing that about that that's originated from those two people. It never concerned you that he might want to take retribution against those two people you've named there falsely?---Look, Mr English, probably it's wrong what I did, right, but in the other hand Tommy was asking me to go to protect his wife. I'd never actually seen his wife and I don't know how she looks like. ■■■

20 ■■■ and he was asking me if I can assist him in this and I said to him look, Tommy, the best is she can call police and ask for this protection. This is what Tommy was giving me. Are they now friends or they're, he just was giving me a, a bluff I don't even know either, Mr English.

Now, go to page 350, 7.44.31. It seems to be a message from Tommy saying he's got one of 16 records I have between you, Dennis, Frank and Daryl.---Yeah.

What are those records to your understanding he's referring to?---I encouraged him to provide these records, Mr English. If you have these records provide them.

30 It seems to suggest he's got bank statements of you and Frank getting money from Taymour.---No, I never got any money from Taymour.

Well, you did. Taymour deposited it into your wife's account.---Oh, well, Mr English, maybe Taymour was in the background but Tommy was the, Tommy was there.

40 Page 351, Tommy seems to suggest to you at the top of the page, "Emir, you know how to stop Frank, you know that everything we're in now is because of Frank."---He was in impression I can actually stop Frank.

Stop Frank doing what, what, with the mobile phone?---Yes, he was asking me to take his mobile phone and I says, "Tommy, you speak to him and take the phone if you want."

Well, are you sure you didn't speak to Frank about the mobile phone on Tommy's instruction?---Mr English, I had spoke with him but I never physically ask Frank to give me the phone, 100 per cent about this.

Well, you spoke to him what about the phone but you never said, give it to me. Is that right?---No, I says I don't care about the phone, but, and also other people were inquiring about the phone, but I never say, Frank, you must give me the phone, you must do this.

Go to page 352, middle of the page, 8.05.24. "In the last 10 days I went three times. I went in today, ask anyone, I wasn't at work." See that?  
---Yes.

10 Falsely saying to Tommy you went into ICAC three times in the last 10 days.---Yes. Is there some conversation he would call me, he usually used to call me on Viber in the morning, Mr English.

You used to have oral conversations with him, did you?---Well, he would be calling me on Viber, so when I go to work, before I go to work he would call me, I will go in gaol, I will go this, this is what will happen to you, then as he try to throw on me I throw on him.

20 All right. So where that one says 8.10.20, "I believe I can go to gaol three to seven years," is that you or Tommy saying that?---I think this was, I think this was, this was writing me to Tommy what I could see from here, Mr English.

That you, so are you being truthful there or is that just - - -?---Well, when I know what's actually happening probably this is true. I, I never had to deal with law enforcements in this country since I came.

30 What are your concerns based around on? The fraudulent conduct in the time sheets?---Yes.

Accepting bribes from Tommy?---Well, yes.

Giving bribes to Dennis?---No.

You've got no concerns about that?---No.

40 And it goes on, 8.10.49, "It's okay, but you told me that Tom," I think it's Roche, "would try and fix it with the uni anyway." Do you know who said that? Is that your message or is that Tommy's message?---He's saying that I told him Tom Roche will, I don't, I never talk about Tom, I don't recall Tom Roche like basically he will interfere and he will do this. I said to him, when I all calculated and I said, "Tommy, I'm gone, like, that's it, I'm done." But he was, I don't know why he was thinking Tom Roche will interfere this so it doesn't go public or something.

And this on page 354 indicates your last conversations with Tommy on 11 June, 2018. Have you had any conversations with Tommy since then?  
---No, Mr English. Definitely not. I had so many private calls in the,

especially usually around 5.00, 6.00, 7.00 in the morning. I'm not saying it's him but I, I basically, I ignored these calls. So is this him or not? Especially after me going out from ICAC, for probably first month I had so many missed calls from private number. Not saying it's him. Maybe it's not him. I don't know.

That's the examination, Commissioner.

10 THE COMMISSIONER: Thank you, Mr English. We have to interpose one of the Boutroses, don't we, this afternoon?

MR ENGLISH: Yes. Yes, I'm told, if we can, Mina Boutros should go first.

THE COMMISSIONER: All right. Now, I'm going to let you go but you're going to have to come back tomorrow.---Commissioner, I'm drained. Can I have maybe a day rest?

20 No, no, no. I want you back tomorrow. But what I will do, I made an order that you produced those bank records tomorrow. I'm going to extend that until next Monday.---Yes.

So that will give you time to get them.---I already have arranged, Commissioner, for Commonwealth Bank. I have to now just search for another invoice, where, with who did I pay. Am I allowed to call Zax Amusement and ask them if I can get these records from them or not? I'm not trying to intervene.

30 No, I think we've got them, haven't we?

MR ENGLISH: We've got a statement, that's right.

THE COMMISSIONER: Yes.---Okay.

Yes. It may assist if – I'll do it now. There's no reason why, if we have a spare copy of that statement, it can be given to - - -

40 MR ENGLISH: I've given one to Mr O'Brien, but there's a spare copy that can go to - - -?---Yes.

THE COMMISSIONER: Well, you can take that with you if you like, but I'd like you to come back at 10 o'clock tomorrow morning.---Yes.

Thank you.---Leave this here?

MR ENGLISH: No, if that can be returned to the associate, please, those materials. Thank you.---No worries.

**THE WITNESS STOOD DOWN**

**[3.43pm]**

THE COMMISSIONER: Come forward, please. Sir, will you take an oath or an affirmation?

MR M. BOUTROS: Bible.

10 THE COMMISSIONER: The Bible?

MR M. BOUTROS: Yes.

THE COMMISSIONER: Thank you.

THE COMMISSIONER: Take a seat, please. Sir, can you tell us your full name?---Mina Boutros (not transcribable) Boutros.

And what's your occupation?---Now?

Yes.---I'm not working now.

10

And you're unrepresented? You don't have a lawyer here?---No, I don't have, no.

20

All right. Just some things I should tell you about your rights and obligations as a witness. As a witness you must answer all questions truthfully and you must produce any item that I require you to produce during the course of your evidence. Now, you can object to answering a question or producing an item, and the effect of that would be that although you must still answer the question or produce the item, your answer or the item produced can't be used against you in any civil proceedings or, subject to one important exception, in any criminal proceedings. So as you're asked questions you can object, but then you will still answer them. If you object, it protects you. But rather than you objecting to every question, I can make an order that all your answers will be regarded as having been given on objection, and therefore you don't have to keep saying, "I object." Now, would you like me to make that order? It protects you?---I'm agree to answer all the question.

30

You don't want me to make an order?---No, I'm agreed to answer question. I'm going to answer all the question.

I think I'm going to make one anyway because you're unrepresented.---No. I'm happy to, I'm clear, I'm going to answer all the question, that's all.

40

I understand that but I'm just a bit concerned and I'll tell you why. If you give false or misleading evidence to this Commissioner, and I'm not suggesting that you will, but if you do, the evidence can be used against you in relation to a prosecution for an offence of giving false or misleading evidence and it's very serious. It can lead to imprisonment for up to five years. And I know you told me you're going to tell the truth and I accept you are going to do that, but I'm just a bit concerned that if you're wrong and we are misled and you have done that knowingly, you are going to get yourself into terrible trouble.---I swear on the Bible, so I'm not lie.

MR G. BOUTROS: Can I say to him, please? Can I speak to him in Arabic because maybe he didn't get it. Can I talk to him in Arabic to explain to him what you just said because maybe he didn't understand.

THE COMMISSIONER: You're the brother, aren't you?

MR G. BOUTROS: Yeah. I want to translate for him because he didn't understand the, the Act 38 and all these things (not transcribable). He didn't, he just misunderstand that. Can I explain to him what you just told him in Arabic so he can get it?

THE COMMISSIONER: Yes, of course you can. Of course you can. Come forward.

10

MR G. BOUTROS: Yeah, sorry about that.

THE COMMISSIONER: That's okay.

MR G. BOUTROS: (Speaks Arabic)

THE WITNESS: Okay.

MR G. BOUTROS: Sorry about that.

20

THE COMMISSIONER: That's okay. Can you just for the record, state your name, so that - - -

MR G. BOUTROS: Yes. It's George Boutros.

THE COMMISSIONER: And you're his brother?

MR G. BOUTROS: I'm his brother.

30

THE COMMISSIONER: And you've endeavoured to explain to him that it's in his interests that I make a section 38 declaration?

MR G. BOUTROS: Yes and he said yes.

THE COMMISSIONER: All right, thank you,

MR G. BOUTROS: Sorry about that.

40

THE COMMISSIONER: No, that's okay. It's been a long day, hasn't it? Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by him during the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

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

10

THE COMMISSIONER: So the effect of that order is that you get protection for the answers you give, but if you give false or misleading evidence or indeed you commit any offence under the ICAC Act, but most importantly giving false or misleading evidence, then what you say this afternoon can be used against you, but otherwise it can't. Yes.

MR ENGLISH: Thank you. Mr Boutros, I want to deal with you as quickly as I can today and hopefully let you go by 4 o'clock. Do you understand?  
20 ---Yep.

You just have to listen to the questions carefully and just answer them as succinctly as you can, if possible. You used to work for SIG?---Yep.

You know Tommy Sirour?---I just meet him one time.

Pardon?---I meet him one time only.

When mean on time, do you mean when you worked?---I was at work and  
30 he came one, one time to meet Frank.

THE COMMISSIONER: One time.

MR ENGLISH: One time, okay.---Yeah, one time.

Got you. How did you get the job at SIG?---I did the job and I just did one  
day, like, I was working security before and then, so I ask my brother if they  
had a job and then said all right and so I have done interview with Daryl but  
Daryl, like, he said, "He's no good an English, I don't want him." But later,  
40 after two years, I got there job.

So you did an interview with Daryl, was that for a position with SNP or  
with SIG?---I think it was SNP. Yeah, but I got refused but after two years,  
I think they need a lot of guard to work.

So you got a job with SIG or - - -?---Yeah, SIG but after two years from  
this, after two years.

And you worked only at Sydney Uni for SIG, is that right?---Yeah.

When did you start?---I don't remember but maybe at the end of 2015, beginning of 2016 or something like that.

When did you leave SIG?---No, I work after that SNP.

Oh, you got a job at SNP, did you?---After, because he transfer all the guard from SIG to SNP.

10

Was that after the search warrants were executed in this investigation?  
---Yeah, yeah.

Now, from time to time you'd perform shifts using other guards' names on the site time sheet, wouldn't you?---I used have it, in 2016, there was a big problem in Sydney Uni because not too many CMS operator.

CMS?---CMS operator and then, like, the boss every, every three month, like, sack one of the guard and - - -

20

The boss, Tommy?---No, no, not Tommy, the boss in Sydney Uni.

Okay.---For CMS. So usually have short for CMS operator and then asking me you need to cover, you need to cover, because SNP guard control, they don't want to do overtime, so they're asking me to cover. Just me and another guard usually work with Tommy and cover these all shift, me and Salah, so I used to work with Frank four shift and then do another four shift with Amyna. So eight shift a week.

30 Eight shifts a week, did you say?---Eight shift a week, this is minimum.

How many hours, how many hours a shift?---It's 12-hour shift.

Okay. So my maths probably isn't good enough, but I think that gets you up around 96 hours of something a week?---96 hours a week, because we don't have CMS operator and to prepare someone to be CMS operator you need to have a training from America and this one need at least six months.

And so sometimes, just go back to the question I asked.---Yeah.

40

Would you sign on for some of those shifts under someone else's name?  
---Yeah, I did.

Okay. Who told you to do that?---We usually, they usually send us the roster and the roster phone with the names we use it. For example, it's my shift, like, I use my name, with Amyna shift, use this name.

Who sent you that information?---This is the roster, phone, like, sometime (not transcribable) and then Frank after that, so like that.

So Frank would suggest to you, are you saying, what name you should use for particular shifts?---It's not suggest, like, he's sending me tomorrow with Amyna under this name from this time to this time, so I usually, because I don't know the licence number so I just put the name, that's it.

Right.

10

THE COMMISSIONER: So he would give you this information, you'd write it in and then sign it?---They send it to me in my phone from the roster phone and so just you need to attend tomorrow like that, or you're going to work with Amyna four shift control and from this time to this time under this name, or tomorrow it is event, you need to attend and this event you have to use this name, because I can't put any names, maybe someone use it so I don't know.

20

But the names you were using weren't your name.---No, my name's for the (not transcribable) shift but so overtime or something, they give us another names to use it.

Thank you.

MR ENGLISH: And you'd send a time sheet for yourself personally to someone at the SIG office each week, wouldn't you?---Yeah, each week, yeah.

30

And you'd identify, I think you just said you didn't know the licence numbers but you'd identify sometimes another name that you'd signed in under. Is that right?---Can you read the question again, please.

You said you didn't know the other guards' licence numbers but sometimes you'd say in your personal time sheets that you were doing a shift using another name.---I just do (not transcribable) what will happen is the names what they give it to me, I just put it in the (not transcribable) that's it.

40

So can we go to Exhibit 38, page 138, please. So this is an email from you to info@sinternationalgroup.com. Do you see that?---Yeah.

Working hours - - ?---Yeah.

- - - for the week-ending Sunday, 28 August.---Yeah.

You've identified two shifts, Tuesday and Saturday, where you're working under someone else's name. Do you see that?---Yeah.

How did you go about selecting those names to use on the Tuesday and the Saturday shift, that's Eslam Aly and Shekar Wali. They send it to us in the phone.

So this is, was this Frank or Frank would send this to you, would he?---I don't know is Frank or Ali before because this has been Lynn and after that Ali and after that Frank.

10 Okay. So you've claimed a total of 113 hours for that week.---That's right, yeah.

Okay. If we can go to Exhibit 75, page 17, please. So this is an SIG document you understand.---Yeah.

They made it in the office, but it's been slightly amended to make it in chronological form - - -?---Yeah.

20 - - - Monday to Sunday. So it says, just like your shift, that you're to be paid 113 hours.---Yeah.

And it's identified on two occasions that you used the name Eslam Aly and Shekar Wali. Do you see that?---Yeah.

And then if we go to Exhibit 75, page 18. This is that sheet you just saw laid out in a different way.---Yeah.

30 So there you can see that you've done the Eslam Aly shift on the 23<sup>rd</sup> and then you've gone into your own SIG shift in green. Do you see that? ---Yeah.

And then on the 27<sup>th</sup> you've done Shekar Wali's shift.---Yeah.

Or the shift using that name and then you've gone back to back into your own SIG shift.---Yeah.

And just have a look at from the 26<sup>th</sup> to the 27<sup>th</sup>.---Yeah.

40 That suggests you're working somewhere in the order of 36 hours without a break.---I used to have a break during it. I have done one time five shifts a day.

Sorry, what was that?---I have done five shifts a day before.

THE COMMISSIONER: Five shifts straight?---Yeah. And this message me because they send me a message on the phone. They said to me can you do tomorrow, tomorrow morning because I was working night and I said I can't because I have done five shift and I show, I show the message.

MR ENGLISH: Well, we might come to that in a minute. I just want to, Mr Boutros.---Yeah, yeah.

You said five shifts straight.---Yeah.

What is that, two and a half days, five 12-hour shifts?---Yeah, two and a half days.

10 And no one can really be awake for that long. Do you - - -?---No, I used to be, because if any longer I have done it (not transcribable) shift, I'm going to go home. I don't have like, I'm working with SIG so I'm not SNP guard, so if I do anything wrong or I have done anything wrong I will not stay. That's why just take a break usually from 2 o'clock in the morning until 4 o'clock in the morning and afternoon the same.

Where would you take that break?---I take a, it was just my break so I take it from 2 o'clock in the morning till 4 o'clock in the morning.

20 Would you have a sleep in that break?---Yeah, sleep in this break.

Where?---I usually sleep in my car.

On campus was it?---On campus and I usually get my clothes with me so I have a shower. There is a disabled toilet in the building so I go and have a shower, shaving, yeah.

So you'd freshen up in between the shifts?---Yeah.

30 And did you feel some sort of pressure that you had to perform these shifts, did you?---What do you mean by pressure?

Well, you said you weren't SNP you were SIG. Did you feel when you were asked to do these shifts you had to do them or were you - - -?---I have to, I have to do it.

Why, you felt like - - -?---Because they don't have enough staff to cover.

40 So what did you think would happen if you didn't agree to do these shifts? ---They cut my shift.

They'd cut your shifts back to how many hours a week?---No, I have one of my friend – I don't want to mention his name – but he was working with a team and one of the control operator gave him hard time. It was (not transcribable) and the guy get (not transcribable) and then he left home because he got sick and then he said to him I will not give you more than four hours a day.

THE COMMISSIONER: You must have been exhausted after doing five shifts straight.---But I don't have option. I don't have a choice. It's not only me. I have another two, two of my staff used to do for example 140 hours a week. Yeah.

That's pretty tough.

10 MR ENGLISH: You said you got something on your phone. What is it, it's a message asking you to do five shifts straight, is it?---Yeah, just I show, I show him.

It might ask if you can just show that to me, please. No, through the associate. I'm not going to, I'm just going to look at that screen.---Yeah.

I'm not going to go through your phone. You understand?---Yeah, yeah.

And this is from roster manager?---Yeah, this is the phone, yeah.

20 So is that as you understand from Mr Lu, Frank Lu?---I'm not sure who is the one there this time. I'm not sure.

And it's 3 December, 2017 a question, "Can you do tomorrow day???" And then a new message, "???" And then you write back, "No, bro. I have five direct. That is good. Need shower and relax." And the reply is, "Okay NWS." Is that no worries?---No worries, yeah, no worries.

"I got Lina to go in."---Yeah.

30 Thank you. That can be returned.

THE COMMISSIONER: Thank you for that. Do you have Ms White's telephone number, Leonie's telephone number?---Yeah.

Can you send her a copy of that text?---Yeah, sure.

You don't have to do it now but sometime, sometime this evening. Is that okay?---Okay. Yeah, sure.

40 Thank you.

MR ENGLISH: I'm wondering if we can please go to Exhibit 42, page 115. This is another one of your time sheets.---Yeah.

You can see it regards Mina. See that?---Yeah.

It's been blackened out but it's from your email address.---Yeah.

And it's Monday, 18 December, 2017. Now, you've identified that you're doing two shifts on Wednesday and Thursday, under the name Zain. See that?---Yeah.

And then you've said, "Saturday/Sunday, library/library." What do you mean by "library/library"?---Because sometimes he send me in library but I don't know what's the name. Sometimes not sending me the name.

10 So you're just saying I'm working in the library but I don't know whose name I'm meant to work under, but that's where I'm working?---Yeah, I don't know, I don't know the names.

And you've said, "Total hours, 106. Can I have 16 tax?"---Yeah.

20 What does that mean, "Can I have 16 tax?"---I usually confirm with them to have a tax because one day I talk to, I don't remember, Lynn or Tommy, I just talk to Tommy three times in my life, and Lynn, I said to her, "I need to have tax." They said to me, "No, you have, you should, because licence, Tommy licence has a limit," I think so. She said to me, "Tommy licence has a limit so I can't give you more than that."

Right. So it was Lynn who suggested the most you could have was 16. ---And they have to repeat it every time, otherwise, they're going to miss to give me the 16 hours.

30 Why did you want to have your hours taxed?---Because I need to work on tax just if something happen to me or something. Just I need, but some people told me even if you work on tax, you not pay tax. They told me that  
- - -

What did you understand when people said that to you, that sometimes even if you think you're getting paid tax, you won't be paying tax?---No, I meaning about 16 hours. They said to me you will not pay tax for it.

THE COMMISSIONER: Because you're below the threshold?

40 MR ENGLISH: You mean SIG won't pay, some people said SIG won't pay, even though - - -?---Yeah, he said it doesn't matter if you take tax or not but at the end you will not pay tax for you.

Well, yeah, okay.

THE COMMISSIONER: I think he's talking about the threshold, isn't he, for individuals? He can do 16, yes, I think that's - - -

MR ENGLISH: Is it your understanding, so 16 hours means you won't incur, it's too low to incur a tax liability or that SIG won't pay the tax on your behalf to the government?---Because before I, my brother was fighting

with them to get more hours but he didn't because if, like, I can have more hours it's meaning you can have rights to, like, be like annual leave, sick leave and this stuff. But they didn't give it to him but I think he has argue with, with Tommy, I don't remember, and then because he been in Sydney for long and they said to him (not transcribable) all right, I give you but don't tell anyone, and this has happen with him. So no, no way he going to give me more than 16 hours.

10 If we can go to, please, Exhibit 77, page 17. Here's this spreadsheet, this chronological spreadsheet like last time, you recall?---Yeah.

So you see in yellow there's the Zain Abidin shifts that you've identified. ---Yeah.

And then there's the Saturday/Sunday where you identified library.---Yeah.

And you've been assigned the name Bernadette El-Cheikh and Oliveria Bejatovic.---Yeah.

20 So is it your evidence that you didn't know that they were the names that you were going to be assigned to for the purposes of those shifts? You just thought you were doing the library?---No, maybe they send me this one.

No, they didn't send you this one. I'm not suggesting they did.---(not transcribable) so, no, I don't know.

Okay.---I didn't see this one before.

30 If we can just go to Exhibit 77, page 18. If you just see here, on 13 December, see how your Zain Abidin shift overlaps with – it seems you did some work at a senate meeting?---Yeah.

40 Did you know that your patrol shift there was overlapping with the senate meeting?---Yeah. I'm telling you what happened exactly on this day because I review the, the phone and I got what happened. So what happens, he need someone to work with (not transcribable) in the senate meeting because not anyone can do this job and the guy he usually do it, he's not coming. So they said to me, you need to do this job, you're going to start from 10.30 until 8 o'clock, 8 o'clock, not 10.00, and I said but I have a shift with Amyna, I, I have messaging and then he said to Amyna, you can have it with Kerem and you should be fine. I said, all right, I'm going to do the shift. So I went to the shift, and the shift I think finish 8.00 or something like that, but Lina, she stayed more because she wanted to sign 10 o'clock because she going to take this money from SNP. So she wanted to take the money, she going to have overtime from SNP because she is SNP guard. So should have signed 8.00, she signed 10.00 and then I, I remember, I sign the time I finish, but I find one of the team leader delete, the, the shift in front of you. Someone, like, delete the, the my time and they want 2200 and they

said to me I have to sign the same like Lina. If Lina sign 2200, you have to sign 2200 because this is going to go to the same so you should have the same time, the same like her.

Who told you that, to do signing like that?---I don't remember who was the team leader at this time, I don't remember, but just, like, I try to remember everything from the form.

10 And was there, I mean, was there some amendment to the site time sheet for you to re-sign for up to 22 hours?---Sorry?

Was there some amendment made to the site time sheet? I'm just trying to understand what you're saying.---What I say, like, I supposed to finish 8 o'clock and someone delete 8 o'clock and make the signature 10 o'clock.

And, what, they crossed out 8 o'clock, did they?---Yeah. If you see, if you see the shift in the front of you - - -

20 THE COMMISSIONER: And did that have the effect that you got another two hours?---Yep.

But you didn't do the work?---No because I finish, I finish early because, but because she put 10 o'clock and they, they said to me, you have to sign the same like her. If she finish 10 o'clock, you have to finish 10 o'clock and she wanted to finish 10 o'clock because she wanted to have overtime because she usually have the senate meeting, she usually take it from SNP, not from SIG, yeah.

30 So you get overtime with SNP for the senate meetings?---Yeah.

MR ENGLISH: So there you got paid for a particular time when you weren't at the senate meeting and you were doing the patrol shift, were you?

THE COMMISSIONER: No, he'd finished.

THE WITNESS: The senate meeting finish early.

40 MR ENGLISH: Well, can we just go back to page 18. You see you were paid for the patrol shift from 1800, which is 6.00 but I think your evidence was that you finished at the senate all right 8.00, which is 2000?---Yeah.

So there's two hours there - - -?---Yeah. Because I got a message that you need to do it and then I'm going to talk to Kerem or something, don't worry, like, you know, we need someone to cover the shift.

And you don't recall who gave you that instruction, is that your evidence? ---Huh?

Who gave you that instruction that that'd be all right.---I don't remember this time. I try to remember but I don't remember.

It was the roster manager, was it?---I don't remember it was the team leader or roster at this time. I don't remember. If you look at the sheet, you're going to see someone delete and put 2200 on the top, it's not me.

10 Sorry, I can't help you with that quite at the moment. Can I just ask if Exhibit 44, page 35 be brought on the screen. Here you see this is your personal time sheet for the week-ending 14 April, 2018.---Yeah.

You've identified three shifts under, four shift under Zain and one library shift. Do you see that?---Yeah. It was four shift under Zain because I'm doing CMS with Amyrna at this time.

20 So that's your CMS shifts, is it?---Yeah, because I'm doing four shifts with Frank and then after another four shift with Amyrna. So for example if I work Monday and Tuesday morning and Wednesday/Thursday night with Frank and then I have to do 24 hours because I have to continue with Amyrna next day.

All right. We'll come to that. If we can go to Exhibit 78, page 16, please. This is the format that you've seen previously. Do you see that?---Yeah.

Saying that you're to be paid for 96 hours.---Yeah.

16 on the books. If we go to Exhibit 78, page 17, see there's on the 14<sup>th</sup> - - -?---Yeah.

30 - - - you're paid to do your control room shift and you're also paid for a Fisher Library.---No, it's not, it's not right. If you, if you check in the table, the person who put entry to that, he put it wrong.

You think there's an error there, do you?---Yeah, it's error there. I never done two shifts at the same time.

Well, if we go - - -?---There's the library from 1700 to 5.00 and the shift from 6.00 to 1800.

40 So you say there's an error in the table. Okay. I see what you're saying. If we just go back to page 35, Exhibit 44. Saturday you've identified a shift from 6.00 to 1800 and 1700 to 5.00 the next morning. Is that right?---Yeah.

Okay.---But this is because I was doing CMS operator, so I, it's usually start from 5.30 to 1730. So it's just half an hour gap and usually like to go there.

And just to take you back to a point you raised before.---Yeah.

Exhibit 43, please, page 48. Sorry, it's probably 14, page 14 I'm sorry.  
Here this is 13 December, 2017.---Yeah, yeah.

Is this what you're referring to? You see if you go down there's your name,  
Mina Boutros.---Yeah.

11.30, and then you said it's crossed out, 2200.---Yeah, it's not me.

10 Yes. And then it says, "Senate meeting." Do you see that?---Yeah.

So is that your signature?---It is my signature because, this my signature but  
the number in the top is not my writing.

That number there where the hand is?---That 22 is not mine.

So someone has changed the hours there.---Yeah, because if you go up on  
the top for the shift before, you see Lina Chami, she has done control from  
6.00 to 11.30 and then she have a senate from - - -

20

So if we go back to page 13 - - -?---Yeah.

- - - there it is there, Lina Chami.---She signed from 6.00 to 2200, so she can  
have overtime from SNP.

And patrol in the senate. Do you see that?---(No Audible Reply)

Do you see that, patrol - - -?---Yeah.

30 Yeah, okay. Thanks, Commissioner, that's the examination.

THE COMMISSIONER: Does anyone have any questions of this witness?

MALE SPEAKER: No, thank you, Commissioner.

THE COMMISSIONER: Yes.

MR DEAN: I just have one question to clarify something.

40 THE COMMISSIONER: Certainly.

MR DEAN: My name is Dean. I appear for Mr Sirour.---Yeah.

You said the roster manager was Frank.

MR ENGLISH: I think he said he couldn't remember who it was actually.

MR DEAN: No, no, I'm just talking generally.

THE COMMISSIONER: Generally I think, yeah.

MR DEAN: There was a number of roster managers over the time you were with SIG. Is that, that was the case?---Three. Lynn, and then what's his name, Ali Muzaffer and then Frank.

That's right. So Lynn then Ali then Frank.---Yeah.

10 Thank you. That's the only question I have.

THE COMMISSIONER: Thank you. Thank you, Mr Boutros. Is there any reason why this witness shouldn't be excused from his summons?

MR ENGLISH: He can be excused, Commissioner.

THE COMMISSIONER: Sorry?

20 MR ENGLISH: There is no reason why not.

THE COMMISSIONER: You are excused from your summons and thank you very much for your assistance.

**THE WITNESS EXCUSED**

**[4.15pm]**

30 THE COMMISSIONER: Mr George Boutros will have to come back tomorrow morning. I'm sorry, it's getting a bit late and I do apologise but you'll have to come back tomorrow morning, and what I propose should occur is that he should give us evidence first.

MR ENGLISH: At 9.30?

THE COMMISSIONER: At 9.30 tomorrow morning. And then we'll continue with Mr - - -

MR ENGLISH: Cross-examination of Mr Balicevac.

40 THE COMMISSIONER: Yes. And, Mr Coleman, if you're in any difficulty because you've been away for most of the day - - -

MR COLEMAN: No, no.

THE COMMISSIONER: - - - you can go last if you like.

MR COLEMAN: I think we'll be, thank you, Commissioner, but I think we'll be okay. We'll review our position overnight and it may well be we have nothing or very little to ask.

THE COMMISSIONER: All right. Terrific. I'll adjourn till 9.30 tomorrow.

**AT 4.16PM THE MATTER WAS ADJOURNED ACCORDINGLY**

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**[4.16pm]**