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INDEPENDENT COMMISSION AGAINST CORRUPTION

STEPHEN RUSHTON SC  
COMMISSIONER

PUBLIC HEARING

OPERATION GERDA

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 21 FEBRUARY, 2019

AT 2.00PM

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

THE COMMISSIONER: Mr English.

MR ENGLISH: Thank you, Commissioner. Exhibit 92 can be brought on the screen, please. This is an extraction report from Mr Balicevac's phone that we were looking at yesterday.---Ah hmm.

10 If you can go to page 3, please. There's an entry on the 7<sup>th</sup> of the 3<sup>rd</sup>, 2017, from Mr Balicevac to you. "Boss, Tommy asking if he can see you tomorrow in morning for 10 minutes max." See that?---Yes, yes.

"If he can be squeezed."---Yes.

Then you seem to have a continuing conversation. You say, Mr Balicevac says to you at the bottom of the page, now we're over onto 8<sup>th</sup> of the 3<sup>rd</sup>, "I know you're busy, Tommy keep asking to see you."---Ah hmm.

20 Over the page. On the 12<sup>th</sup> you say, "See what Tommy on about in morning."---Yep.

Or I think that's what you say.---Yeah.

A-b-o-j-t. Do you see that?---Yes.

THE COMMISSIONER: Do you agree that's what you were intending to convey?---Yes, sir.

30 Thank you.

MR ENGLISH: Then the message from Mr Balicevac to you, "Yeah, quick brief, boss." Is that how he'd refer to you, Mr Balicevac, "Boss?"  
---Usually.

40 "I think me and Daryl believe SNP going to sell. I mean there is indications and massive losses to a company. Me and Daryl got bit worried what is next. Myself and Dazza approached Tommy this could happen and in contract for ad hoc work uni can use anyone. Dazza mentioned to Tommy uni is tightly budget. Tommy thought to offer ad hoc around 30 or 31 ex GST which save some money to uni and keep him running compare 34.56 ex GST. Tommy guards covering contract as subbie compare SNP anyway. Other thing is if SNP sell and approach someone basically me and Daryl have no job security and Tommy as subbie could be gone, but if Tommy got few things he can keep us running. Other thing boss always in battle what will happen next. SNP going through hard times and as me and Daryl read last meeting looks like offer to Tom Roche was sent but in review, they lost

again bit contract worth 40 mil, not sure, things are going up and down.”  
You see that?---Yes.

Is this the conversations you were having with Mr Balicevac, I think you gave evidence about whereby SIG might be able to tender or make a pitch for some direct contract work for ad hoc tasks?---This is March 2017, I’m just trying to remember what may have been changing around then, if, if anything. I’m just not sure what was changing in the process, if anything.

10 Well, you seem to say, do you agree, a minute and a half later or thereabouts, “We be,” it says roght, that might be, “right, sort slime thing.” I think it might be, “We be right, sort something.” Do you agree?---Yeah, I, yeah.

Why did you have an interest in Tommy as a subbie going from the university?---Going from the university?

20 Yes.---I think it was twofold. Obviously someone’s got some information about SNP going to sell, rightly or wrongly, would have asked that, and him as a subbie, it’s an operational issue, if he pulls out all his guards then we pretty much come to a standstill in all the ad hoc and obviously in some of the line work as well, line item work, contract work.

But this isn’t a statement that Tommy’s going to pull out all his guards.---I think that’s what, if SNP go, he goes. That’s what I think that reassurance is.

30 Did you hear something at some stage that Tommy might have pulled out his guards from the university? Was that conveyed to you?---Not direct to me, no. I don’t remember him saying it direct but - - -

Well, I think they were your words just a moment ago that Tommy might have pulled out his guards from the university.---Yes, yes, but never said to me direct but I, I have heard Daryl talking about he may pull out his guards from, if something happened, he’d pull out his guards, in a general conversation.

40 What, so Daryl told you that Tommy might pull his workforce out of the university?---At some stage, if things didn’t work for him. It was a general conversation but I do remember him saying something that he could just pull his guards out. What’s this, March, 2017, we had a fair entrenchment of his, of his guards in the ad hoc.

Well, you’ve just gone from would to could. I mean one might be perceived as a threat, that he would pull his guards out, do you agree?---Never threatened to in front of me.

So you never perceived it as a threat from Tommy that he might just take his guard force out of the University of Sydney?---(not transcribable) a threat but it would be a very difficult situation, operationally difficult for us.

But did you perceive that as a threat from Tommy?---In the way that's structured or he said - - -

10 No, just on your evidence that you said Tommy would pull his guards out of the university. You said that was conveyed to you by Daryl. Did you perceive that as a threat?---No.

Just following on, on page 4.

THE COMMISSIONER: Before we – oh, sorry. You were going to go on, you go on. You go on.

MR ENGLISH: I was just going to go over the page, I think, and continue this conversation.

20 THE COMMISSIONER: Before you do, what did you mean when you said, "We'd be right, sort something"?---I'm not too sure actually, Commissioner, reading that, but I, until I heard the context of what they were talking about face to face, certainly in terms of SNP selling. I think their indications - - -

Well, isn't simply this, you'll say to them it will be okay, we'll sort something out? That is, in terms of Tommy getting work which would keep his guards on the university site.---Yeah, I'm not sure of the exact words of mine, I would have said that but - - -

30 I beg your pardon?---I'm not sure, Commissioner.

They're your words.---Yeah. I mean, the texting, I may not have even read all that text to be, the whole body of the text, to be honest with you.

You mightn't have read it?---I mightn't have read all that, that text, Commissioner. I would have said sort something, I would be scanning that but we will talk.

40 But here you are saying it's going to be right, we'll sort something out. ---Well, he's saying yeah.

Just a moment. And you then go on to meet with him, well sorry, you agree to meet.---Yes, yes.

Why?---I did meet with him as a stakeholder a couple of times a year but I'm not too sure what the context of all this was. So I don't even know if I actually did meet but I - - -

Well, did you agree with me that your words, “We’d be right, sort something,” suggests that you were prepared to meet with him and see whether there was something that you could do for him to keep guards on-site?---I mean, if SNP were selling, then there would be obviously some sort of opportunity to try and keep those guards there because they’ve got sufficient site knowledge, Commissioner.

Thank you. Yes, Mr English.

10

MR ENGLISH: If we go, well, I think if we just focus on page 4, the bottom. I think you correct yourself by saying, “R-u-g-h-t was meant to be right.” And then over the page, you say, “Tommy okay/no cost to him.” What does that mean?---“Tommy okay/no cost to him.” Who’s that, from me?

THE COMMISSIONER: Yes.---“Tommy okay/no cost to him.” Oh, I don’t know, Commissioner. “Tommy okay/no cost to him.” I don’t know.

20

MR ENGLISH: Well, that’s two days later.---Is it? Oh, okay, no, sorry, I thought it was continuing on from the exact conversation, sorry.

Might you have met with Tommy and you’re telling Mr Balicevac - - -?  
---“Tommy okay, no cost to him.”

- - - something about your meeting?---I don’t know, I don’t know if we did meet and I don’t know. “Tommy okay, no cost to him.” I’m just not sure what that one line means.

30

All right.---“No cost to him.”

Okay. And then the next entry, “I talked to him and explained,” this is Mr Balicevac.---Yes.

“He started saying, ‘No need to worry.’ I did this what has been for me all the time, to be honest I was one told him to do this. How many of SNP turned back not suitable, looked after et cetera. He straightway said to me, ‘Yes, no problem,’ and he said, ‘I’m embarrassed didn’t come earlier.’”  
---How many SNP turned back not suitable.

40

Do you understand that Mr Balicevac’s saying Tommy was embarrassed he didn’t come and see you earlier?---I’m not sure what he’s saying. “I explained and he started saying, ‘No need to worry.’ To be honest I told him to do this. SNP turned back not suitable, looked after straightaway.” I’m not sure. “He embarrassed come earlier.”

“Boss, Ruski said to me very solid and as soon as he told me this I believed that I know Ruski from back home.” Who’s Ruski?---“Boss, Ruski said to

me very sold and as soon as he told me this I believed know Ruski.” I think he’s making reference to Mr Kosachev, Russian, Russian friend, Mr Kosachev, who owns a travel agent.

Okay.---That’s my interpretation.

“And if we could help Tommy get Fisher Library lock and unlock we would be good, at least can cover some losses.” See that?---Yes.

10 If “we.” That’s you and Mr Balicevac.---It’s his fragrance of speech but it’s not, “If we can help Tommy.”

Well, who else is it, who else is he - - -?---Not sure. “If we can help Tommy.” Yeah, he’s referring to me, yeah.

So he’s seeing if both of you can help Tommy to get some more work, particularly Fisher Library lock and unlock because that would be good to cover some of Tommy’s losses. See that?---Yes, I’m reading it, yeah.

20 Remember your evidence I think yesterday that you didn’t have an interest in Tommy’s financial predicament, that was an issue between him and SNP, or it might have been today you said that?---Yes. It wouldn’t be about his losses, my interest here would have been about the university and keeping, keeping guards here, keeping guards on here.

Okay. So you’ve got no interest in trying to get Tommy some more work so he can cover his losses. Is that your evidence?---No, no, no, it’s not.

30 “Boss, you can talk to Daryl. SNP doesn’t treat us right and don’t tell us anything. You’ve been looking after us all the time. If you are not here, me and Daz are gone.” So what did you understand Mr Balicevac to be conveying there about you looking after him and Daryl?---I guess a good contract partner, that’s what he’s referring to.

Contract partner?---Manager, contract manager.

But, “looking after us,” he’s talking about. How did you look after him and Daryl?---I treated them with respect. I was a good contract manager to them.

40 You didn’t turn a blind eye to practices that were going on underneath your eyes?---No.

“We can’t tell,” he goes on to say, “SNP to pay him more.” That’s Tommy, you understand, can’t tell SNP to pay Tommy more.---Right.

“Paying him \$24.80 but charging uni 34.56, almost 10 per cent our profit where SNP have no respect. In all Tommy’s guards running SNP contract,

not SNP.” See that?---“SNP, all Tommy’s guards running SNP contract, not SNP.” Yeah. That’s not right, but yes.

So that’s Mr Balicevac complaining that the amount that Tommy’s being paid, 24.80 per hour, leaves him with no profit. Is that right? Do you agree?---I don’t know what his profit margin is.

Well, that’s what he’s saying, isn’t he? SNP, “We can’t tell SNP to pay him more, paying him 24.80 but charging the uni 34.56, almost 10 per cent.”  
10 ---Yeah, but he’s still got to be making a profit on 24.80.

\$10 per hour profit, sorry, where SNP have no respect. So here you’re being told that SNP is paying Tommy 24.80 per hour and this is in March of 2017 so this is after you’ve got the KPMG report. Did it raise any concerns in your mind that Tommy might have been underpaying his staff?---It’s, it’s an SNP business between him, a contract arrangement between him as a subbie and SNP what they're paid.

The university and you have an interest in making sure that people working  
20 at the university are paid pursuant to their legal entitlements, correct?---And hearing this, and you're hearing this, you know, from Emir so - - -

THE COMMISSIONER: You didn’t believe him. Is that what you're saying?---I wouldn’t have taken it as gospel, Commissioner.

Well, you could have made inquiries to find out whether he’s telling the truth.---Even so the, the rate that SNP are paying him, I didn’t know what the award rate was and if they’re working together and SNP have got an arrangement with the subbie it’s not really for me to get involved in terms of  
30 - - -

Why not? I mean the auditors had pointed out that I think there was potentially problem and here you seem to have confirmation that it was a problem.---Yes. It would appear though that even on 24.80 he’s making 10 per hour, \$10 per hour profit, sorry, that’s SNP, yeah.

MR ENGLISH: That’s SNP that’s making that.---Yeah.

So Tommy’s - - -?---So he’s making some profit but not \$10 an hour.  
40

So then just skip a paragraph.---Yes.

So to get Tommy this at least can cover his loss and pay guards like George and others more.---Yeah.

Can you see above that, “SNP guards Vanessa, Abdul Mohammed and other guards all offcuts forced in and on team not fair as they can’t do nothing but getting higher money.” So you're being told here that Tommy’s potentially

underpaying his guard force, aren't you?---No, that's not the way I'm interpreting it. He's being paid a rate by SNP and that's the rate he's, he's accepting.

But it's obvious that he's got to make a cut and then beneath that he's got to pay his guard force. Correct?---I don't know his actual, how he breaks that up.

10 Well, he couldn't be paying his guard force more than \$24.80 an hour on the basis of this information as at 14 March, 2017. Would you agree?---On that's, that from Emir.

And then it goes on, "If you can help boss, I would be thankful as Tommy is. Dazza is happy to do other way in without SNP knowing." Okay? ---Yeah.

20 So Emir would be happy, do you understand that as Emir saying he'd be happy as would Tommy if we can do something here?---Keeping the, the good guards is it?

No. It's in the context of Tommy getting Fisher Library lock and unlock directly as a contractor with the university.---Yeah, yeah. Yeah. Okay.

So Emir would be happy, right, and so would Tommy. Do you understand that's what Emir is saying there?---Okay. He's putting that there, yes.

And then, "Dazza is happy to do other way in without SNP knowing." Do you know what that might mean?---No.

30 Well, Dazza is Mr McCreadie.---Yes.

And there's a suggestion SNP shouldn't know. Do you agree?---Yes, but I'm not sure he would have so I don't know that.

So you're getting a proposal from Mr Balicevac here for SIG to take work that is currently going to SNP. Correct?---There's a suggestion SNP is going wasn't there? I just can't, oh, he's just, he's asking for more hours, yeah.

40 So you're agreeing with me? You're getting a proposal from Emir for SIG to take over work that is currently with SNP.---That's the suggestion but it didn't happen. I don't know what happened.

THE COMMISSIONER: Well, you're not getting asked that. They're asking for your assistance in relation to the contents of this and do you agree that what seems to be proposed is that Tommy will get hours in relation to matters, that is, the Fisher Library lock and unlock, which were currently the subject of the SNP contract?---They would have already been, they would

have already been doing them in March, 2017. That's why it's confusing to me. They would have been in there, Commissioner. SNP, normal SNP contract guards wouldn't have been doing it. That's why I can't understand. It would've been predominantly ad hoc.

10 MR ENGLISH: Well, this is the issue, isn't it, that SNP is making almost \$10 an hour in profit for these tasks and Mr Balicevac's telling you that SIG can't survive and the impact of that is that guards aren't being paid enough money from SIG?---Yeah, I can see that now. I'm not sure whether that was the interpretation at the time.

THE COMMISSIONER: Why? Why do you say that?---Well, I'm reading it again now over and over and I'm not sure whether that's what I interpreted. I've got there sort guards, sort good guards out, need to be the same. So I'm just not sure what my response meant there.

20 You seem to be, I won't use the word code, but there's a lot of these exchanges where it's a bit hard to work, certainly in terms of the ordinary English language what you are saying between each other. Was that intentional?---No, Commissioner. Unfortunately I'm renowned as probably the worst SMSer in the university, that's, unfortunately, but it's just the way I, it's not code, I'm just a terrible SMSer.

What did you understand him to be saying when he said, "Boss, Ruski said to me very solid and as soon as he told me this, I believed it. I know Ruski from back home." And I think you said a moment ago that this, as you understood it, was a reference to a Russian travel agent.---Yes.

30 And I think you gave us his name.---Yes.

And who was it?---Mr Kosachev.

And what did you understand Emir to be referring to when he made that statement?---I think he's referring that he somehow had a relationship or knowledge of Tommy and that Tommy's very solid. "Said to me very solid and as soon as he told me this, I believed it." That's my interpretation of that, that it, Tommy as, as a person. That would have been my interpretation of it, reading it.

40 That doesn't seem to make a great deal of sense though, does it? Why would he be telling you that some Russian travel agent thought highly of Mr Sirour?---It suggested some, there may have been some sort of knowledge of him or relationship or I don't know, but that's, that's how I would have interpreted that, reading it.

And is that Russian travel agent the same Russian travel agent that you say had some involvement in the stay you had at the Shangri-La hotel?---Yes, Commissioner.

Thank you. Yes, Mr English.

MR ENGLISH: Can you assist the Commission with your response to that message from Mr Balicevac, which came about a minute and a half, a minutes and forty seconds after it was received?---Yeah, "Try and sort out good guards. Need to be the same dollars." Yeah, so I am suggesting there, if there's, if there's some sort of anomaly, we need to try and get them on the same dollars.

10

So Y is yes?---Yes, we try and sort out good guards. Need to be the same, the same dollars. Yep.

So, "Yes we try and sort out good guards. Need to be the same money." So do you mean the university will pay the same money as it pays to SNP now to SIG?---No. I was more thinking that it was going to be around SNP paying, even though it's their business decision, they should be paying them more, the same as SNP.

20

That's not really what you were saying there, was it?---Well, that's what I'm trying to, yeah, I'm trying to convey that, that they should be paying 24, they good guard, they're a good guard. So his guards are very good and should be getting paid what SNP are getting paid.

So you're acknowledging that SIG's underpaying its workforce, are you? ---Not underpaying, I don't know the rate, but I'm saying if you've got two people up there on 34.56 and the next one's getting less, it didn't seem right.

30

Well, yes, it doesn't seem fair, does it.---No.

It doesn't seem fair, does it?---No, no.

Especially in the context of overtime payments it doesn't seem fair, does it? ---In overtime? I think this is - - -

I said in the context of overtime payments, this flat rate of at least 24.80, no more than 24.80, doesn't seem fair, does it?---It may not, it may not be overtime, is it, or are you saying the 24.80 might be your rate?

40

All right. Page 6, please. Another message from Mr Balicevac, this time about 14 minutes later. "Would be good, otherwise can bankrupt or good guards will leave. Dazza was talking as suggestion." Do you know what that means?---"Dazza talking as suggestion. Tommy give 32 compared to 36." It might have been a price difference there that he could come up and still make a profit, but I'm not sure. "Tommy to give 32 compared to 34."

Well, isn't it saying that Dazza was suggesting that Tommy could give you 32 compared 34.56, it's a \$2,56 difference. "On 1,500 hours a year comes

to 40 grand difference, just Fisher, which Tommy's guards do anyway. Around 1300 hours is Fisher a month so around 40K difference a year. Good save to uni as well, he can pay good, he can pay good guards better money." See that?---Yeah.

So you've got Mr McCreadie – do you accept this is - - -?---Yes.

10 - - - what you understood? Mr McCreadie, an SNP employee, telling you what the subcontractor could charge if the subcontractor was able to take the work currently enjoyed by Mr McCreadie's employer, SNP.---I don't know at the time if there was an issue around changing the ad hoc, I just can't recall if there was a panel, also future contracts might get bigger.

Do you agree you've got two SNP employees spruiking SIG to take over work at the university which is currently enjoyed by their own employers? ---Reading that suggestion.

Are you agreeing with what I put to you or not?---On face value there.

20 That I suggest would have raised a concern with you in that you would have queried, why are these two employees who work for SNP trying to undermine their own employer?---I think they were as much concerned about the staff, getting them the right level of pay - - -

Well, I asked you if it raised a concern. Are you saying it didn't raise a concern in your mind?---I'm just not sure at the time what I would have thought.

30 I suggest it would have raised a concern in your mind that maybe McCreadie and Balicevac were being paid by SIG and that's why they were promoting SIG's commercial interests to you. What do you say about that? ---No, I wouldn't have taken it as that. I thought it was more about a guard welfare issue in terms of getting, getting pay, fair pay for them.

So again, "Also in future as contract expiry and get bigger can apply." So that's saying SIG can apply. Do you agree?---"In future contract expiry get bigger could apply." Yeah, that could apply.

40 "Again, boss, if this can affect you, don't worry, just a suggestion to help Tommy to pay guards. Said to Tommy to approach SNP. He already did multiple times and 24.80 is max if doesn't like to go." Okay. Do you see that?---Yes.

And then he says to you the next day, "Helping Tommy to survive." ---The next day, yep.

So did you join in on this plan to help Tommy survive at the university and obtain this extra work?---No, it never happened, it never happened, I didn't, no.

But did you join in on the plan with a view to that happening?---Not, not, not to undermine SNP. If there was a provision there where they could bid for some other services, that wouldn't have been an issue but it wouldn't have been there to undermine SNP. SNP were the contractor and the lead agent.

10

And if I said to you that around this time or a little earlier, in February, you'd agreed to receive a two night hotel stay in the city, which Emir Balicevac offered to you, what would you say to that?---In, sorry, in - - -

In February, so about three weeks before this conversation, you'd agreed to receive a hotel stay which Mr Balicevac was organising for your benefit at no cost. What would you say to that?---I didn't, I didn't attend that stay and I'm not sure, I'm not sure of the, what I knew about the stay.

20 THE COMMISSIONER: Well, I can tell you something. He says that you did know. He says that he made you aware and I'll take you to the evidence if need be. He made you aware that Tommy was going to pay for that stay. ---And that's what he said?

Yes. And what do you say?---I, I don't really, I don't, I know I didn't stay.

30 No, you didn't stay because your mother-in-law got sick, correct?---My mother-in-law would have been in high care by then, so that wouldn't have been an issue if she was in high care in a dementia ward. Sorry, in March, 2017, was it? February, sorry.

So why didn't you go on this stay? You'd been on one in the past. Why didn't you stay at the hotel?---Well, I wouldn't have stayed. It wouldn't have been the right thing to do.

Did you tell Mr Balicevac that you weren't going to stay because your mother-in-law was ill?---I'm not sure what I may have told him, but it was not to be taken and I didn't stay.

40 MR ENGLISH: Well, if volume 2, page 98 can be brought on the screen, please. It's a download of Lynn Li's phone, who was an SIG employee. On page 99 - - -

THE COMMISSIONER: There was another couple of entries I wanted to, on that last exhibit. We seem to go back to the pinball machine.

MR ENGLISH: We can bring that back. That's Exhibit 92, Commissioner. We were at page 6.

THE COMMISSIONER: I think you told me yesterday that in relation to this pinball machine you had understood that the president of the Serbian Club had some involvement in trying to secure the pinball machine at a competitive price.---Yes.

Did you ever have any direct communication with that president yourself?  
---No.

10 And did you understand that he went by the name Boris?---It could, it could have rung a bell. Boris. Yeah, it could have rung a bell, Commissioner, if it's - - -

Do you know his surname? I'm not suggesting you should know.---Yeah, no. I'm just trying to think, Commissioner. It's, he, I was only trying to think last night of, when you said what else I may know about him. I couldn't only recollect that, yes, he was president of the Serbian Club, he was in the legal practitioner, he was a legal practitioner. I tried to recall that.

20

Who told you that?---I was, Emir talked about him a lot because he, he, he was on a 9.00 to 5.00 job and he did go to this club a lot and he would always talk about he would go to the club on the weekend, the Serbian Club, his community club but I, he's, I, that's the recollection. The Boris may be right and I thought even at one time there, he, yeah, he did mention that he was a lawyer.

But you've never met him and you've never communicated with him?---I've never met him and, no.

30

Have you ever communicated with him?---I don't think we ever communicated direct, no.

Well, just look at the two entries there. It's 8 April and 29 June. "Spidey works, no issue", et cetera, "President just texted." That's from Balicevac.  
---Yes.

40 And then you go back on 29 June and say, "President surprised when SNP want move on. I hatch plan, rtm", which I presume means return, "and get promoted. What were you intending to convey by that?---Let me see, Commissioner. Hang on. So from, that's from me is it to Emir.

In response to his reference to the Spider-Man pinball machine it would seem.---That's, sorry, hang on. So that's, 16 March that's - - -

MR ENGLISH: Sorry, they're two months apart.---So they're three months apart there, Commissioner.

THE COMMISSIONER: I do apologise, but what were you intending to convey? Did you have some understanding that Boris from the Serbian Club had some involvement in SNP?---No.

What did you mean?---No, it was never suggested there.

What did you mean?---I haven't read that fully, sorry, Commissioner. I have absolutely no idea.

- 10 Well, can we take it though at a bare minimum that your reference to president in that text was not a reference to the president of the Serbian Club?---It would have been. There's only one person I've ever known Emir to refer to as the president and that is the president of the club.

Mr Smith, are you seriously telling me that the reference to president in this text of yours was a reference to the president of the Serbian Club?

---Commissioner, there's only ever been, Emir has only ever talked about one president and that's the president of the Serbian Club.

- 20 But these are your words, not his, so what were you referring to?---I don't exactly know. "President surprised when SNP want to move on. I hatch plan, I hatch plan, return and get promoted. Funny face." I mean it could have been, it could have been absolutely anything but there's no - - -

Well, can I suggest to you one thing that it couldn't have been, having regard to the words you used, the word president could not have been a reference to the president of the Serbian Club?---Well, that's the only president, Commissioner.

- 30 Very well.---"President surprised when SNP want to move, want to move on."

I put it to you yesterday that the president could be a reference to Tommy but you've denied that.---Commissioner, he's no, never been called a president. He's never been addressed as that. I met the fellow twice a year. Emir talks of a president every, every week. He talks to the club every week and that's the only president I would reference. I don't understand the link to SNP want to move on.

- 40 And you're telling me on your oath that your reference to the president there is a reference to the president of the Serbian Club?---100 per cent. I don't know - - -

Well, what did you mean? If you're 100 per cent concerned - - -?---I don't know.

- - - convinced?---I don't know unless, unless he did know, know them. Unless he did know them. Unless he had SNP or some, I don't know. I

really don't know. I'd never heard Tommy being referred to as a president, Commissioner. Always just as Tommy.

And you can't tell me what you mean by referring to the president other than you're absolutely satisfied 100 per cent that your reference to the president here is the president of the Serbian Club?---President surprised. 100 per cent, Commissioner, that's - - -

100 per cent. Yes, Mr English.

10

MR ENGLISH: If we can just go to volume 2, page 138. So this is an extraction report from Ms Li's phone who worked at SIG just so you know. ---Yes.

If we go to page 139 you can see this is an entry, it's between Mr Balicevac and Lynn Li.---Yes.

So that earlier time 8/3/2017 he says, "Looks like SNP will go for sale." You see that?---Yes.

20

And that's consistent with what I just showed you on 12 March, 2017 where Mr Balicevac said to you, "Yeah, quick brief, boss. I think me and Daryl believe SNP going to sell."---Yes.

It's about that time, you see? And go over the page. The first entry, it's blocked out by the exhibit stamp but it says, "When Tommy come on Monday to see Dennis to approach him," and that's from Mr Balicevac. And he says, "(not transcribable) hearing SNP's going to sell." It goes down. At 2.23 Mr Balicevac says, "Myself and Daryl plus others can assist in transition."---Ah hmm.

30

Now then if you go towards the bottom of the page, 9.26.55 on 10 March, Ms Li says, "I'm going to print the hotel booking confirmation. Tommy told me the whole plan. Can't wait if we get it." See that?---"Can't wait if we get it." Right, yes.

That's a hotel booking for you, I suggest. Are you able to comment on that?---Not in that context.

40

Okay. And then if we go over the page. There's the exhibit stamp there, but at 8.41.53 Mr Balicevac says, "We've mentioned Fisher Library lock and unlock."

THE COMMISSIONER: There's an entry before there that might be relevant too I think. The last entry on the previous page.

MR ENGLISH: Oh, yes. "We had great meeting this morning."---Yeah.

Thank you, Commissioner. So that's on the 13<sup>th</sup>. And, yes, I reminded you that on 12 March, 2017 Emir sent the message to you, "Yeah, quick brief, boss. I think me and Daryl believe SNP going to sell." On the 12<sup>th</sup> was your message, "We be right. Sort something"?---Ah hmm.

10 And then on the 4<sup>th</sup> you said, "Tommy okay/no cost to him." So that's the timing we're in. If we go over the other page, "We've mentioned Fisher Library lock and unlock," Ms Li says to SIG, and then Mr Balicevac says, "Dennis going to look the way how to put SIG in without conflicts." See that? And there's a discussion of the price comparison.---Yeah.

And you recall that they're the same matters that Mr Balicevac was raising with you in his text to you?---Ah hmm.

And you can see 12.19, Mr Balicevac says, "Tommy, might be great news. 1<sup>st</sup> of April we might have Fisher and lock and unlock." See that?---Yes.

20 Was that something that you suggested might occur to Mr Balicevac, that Tommy would get lock and unlock by 1 April?---No.

Can you explain any other reason as to why he would have formed that view?---No.

And then there's the discussion goes on. Ms Li says at the bottom of the page under SIG, over the page, "No Triton." And I think you gave some evidence that Daryl had, might have raised with you the need for another company.---He mentioned Triton, nothing about another company.

30 And you said they could tender like anyone else.---They could tender, they could tender.

Yes. At this stage, from the messages I've show you and what's been discussed here in volume 2, it doesn't seem like you're discussing a tender situation or that's been raised with you, would you agree?---You just can't put people out and another group in. There must be some background to the, to the timing of this and what's happening. You just can't pull SNP out  
- - -

40 You're right. You can't do that. You've got to go, if a contract's over 100,000, you've got to put it through proper procurement, don't you?  
---Might even be more. Might even, I think 200, you might be able to do services under 200 but I'm not sure.

So it would have to go through, what, Mr Vitanage?---Well, it'd certainly have to go about three, two or three levels above me.

But the university's got in processes for tendering for contracts over a certain value, is that right?--- Yes.

Or procurement over a certain value.---Yes.

And if we go to page 144, you can see, “Lyn, Dennis wife called. Her mother very sick.”---That’s third party from Emir, is it? That’s Lynn. Is that Emir?

That’s Emir to Lynn.---Right.

10 “Lynn, Dennis wife called, her mother very sick.”---Ah hmm.

“He is not sure what is for weekend. Can this be moved or cancelled with no cost to Tommy or not?” Is that something you inquired of Mr Balicevac?---I don’t recall inquiring about that. I know I didn’t take a stay, and my mother-in-law would have been in high care at Bupa at Berry, so it’d just, I’m not sure it makes that much sense because it doesn’t matter if she’s sick or not, she’s in high care. She’s in a high care facility.

It goes on - - -

20

THE COMMISSIONER: It seems that, I mean on one view of that entry for 14 March at 1.4.59, that your wife had called Mr Balicevac to say that her mother was sick and whether it could be moved or cancelled without cost to Tommy. Was your wife aware that an arrangement had been made for a further hotel stay?---Oh, I’m not sure, Commissioner. I just, I don’t, I don’t know. “Dennis wife,” it’s suggesting she’s called me, isn’t it, and then I’ve said something to them. That’s what - - -

30 Well, that could, that could be, that could be.---Yeah, it’s, it’s, I think that’s what, knowing Emir’s texting and et cetera, Commissioner, that’s what it suggests, she’s called me then I’ve said to, to Emir that her mother’s sick.

But what do you say to this, that what happened here is that you were endeavouring to get more, you were assisting Tommy to get more work, he’s grateful, he decides he’s going to give you something and it happens to be another stay at a hotel. The booking’s made, your mother-in-law, she might have been ill but she’s become very ill, you can’t go on the weekend so you make contact but you have some concern that Tommy’s going to suffer a cancellation fee, but up until that point you were intending to go.

40 What do you say to that?---No, I wouldn’t have gone, Commissioner, and I shouldn’t have gone. I wouldn’t have gone and wouldn’t have gone, shouldn’t have gone, and I don’t know about the mother-in-law even being, being sick.

Well, it’s very odd, isn’t it, that there are these communications around the time that you seem to have involved yourself in further work that Tommy might have got on-site, you have a hotel booking made and then we have

these communications suggesting that somebody had conveyed to Lynn that the hotel booking couldn't proceed because your mother-in-law was ill.

---Yeah, so that's - - -

And then somebody expressed concern that you had expressed concern that Tommy may have to bear a cost if the accommodation was cancelled.

---Yes. All I can say is, Commissioner, I didn't go, I didn't accept the stay if there was an offer of a stay, I didn't go. I'm not sure of these details here.

- 10 Well, I accept for the moment that you didn't go, but did you accept that offer from SIG or Mr Sirour?---I'm not sure I accepted the offer, Commissioner.

You're not sure?---I'm not sure if I've accepted the offer. I don't actually recall the offer, but I didn't stay.

But it seems as though you were intending to stay. Do you agree?---It's, it's an interpretation but I - - -

- 20 Look, in all fairness to you, if there's another interpretation I'd like to hear it.---So in, so this is, so on 2 February I went to the university medical professor at the health service and I explained to him I was relieving in two positions, I wasn't coping, I basically had no staff, and I pretty much wasn't dealing well with the day-to-day functions of the two jobs and I was under immense work-related stress a month before this and pretty much all the way through 2017. He said to me, I mean, "You just get on with it." I couldn't really deal well with it, and um, I, I, I don't know if this has had something to do in effect through there, but I wasn't managing well at all the whole year, so I'm just not sure if this played a part here in a decision.

- 30 Well, maybe you need a break and you decided you'd have it down at the Shangri-La Hotel.---Oh, I needed more than a break, Commissioner. I wasn't doing well at all. I had work-related stress issues and the medical professor was actually put me off but, no, I, I tried to stay on as best I could but I was not dealing well with the level of work.

- 40 Are you trying to tell me that in those circumstances, you may have accepted an offer because of the stress you were under and just needed a break?---No, I, I'm not sure but I'm just saying at that time, I certainly wasn't thinking a hundred per cent, functioning a hundred per cent.

What's that got to do with the arrangement that seems to have been reflected in these exchanges between Lynn and Emir.---So I'm under immense work-related stress and I don't know if that's had any impact, if I have made some decisions here but I'm not sure I, I'm not a hundred per cent sure I did.

But you can't deny that you did, can you?---I'm not going to, I'm going to say to you a hundred per cent, I, I, I didn't because I don't know but this is all third-party stuff and not, not necessarily from me, Commissioner.

10 No, I understand that. I understand that. It's a hearsay record like all business records, but the bottom line is it seems to be suggesting that there was an arrangement for you to stay, your mother-in-law became very ill, it had to be cancelled or moved and you were concerned that Mr Sirour might incur an cancellation fee. Now, it may be, as you say, that because you were under stress and you sought medical assistance, that you may have been doing things back then that you wouldn't do in a situation where you weren't under stress, but what I'm saying to you is that that seems to suggest that there was an offer made to you, at a time where you were assisting Tommy, to stay at a hotel, you accepted it but later it became apparent that you couldn't stay. What do you say to that?---Well, I just, I just can't say with conviction, Commissioner, that that's a hundred per cent correct.

Very well. Yes.

20 MR ENGLISH: I just want to follow on from what the Commissioner was just asking you about. We might just come back to that page, but if we can go to volume 2, page 98. Again, another extraction report from Ms Li's phone, the SIG worker. If we go to page 99, the entry at 12.13.34 on 22 February, where he asks, "Darling Harbour view or Opera House view?" Do you see that?---Is this still the same stay that we're talking about, that - - -

30 Well, this is what I want to suggest to you, that you actually played a role in choosing where the accommodation was to be provided, it wasn't something that Tommy offered out of the blue. If we go over the page, you can see Emir says, "I believe Opera would be better," and then at the bottom, "Just checked again, the Opera House view with brekkie only available one night, is that okay for one night?" And then over the page, this one's blocked out by the exhibit stamp but the first entry on the 22<sup>nd</sup> of the 2<sup>nd</sup> at 2.01.18 reads, "Oh, no Lynn. Two nights would be better to be honest." It goes on, a discussion about the view, "See if other hotels available, doesn't need to be Four Season and Shangri-La," and then Mr Balicevac says, "He like Four Season but doesn't have to be. He prefer good view to be honest." Do you see that?---Ah hmm.

40 Now, that must be information that you've provided to Mr Balicevac that he's passing on to Ms Li, wouldn't you agree?---Well, again, it's in the third person, I, I, I, I don't know.

Well, the only other explanation is that Mr Balicevac's making up that he's spoken to you and then making up to Ms Li that you prefer a good view over the Four Seasons, correct?---It's not out of the realms of possibility.

THE COMMISSIONER: It's likely, isn't it? In fact, it's not even likely, that's what happened, isn't it?---I don't recall that, Commissioner.

MR ENGLISH: And this is in circumstances where you'd already enjoyed a stay, in 2015, that was paid for by SIG with a dinner, correct?---No, that wasn't correct.

10 And you were shocked to learn that it was paid by them and terrified, I think, and you had to rush to pay the money back, correct, on your view, sorry, on your account?---Yes. Well, I - - -

Why would you put yourself, if that had happened two years prior, why would you put yourself in this risky situation again with the same parties getting another hotel stay, this time for two nights? Why would you do that?---I'm not sure I, I, I have. I've explained that I went to the medical service in this month, the university medical service, on the 2<sup>nd</sup> of, on the 2<sup>nd</sup> of the 2<sup>nd</sup>, I had a check of my own records, and it was completely work-related stress. So I, I don't know. And I didn't go.

20 Did you listen to the live stream when Mr Balicevac gave evidence saying that first you didn't know about this second booking in 2017, and then when he was shown these documents, he changed his evidence and said that you were aware of the booking at the time. Do you recall listening to Mr Balicevac say that?---No, I had the live stream on but I came and went. I, I don't exactly remember him saying that.

THE COMMISSIONER: I think he said that yesterday, that he didn't watch it very much.

30 THE WITNESS: I had it on but I didn't watch it very much, Commissioner.

MR ENGLISH: Well, that was Mr Balicevac's evidence that you were aware about this booking, and that I suggest to you would be consistent with that entry I just took you to about "He liking the Four Seasons but doesn't have to be. He prefer to have a good view." You agree?---It's in the third person. I can't confirm.

Well, if we can go back to page 144, please.

40 THE COMMISSIONER: Have you ever stayed at the Four Seasons?  
---Have I stayed at the Four Seasons? Just trying to think, Commissioner. I'm not sure. Four Seasons, I may have stayed at the Four Seasons.

MR ENGLISH: So we're at page 144. This is again an extraction report from Ms Li's phone. You were looking at it before.---Yes.

You can see Mr Balicevac says, “99 per cent April will start. Daryl will call you what exactly you will need to arrange 1<sup>st</sup> of April.” Do you see that?  
---Yes.

This was in the context of a discussion about the locking and unlocking, both in this message sequence and yours with Mr Balicevac. That certainty Mr Balicevac’s expressing about an April start date, that could only have come from you, do you agree?---This never happened. This whole scenario of talk and giving them the work, it never happened.

10

THE COMMISSIONER: It may not have ever happened, but it seems that what’s going on in here is happening. I mean, people aren’t just making this up, I don’t think, are they? At the end of the day it may have all come to naught, but that seems to have been the perception of certainly Emir and, one assumes based on this record, that it had to be the way he’s approaching this is as a consequence of his dealings with you.---Emir gets things very muddled up, Commissioner.

Very well.

20

MR ENGLISH: So there’s a further discussion at the bottom of the page on 14 March, 2017, 1.32. Again Ms Li’s saying, “We can cancel,” and then Emir says over the page again, “Mum sick.” And then Emir says, “He saying if he can’t, he will still go. Just worried costing Tommy to cancel.” Is that you? You had a concern for Tommy about the cancellation costs? ---He’s saying, he’s saying, I don’t know. I didn’t stay there.

That’s not what I asked. Did you have a concern for Tommy about the cancellation costs you might incur if you couldn’t attend?---I’m not sure I’ve said all that. I’m not sure. I’m not sure about that conversation with Emir.

30

THE COMMISSIONER: But it’s possible you did?---Well, I’m not sure, Commissioner.

Very well.

MR ENGLISH: Then Ms Li says at 1.34, “If we cancel today, no cost, we can book again.” Do you see that?---Yes.

40

And then on page 146 Ms Li says, “No problem. Please tell Dennis we can re-book for him any time he wants.” And Mr Balicevac says, about 15 seconds later, “Yep. Will do.” Did Emir tell you that, that it’s no problem, we can cancel without charge and we can re-book - - -?---No.

- - - a visit for you, a stay for you anytime you like?---Don’t remember him ever saying that.

THE COMMISSIONER: What about the entry a few below that. “He really wanted to go but got things on way.” Did you tell Mr Balicevac that you had really wanted to go?---“He really wanted to go but got things on way.” I’m not even sure what he means there, Commissioner, but no.

Thank you.

10 MR ENGLISH: Go over to page 147. On the 15<sup>th</sup>, about the middle of the page, 8.10.07, “Dennis saying can’t attend, wife need to be next to mum over the weekend.” And then Lynn says again, “No problem, I will cancel it. Let me know whenever he wants it.” And Mr Balicevac, “Will do, Lynn.” And then down at 8.11.30, “Happy that they didn’t charge you.” So you don’t recall Mr Balicevac saying you can do it again whenever you want, we can book you again whenever you want?---No.

20 Over the page, 15/3/2017 at 12.21, Mr Balicevac says, “Dennis approaching uni to create account code et cetera.” Do you have an understanding about what that might have related to?---“Approaching uni to create an account,” there are account codes used but, as I said, this whole conversation is around taking positions that there are already account codes for and, and moving on SNP. It just, it just doesn’t make sense.

Well, then you can see Ms Li says, or Mr Balicevac says, “You prepare all the paperwork?” And Ms Li says, “No problem, we just opened bank account today.” And over the page, 149, top of the page, that reads, the first entry, “SNP contract have been opened.” And then Emir says - - -?---Sorry, what did that read, SNP?

30 “SNP contract have been opened.” And the message that bears the same timestamp says, “Dennis is looking in.” And then another timestamp, “Talking to finance team.” Do you see that?---Yeah, but it just, it just doesn’t make sense. Without knowing what was happening there in March, I mean it’s, he’s talking, so he’s saying here we’re taking work off SNP and we’re going to give it to Tommy, and over here is SIG, now he’s saying we’ve opened an SNP contract. It’s just, it’s just, it just doesn’t make sense.

40 No, no, isn’t it that they’re breaking up the SNP contract, so there’s an option for SIG or another company to come along and take this work and you’re talking to finance about it, you’ve set up an account code for this new company.---Sorry, can you just read the top ‘cause there’s stamps there.

“SNP contract have been opened.”---Yeah, that just doesn’t make sense because they’re not, they’re SIG he’s talking about coming in and we’re talking about opening an SNP contract. I mean I just can’t think around March 2017 what this all was about, about breaking a contract up.

Okay.---But it just definitely didn’t happen and it just doesn’t make sense.

Okay. Well, Ms Li asks at 12.49, "What do you mean contract opened?" And Mr Balicevac says, "Opened to make sure no effect."---Oh, it just doesn't make sense.

It says, "So they processing finance team have given approval to Dennis. Now we're looking close in contract SNP can't sue us." Did you speak to the finance team and obtain approval for Triton to come on as a supplier to the university?---No, I, I, I can't picture this whole scenario here, all right, that's - - -

10

THE COMMISSIONER: I don't think you were asked that. You were asked whether - - -?---Oh.

Ask the question again, Mr English.

MR ENGLISH: Did you speak to the finance team at around that time 15 March, 2017 to have Triton approved as a supplier to the university?---I, I don't know.

20

Well, can I have Exhibit 92, page 6 brought back on the screen. If we go to page 5. So this was one of the previous messages I showed you from Mr Balicevac, sent to you at 14/3/2017 at 8.11.14. The big message there, well, firstly, yours at the top of the page 8.01.33, "Tommy okay. No cost to him." Might that have been about Triton, no cost to him setting up a new company?---Oh, no, I don't know. I'm not reading that into it, at no cost to him.

30

Then there's Mr Balicevac's long message and he says at the end, "If you can help, boss, I would be thankful as Tommy is. Dazza is happy to do other way in without SNP knowing." That other way, that's Triton, isn't it? ---Oh, no, I don't know.

And then you say I think, "Y", yes, "we try sort out good guards. Need be the same pay." So, "Yes, we try and sort out good guards. Need be the same pay" is that under Triton?---I don't, I'm not saying it is. I don't know.

Well, you are saying that. When you say you're not - - -?---I'm not saying that. I'm not saying. I'm saying I don't know.

40

But we, if this is about Triton - - -?---Well, I don't think it is.

Have you got a role in this? I mean - - -?---I don't know it is Triton.

Why wouldn't you say Tommy has to sort out the good guards if he wants to do this, if Tommy can supply some good guards, good on him?---Yeah, I guess it's about me and the university and I'm wanting good guards on the university.

And then if we go over the page to page 6 there's this further email from Emir at 8.28.53 on 14 March about pay issues and then you say 15/3/2017 at 12.03.59, "Helping Tommy to survive."---No, I don't say it, do I?

10 Sorry, you're right. Emir says, "Helping Tommy to survive." Now, that's at 12.03.59, and then if we go back to volume 2, page 149, 50 minutes later, 45/50 minutes later Balicevac is having this discussion with Ms Li and he's saying, "Finance team have given approval to Dennis", at 12.52.12 on the 15<sup>th</sup> of the 3<sup>rd</sup>. Do you see that?---Yeah, I'm reading that but I, it's very confusing and doesn't seem to make sense. I just, I just don't know.

20 Well, doesn't it make sense if you assume that what's being discussed is Triton coming over to get this Fisher Library and lock and unlock work? You're speaking to the finance team to get them an account code and you've got approval for Triton to do something in relation to that proposal with the university?---And, and you look further down and he says, "No, Dennis is going to use SIG. Dennis is going to, Dennis is going to use SIG direct." I just, it just doesn't all make sense to me and I'd have no authority to go out on my own and, and change all these, change all these processes without dealing with Mr Sullivan on, on every issue there. It's just, it just doesn't make sense.

So it does suggest that you said you were thinking about using SIG direct for this work. You don't recall saying anything like that to Mr Balicevac? ---No. One minute I'm using Triton, and then I'm using SIG and – nothing happened.

30 If we can go to page 59 of Exhibit 37. So this is again Ms Li's phone. If we go to page 60, we're now in July, 4 July, 2017.---4 July, yes. Okay.

So there's a message from Mr Balicevac to Tommy and Lynn. "See screenshot I received from Dennis, please." And that's the screenshot up there. And then - - -?---What date's that message? July. And we were talking March before, were we, in the others?

Yes, we were in March, yes.---So we're not in July. Okay (not transcribable) months.

40 See there's a body attachment, a screenshot?---Yes.

And Emir says, "Keep Triton clean."---Sorry, hang on. It's not to me, though, is it?

No, no, no.---Oh, sorry, I'm thinking, okay.

This one's from Emir to Lynn, I think, or Lynn and Tommy. "Keep Triton clean."---Ah hmm.

It says, “Hardman man Dennis was negotiating to get him in Morgan’s chair.”---Yes.

Is that what you did? Did you negotiate to get Simon Hardman in the position to replace Mr Andrews?---No, so this is Emir’s talk. This is how he talks. It’s just exaggeration and – no.

10 Well, we did see the email whereby you provided some information to Mr Hardman for the purposes of his job application.---Yes. That was broad-brush items that you would find if you dug into looking at the job. And I was not on the panel. It was a very senior panel.

It seems like Mr Balicevac’s saying that “Mr Hardman got in. Don’t say to no one yet.”---Okay.

He says, “Even adults don’t know,” and then I think he corrects that, “Even Daryl don’t know.” Now if we look over the two pages to page 62, I think it is, here’s your screenshot.---Yes.

20 You might be able to help decipher this one for the Commissioner, please, if you can.---Mmm. I think the first reference is, it may relate to Hardman in the first instance. I’m just trying to – 2000 and what? ’17, was it?

’17, yes.---(not transcribable) “Just a few details. Tell Tommy have not forgotten. Going to do different way. Not procurement, too hard.” Okay, so I’ll break that up a bit. So there was obviously some sort of process question about if he was, if he could apply or he was allowed to apply, how that would be, and looks as though, my indication is there that it would be going through procurement. “Not procurement, too hard.” And “Use  
30 Hardman leverage.” So I’m going to use Hardman leverage, that’s about we’d been at a stalemate for over 13 or 14 months, and that’s a range of, there was a range of things to do in that unit to go up, up and put through senior management and, and to get things moving. So that’s my, “Talked to him last night. Few details (not transcribable) haven’t forgotten.” (not transcribable) question, he did ask something. “Do a different way. Not procurement, too hard.” So would be going through procurement and he would be able to apply.

40 Well, aren’t you saying something else, I’m not going to go through procurement because it’s too hard?---No, “Not procurement, too hard.” “Haven’t forgot, going to do a different way. Not procurement, too hard.”

So is your - - -?---I’m saying that’s procurement.

Is your interpretation procurement’s not too hard?---Yes. Well, you’d be putting it through procurement, he’d be able to apply like everybody else. So - - -

THE COMMISSIONER: No, isn't this what it really means, that you were assisting Tommy, whether through Triton or otherwise, to get the work at the university, you had formed the view that it was going to be difficult to have that occur through the procurement process, so the alternative was to involve Mr Hardman in some way and it seems that you were of the view that you have some leverage over him, perhaps because you assisted him to get the job?---No, Commissioner. The leverage, the leverage is about him and we had a range of, we had a range of processes sitting there to be filled, documentation about the unit to move us forward. We'd been sitting there  
10 for 17 months and this was one of them. And even if it wasn't procurement, the only other way you could do it, would be a, a call for service, where you would go out and get a dozen, half a dozen competing contractors to actually apply for that, that work.

But what did you mean by, "Tell Tommy have not forgot."---Have not forgot. So he was - - -

Forgot what?---Well, he'd asked, he's obviously asked if he could apply for whatever positions to come up, if there was work, he's asked to apply. Yes,  
20 he can apply. Forgot, haven't forgot, he had obviously asked a question, I would have told him what process at least the uni might be going through. So it was either going to be procurement or it was going to be, I'm still saying "not procurement, too hard", that's my cryptic way, but if you went to master of service agreement you've still got to go out to market for contractors, and the leverage of Hardman is he's coming with a reputation of actually getting things done, he's very good on paper and that's going up because I just couldn't, couldn't do all the, the strategic stuff and keep the operations going.

30 It would seem that at that point in time, Mr Hardman's appointment hadn't been finalised.---I think he was, he was a few days out, he just needed to sign the, actually get in and sign the letter.

But you told him not to tell anyone about Hardman because he hasn't signed his letter yet but would do so later in the week.---Oh, that's Emir not to tell anyone, Commissioner, not to, for whatever reason, if I've said to Emir, that's Emir not to tell anybody. This went to Emir, didn't it? Is that what you're saying?

40 Yes.---Yeah, yeah, yeah, for him not to tell you, you not to talk to Hardman because he's not signed letter, official.

No. It's not to Hardman. It says you don't talk to anyone.---Yeah, yeah. About Hardman, yeah. He's not signed letter but will this week. So I had a reference to him at the top, going to use Hardman, leverage.

What was the leverage, what was the leverage, Mr Smith?---So, it's, it's, well, his leverage was the senior management team to get, this unit had been

floundering, we were going nowhere, we had a range of, we had a range of processes to, to move on and obviously whatever was going on at this time, then that would have been put up through Mr Hardman to Mr Sullivan.

But Hardman, leverage, whatever it is, seems to have, you were contemplating that it would be used in relation to something that Tommy wanted.---No. He, he, couldn't have, he couldn't have got anything in, in isolation. We're talking procurement level or a master services agreement with, with contractors. You couldn't just singularly give work to someone.  
10 It's a university, you just can't say, oh, take it from A and give it to B.

Yes, thank you.---You've got a competitive market, Commissioner.

That was confidential information, though, you were giving to Emir, wasn't it, about Hardman's appointment?---Oh, in, in the moment, Commissioner, I probably shouldn't have done it.

In the moment. Very well.

20 MR ENGLISH: If we can go back to Exhibit 92, page 6. I think this is where we were at a moment ago in relation to this exhibit. If we look at 4 July, 2017 at 1.47, and these are your emails to Mr Balicevac, or your messages to Mr Balicevac and his in return to you. For July, 2017.---Yes.

Which is this same day. Emir says to you, "Happy Hardman in. Got confirmed, boss." Do you see that?---Yeah, yes.

And then over the page, this is all at 1.47, he says, "Great news. I keep quiet." What did he have to keep quiet there, to your understanding?  
30 ---Who's that, sorry?

Emir.---I think the fact that he hadn't, hadn't signed the letter (not transcribable) I was referring to.

And then he says, "I passed info for your flight. He is aware." "He aware."---Not too sure.

So that on the 4<sup>th</sup> of July - - -

40 THE COMMISSIONER: What did you understand him to be referring to? ---That would have been the time I was about to get on a plane, I think. I think I went away then, Commissioner. I went to, I went overseas. I think.

MR ENGLISH: Yes, the next day you flew business class to Europe, didn't you?---I don't, I don't know the dates but it would have been around July.

And you had a lengthy discussion or discussions with Mr Balicevac about the purchase of those tickets for that trip.---Not those tickets because those, I paid for those tickets, business class.

But I said you had a lengthy discussion with Mr Balicevac, or discussions, about those tickets, correct?---Not, not those tickets. He did, he did have a discussion about some tickets.

10 Are you saying you didn't have a discussion about these business class tickets upon which was it you and your wife flew to Europe in, on 5 July, 2017?---There was early discussions that he, he had a friend who could offer a family friend's rate, and that was never taken.

It was never taken up?---It was never taken up, no. It was never taken in terms of a flight or a trip.

20 So you booked it yourself and paid for it yourself, did you?---Yes, all in one day, yes. I did it all on, on a weekend. The, in fact I did it all in a few hours. I did the, I did the, I booked it over the phone. I booked the flights over the phone with Emirates, and then I went online and started booking a range of activities and other connecting flights.

Now, just your relationship with Mr Balicevac. He's been to your house four or five times.---Yes.

Once was a drop-in with his family, was it?---Yes.

30 And the other times, do I understand your evidence to be that he's dropped in maybe to help you move - - -?---Yeah, he helped me move - - -

Pick up the pinball machine.---A few things, yes.

What was he driving when he picked up the pinball machine?---Just like a little, like a worker's sort of van, a worker's sort of van. Like a, not a plumbing van, but it was a van you lift the back, lift the door up at the back.

And other than that one occasion at your house, did your families to your knowledge spend time together?---Families?

40 Family members.---I've never been to his house. We went down to his campsite to, at that Honeymoon Bay once. We went down there once and had a look. I think it was around a Christmas or an Australia Day. Maybe once the wife, when his wife was down there alone, drove down and saw her I think on one other occasion. That's it, I think.

Do you know whether your wife – and I don't want to mention anyone's names – your wife and Mr Balicevac's wife were ever in contact?---Well,

they may have shared, I think they may have both been on Facebook or something of that nature. But, yeah.

Well, if we go back to Exhibit 92 on page 7, please, we can see that there's these messages that we just looked at from volume 2 from 4 July.---Yes.

Then we have Mr Balicevac at 1.49.21 saying, "Great, boss." Then he says, "Very happy with news." And then, "We need to see each other when you back. It's time," I won't say the name, "was saying, it's time was saying you come to our," over the page.---Yes.

"You come to our place lunch, dinner."---Yes.

You write back, "Y." That's for yes?---Oh, yes, yes.

And then it seems like his wife was on text with your wife last night, et cetera.---Okay. Yeah. Facebook, text, yes. Okay.

So - - -?---My wife was appreciative of his wife because she took dying mother-in-law's cat from a unit, so there was a bit of appreciation there the fact she, she actually did that because otherwise they would have put the cat down. So there was certainly, you know, would've been Facebook and I don't know, I don't think texting was ever a lot and we certainly never ever went to lunch over there at their place. We've never been to their house at all, never.

Well, have you had any lunches or dinners with the Balicevacs?---No.

And then some more well-wishes and then on 2/8/2017 Mr Balicevac saying, "I bring jewellery tomorrow." What's that about?---That's the, would I have been back from the trip? Remember, remember he minded the jewellery in a safe? So I'm back from the trip and I'm taking it, I'm taking it back home. The gun safe. Remember there was - - -

So you're suggesting I should remember Mr Balicevac's evidence?---No, no, no. So the jewellery is the jewellery that he put in the gun safe.

Have you spent some time remembering Mr Balicevac's evidence?---No. You just asked me what the jewellery is.

Well, it seems - - -?---You asked me yesterday something, did you ever have jewellery. You said what is - - -

THE COMMISSIONER: No, the point he's making is he just recited back at him, Counsel Assisting rather, the evidence of Mr Balicevac which might suggest that you've been watching.---I gave him, I gave him the box of jewellery because I didn't have a safe yet in this place. He took it. He put it

in, in a massive gun safe and when I came back he gave me back the jewellery. They were family pieces.

MR ENGLISH: And that was Mr Balicevac's evidence and you told me I should remember it.---Well, that wasn't the intention. Sorry.

Mr Balicevac offer you a laptop at some stage?---He did loan me a little, an old, an old sort of laptop with basically nothing on it for a while, yes.

10 What is - - -?---Just a basic laptop.

He loaned it to you. I mean, when did he give you that?---I can't remember but it was, he did give it to me and I returned it.

When did you return it?---Oh, I can't remember but it was just on loan. It was an on-loan small sort of laptop.

Did you return it when Mr Balicevac came to pick up the Spider-Man machine?---No, no.

20

Well, he's only been to your house on your evidence four to five times. ---Yeah, but I would have brought it, I would have brought it at work, I would have brought it back at work. It was a small, just a small loan laptop.

For what purpose did you need to borrow a laptop? Did you say it had been, the contents had been wiped?---No, it was, it was the daughter, just for the daughter to loan while she was doing some CV stuff, trying for, job applications and things. That was my memory. It was a spare one he had.

30 Well, if we go to page 13 of Exhibit 92. You can see there at 1 February, 2018 at 6.07 Mr Balicevac asks if you need a laptop.---Yeah, yeah, that's what I'm saying. The daughter needed it, yeah, two days, just a small work thing, yes.

And he says at 6.21, the second-last entry, "I think I have one working et cetera, no password. Going to have a look."---Yeah. It was a crappy old one that was in the – that's what it was, it was just a basic thing.

40 And then over the page he confirms that he's found it, confirms it's working. And so when do you say you returned this?---I'm not sure. I'm not sure when but it was returned. We certainly don't have it now.

You spoke about another trip just a moment ago that Mr Balicevac had something to do with. What was that?---No, that was that, that was the 2017 trip.

I don't think that was the effect of your evidence, I think you said something first and then I brought you to the 2017 trip. I've got quite a clear recollection. You referred to another period outside of 2017.---No.

I stand to be corrected.---Yeah, it was - - -

THE COMMISSIONER: He referred to other tickets.

MR ENGLISH: Other tickets.

10

THE WITNESS: Yeah, it was, yeah, it was that trip, sir, yeah.

THE COMMISSIONER: I think I recall your evidence as being that you didn't have, I think counsel put to you you had lengthy discussions about those business class tickets and I think your response was, "It wasn't those tickets."---No, because I, I paid for those tickets, so he was offering, he's had a friend who was in the industry with a family and friends rate, was explored, didn't take it, it wasn't the right thing to do, and I booked my own flights.

20

Why wasn't it the right thing to do?---Well, it's pretty much a bit like you're a family and friends rate, you get on P&O or you get sent to you family and friends rate, he had a friend who had a family and friends rate, he said I could offer that to you because basically they go to waste, a cheaper, a cheaper rate. I thought about it, explored it and didn't do it.

I mean you just said to me a moment ago you didn't think it was the right thing to do.---Yes.

30

Why?---It's not probably the right thing to do. It was, again it could have been impinged on, on my role, perception of his role, so I didn't, didn't do it.

It might have been misinterpreted?---No, I just thought probably in my position, yeah, it probably wasn't the right thing to do.

40

Because indirectly I suppose he would have been conferring some sort of benefit on you through his - - -?---Yeah. I thought, you know, I guess, Commissioner, you get those rates and things that come on all the time, you subscribe to Qantas and they come on, you get the same sort of cheap rates, but in the end I didn't do it and - - -

Because it wasn't the right thing to do. That's your evidence?---Yeah.

Is that right?---Well, yeah, in the end I didn't think, I thought it wasn't, wasn't appropriate and when and booked myself.

Was the person who had these family and friends rates, was that the Russian travel agent?---No, no, no, Commissioner, it was a, it was a family friend of his.

MR ENGLISH: Was it someone called Oliveria?---I think her daughter, her daughter.

10 So a security guard at Sydney Uni's daughter?---Yeah, she worked in the travel agency, yes. I think her, she was hardly at the university, she was, she worked in the bank, she worked in a bank downtown. That was his, I do know her, I have met her, but yeah, she worked in a bank primarily.

So if we can go back to Exhibit 92, page 18, please. Here are some messages from 9 April, 2018.---9 April, yeah.

"SNP called Tommy that he's removed from Sydney University."---Yes.

And you say, "Oh, we see tomorrow."---Yes.

20 And then you say, seven seconds later, "Big man o to it." I think that's meant to read, "Onto it." Do you agree?---Big man onto it.

You're the big man?---I'm not sure in that context, but big man onto it, okay, yeah, yeah, suggesting it's me.

Okay. So that's on the 9<sup>th</sup> of April, 2018.---Yes.

30 When was the first time you learnt that SNP were looking to have Tommy removed from Sydney University?---Well, I don't know, this is the one that sticks in my head - - -

Around this time, 9 April, 2018.---I don't exactly, I don't exactly know but obviously around that time.

You seem to be suggesting with "oh we see tomorrow" that you had some confidence in ensuring that that didn't occur, would you agree?---SNP, no I didn't know anything about it, I'd need to get some detail.

40 What, so what does "oh we see tomorrow" mean?---We see exactly, is it right to start with.

You say, "Big man onto it." So what were you onto by 9 April, 2018? ---I think it's in jest about I'm onto it, I need to find out what the hell this is. That's, that's what that means for me, in jest.

Well, Mr Balicevac - - -

THE COMMISSIONER: In jest?---I've called myself big man, that's, I must have needed to find out what was already, if this was right, that's a big risk.

MR ENGLISH: Who to?---The university. If he's pulled out those guards, that's a big risk to us right away.

10 Why can't it just be a stage so, if the guards leave, there's a transition period and they can either go and work for someone else or some other guards can be retrained or trained up?---It's a long transition and what these people were, in the roles that people were, it's a long transition period.

THE COMMISSIONER: I think it was Mr Balicevac, wasn't it, who said he'd need a transition period of about a month?

MR ENGLISH: Yes, that's right.---Yes, control room operators, you can't even work in there unless you've worked in the field for three months. You can't go into the control room because you're actually giving directions to other people on 70 hectares on this site and other campuses they've never  
20 been to, you can't do it, we don't really let them go in there until they've had at least three or four months in the field to direct other people around the campus and into buildings.

So a control room - - -?---It's a huge operational risk to the university.

So a control room operator needs three months in the field before they can work in the control room?---That's generally how we, yes, yes, that's exceptionally good.

30 Do they need training in the control room before they can start?---A lot of that is, there's an SOP from Mr McCreadie on that and there's also sitting and being a partner and actually, like a buddy system, and then taking over yourself so you should come in for a few shifts with a person and just get some experience, hands-on there. Then you move yourself into that role.

All right. So the conversation continues 3.50, Mr Balicevac, firstly, he says at 3.49.40 "Ha, ha, ha, ha." He seems to think what you're saying was of some humour. Then at 3.50, "Thank you, boss, even without notifying uni, they made decisions."---Right.  
40

So what's he, do you understand he's thanking you about there?---Not sure he's thanking the university without even, notifying the university about making decisions, I don't know what he's thanking me about, I haven't even had a look at what the issues are.

You say, "I read contract tomorrow, go big walk now, go stretch," what legs?---Yes, walk.

What were you conveying there?---I walk every night, that's, that's just - - -

What about reading the contract?---I need to have a, I need to get my head around, I need to get my head around the contract. Whether there's a notice period they have to give for the subbie or whatever the case was.

10 Now then, on the 13<sup>th</sup> of the 4<sup>th</sup>, you say, "Tom put hold on subbie swap/THT, that is start, Dazza going to tell Tommy, tell him at low." What does that mean?---Not sure but it's pretty much about saying that, I've had discussions with Mr Roche there and we've got a hold and just for Daryl let to Tommy know not to pull his guards out or move his guards but don't go saying, you know, don't go saying anything stupid or doing anything, just to act normal, keep the guards there.

Are you concerned that Tommy's going - - -

20 THE COMMISSIONER: Where do we see that? I mean, don't pull the guards out, don't do anything stupid. I don't see that in there at all.---But that's, that's me knowing what the text message is.

Oh, I see.---Sorry, that's from me, so - - -

So it means something other than the words you've used?---Well, to me.

Right, thank you.

30 MR ENGLISH: So was Tommy threatening to, what, he was going to pull all his guards out?---No. He wouldn't have wanted to lose the, he wouldn't have wanted to lose the work.

It didn't ask what he was wanting, was he making threats that he was going to pull all his guard force out?---No. This, this appears that SNP have kicked him out.

Sorry, say that again?---SNP, it appears SNP have stopped him here, isn't it? That SNP are, are moving him on.

40 Well, I'm just picking up on your evidence before. I thought you said that Tommy was going to pull his guard force.---No, not in this instance. This is SNP, this is SNP.

So that's the 13<sup>th</sup> of the 4<sup>th</sup>, 2018. If we can go - - -

THE COMMISSIONER: Before you move on, what did you mean by the words, "That's a start"?---Well, we were in a hold, we were in a holding pattern.

So that seems to be the start and then you say, “Dazza going to tell Tommy, tell him act low.” What did you mean by that?---Business as usual.  
Business.

So I’m to read, “Dazza going to tell Tommy, tell him act low,” I’m to read that as business as usual?---Yeah, well, not pull the guards. Well not pull the, not to, yeah, that his guards are still going to be there at the moment.

10 MR ENGLISH: Again, you alluded to this sort of threat that Tommy was saying he might pull his guard force out.---I don’t, I was getting a bit confused. This is SNP saying that they were pushing him out.

If we go to Exhibit 36, page 317, please. An email chain starting with Mr McCreadie’s email to Philip Tansey, “Just to confirm, I called Dennis to advise SNP was in the process of re-evaluating the use of SIG as a supplier to SNP and the need to push forward with an alternative supplier. Dennis is back in the morning. He said he would discuss further.” You were told that on the 9<sup>th</sup>, weren’t you?---By Emir?

20 By Emir, yes.---Yeah, yep.

And then, so Daryl sends his message on to you, “Heads up,” with Emir copied in, “Still nothing in writing from SNP to advise what it is they would like to do.”---Yes.

So do you know why Daryl was forwarding on his internal emails to SNP to you and Emir?---Oh well, well it’s certainly affecting both of us. It’s affecting the university and I guess, Emir, being his second in charge.

30 Well, did you feel uncomfortable in any way, receiving what appears to be an email from Mr McCreadie to – do you know who Philip Tansey and Fawad Walizada are?---I, Tansey I knew. I think it was his boss. Fawad, I’m not a hundred per cent but certainly, no, I wouldn’t have had a problem with that.

Well, reasonably senior management at SNP, did you have a view that’s who Mr Tansey and Mr Walizada were?---Yes.

40 You had no problem with Mr McCreadie forwarding on his correspondence with his bosses to you?---No because it was keeping me in the loop about what SNP are actually doing with this contractor, which is going to substantially affect the university.

If we go to page 324. This is the email from Fawad to Tommy and Scott, confirming that the last day of service for SIG is to be one month from today, 8 May, 2018.---Yes.

And that was an email that followed an earlier email which you can see at the bottom. Now, Emir then forwards that to you, saying they gave Tommy final date, 8 May, and Daryl says to you and Emir, this is on Wednesday, 11 April, "Scrum down later. Just heading up to Technology Lane to see the roadwork crew." Scum down later, do you know what Mr McCreadie meant by that?---We would meet later.

10 Do to what?---We would meet later just to discuss the position. This is, this is now an extremely large issue for the university if he's going to take these guards out within how many weeks?

You've got almost a month?---Yes, almost a month, almost a month is nowhere near enough.

There's no what?---Nowhere near enough.

So did you - - -

20 THE COMMISSIONER: In your length career as a police officer, had you heard the expression scrum down?---Indeed, Commissioner.

Yes.---Yes.

It really meant putting your heads together, didn't it?---Mr McCreadie wouldn't have known what that term was. I think he's used it in a general term.

30 MR ENGLISH: I think his evidence was he heard that from you.---I doubt, he's written it there, I'm not sure he would have known what it meant.

What did it mean to you?---I know the meaning of it but I've never had a scrum down - - -

THE COMMISSIONER: No, it's not to suggest that you have.---No.

But what did you understand it to mean?---It would have been in the olden days there, Commissioner, police getting together and getting there versions straight, something of that nature.

40 Yes.---That from Daryl is not in that context, Commissioner.

MR ENGLISH: All right. Well, that's Mr McCreadie saying that 6.46, sorry 7.46 in the morning on the 11<sup>th</sup>, did you meet with Emir and Daryl and have a discussion about this later that day?---I'm suggesting that it was going to happen but I'm not sure if it did happen on that day. There was a suggestion there obviously that it did but I'm not sure if we did.

If you go to page 328.---I was going to suggest it has.

Daryl sends you an email again, on 11<sup>th</sup> April, 2018 at 14.21, and he's just giving you Tom Roche's mobile number. Do you see that?---Yes.

That's the head of SNP Security?---Yes, he's one of the directors.

Seems like you might have scrummed down and a decision was made that you call Tom Roche. Do you agree?---No, I've - - -

10 MR COLEMAN: Sorry Counsel Assisting, that phone number probably should be redacted.

THE COMMISSIONER: Sorry, I missed that.

MR ENGLISH: There's an application for a redaction. I don't think it's been stated orally but we can take that on board.

MR COLEMAN: The phone number Commissioner at the top, subject heading.

20

MR ENGLISH: I'm instructed that it's a work number that it's in the signature blocked. We can discuss that in due course.

MR COLEMAN: Thank you.

MR ENGLISH: So, just back to the question. It suggests that you did in fact have a meeting with Mr McCreadie and Mr Balicevac, at which time it was decided that you would make an approach to Tom Roche via mobile phone. What do you say about that?---It would stand to reason if I've been given his number we had met and I've now got the number.

30

THE COMMISSIONER: Mr English, I'm happy for you to stop at any time between now and 4 o'clock and I say that because I understand there's some compulsory examination transcripts that need to be tendered.

MR ENGLISH: I can stop now. We're not going to finish this.

THE COMMISSIONER: When it's convenient to you.

40 MR ENGLISH: We're not going to finish this in 10 minutes I don't think, Commissioner. Well, it might actually be worthwhile, I don't know if, we might go a little over 4 o'clock, I don't know if that's suitable, but I'm going to tender that material and it might be worthwhile just getting through this first.

THE COMMISSIONER: Sure.

MR ENGLISH: So if we go over to page 329 you see there's an email, subject heading, "Multiworks proposed Subbie."---Yes, yes, sorry.

McCreadie says to you, "They only have three staff." Do you see that?  
---Yes.

What did you understand him to mean by that?---Well, I didn't really know there but he said they've only got three staff, a subbie with three staff.

10 Had you seen any documentation to confirm that or were you just going off what McCreadie told you?---It would have been at that stage going off what Mr McCreadie said.

Have you ever see a workers' compensation certificate for SIG?---No.

You say, "May be they subcontract, ha ha." What does that mean?---So you've now got a subcontractor subcontracting. If they've got three staff they've going to have to subcontract to get 70 staff. So you've got SNP subcontracting to Multiworks for three staff and Multiworks are going to  
20 have subcontract again to get their required amount of staff. You've got sub-subcontracting.

All right. And then Mr McCreadie says to you, "No, I give up??"---Ah  
hmm.

Just in your email from 7.22 you say, "Didn't get chance to call Tom yet."  
---Yes.

30 "Might do it in morning, work phone."---Yes.

Okay.---Yes.

Then if we go to page 330, it seems by 12 April, 2014, or sorry, at 2.14pm you drafted an email to Tom Roche and sent it to Mr McCreadie for comment.---Yes.

Why did you send it to Mr McCreadie for comment?---Probably 'cause it was going to his, his CEO and just whether he had any actual comments or suggestions around the document, it's going to his organisation.  
40

Well, it's going to the head of his organisation, isn't it?---Yeah, that's what I'm, yeah, it's going to the head of his organisation so I just felt if he had a read of it, it would have been appropriate.

So you're writing as the client to the contractor to save the subcontracting arrangement for the subcontractor and you're providing it to the contractor for approval first, or an employee of the contractor first.---No. So, so Mr McCreadie is the actual site manager.

Yes.---And so he would have a role in at least understanding what his CFO may ring him about and whether he had any comments on my actually, my report.

But Mr McCreadie's employers made a decision to have SIG removed by this stage.---Yes.

10 So you're trying to have that decision reversed by going to the head of the organisation and you're asking Mr McCreadie to review your correspondence for that purpose.---Yeah. So he's the, he is the site manager, he's got knowledge of the site, and I may have missed an important dot point or two there to put in, so that was the purpose of that.

Okay. Commissioner, I don't think we're going to finish this topic today. Perhaps we could tender the material and leave.

20 THE COMMISSIONER: We'll start at 9.30 again though, tomorrow. How are we going in terms of progress?

MR ENGLISH: I think we're doing quite well. We have a number of witnesses for next week but they shouldn't take as long as the current tranche of witnesses at all.

THE COMMISSIONER: And I think you wanted to tender some compulsory examination transcripts.

30 MR ENGLISH: Yes, there's one for Mr Smith. I'm told that's not ready for tender yet.

THE COMMISSIONER: No. I've got a list of about five and I just remind those present here that, if on reviewing these transcripts, any affected person or the lawyers think that there's a proper basis for them to be called, you'll just have to notify us, let us know but otherwise I will treat that evidence as being contained in that transcript.

MR ENGLISH: Is the first one on your list, I hope it matches with mine now, is the compulsory examination of Mr Gol Amiri of 17 October, 2018?

40 THE COMMISSIONER: Yes. That will be admitted into evidence and marked Exhibit 93.

**#EXH-93 – TRANSCRIPT OF COMPULSORY EXAMINATION OF  
GOL AMIRI DATED 17 OCTOBER 2018**

MR ENGLISH: There a compulsory examination transcript for Aymna Huda, dated 1 February, 2019.

THE COMMISSIONER: That will be admitted into evidence and marked Exhibit 94.

**#EXH-94 – TRANSCRIPT OF COMPULSORY EXAMINATION OF AMYNA HUDA DATED 1 FEBRUARY 2019**

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MR ENGLISH: There's a compulsory examination transcript for Ben Pfitzner of 1 February, 2019.

THE COMMISSIONER: That will be admitted into evidence and marked Exhibit 95.

**#EXH-95 – TRANSCRIPT OF COMPULSORY EXAMINATION OF BEN PFITZNER DATED 1 FEBRUARY**

20

MR ENGLISH: A statement of Lina Chami, date 1 February, 2019.

THE COMMISSIONER: That will be admitted into evidence and marked Exhibit 96.

**#EXH-96 – STATEMENT OF LINA CHAMI DATED 1 FEBRUARY 2019**

30

MR ENGLISH: And statement of Eslam Ali, 18 January, 2019.

THE COMMISSIONER: That will be admitted into evidence and marked Exhibit 97.

**#EXH-97 – STATEMENT OF ESLAM ALI DATED 18 JANUARY 2019**

40

MR ENGLISH: And just please let me take an instruction. And those three compulsory examination transcriptions and two statements will be available on the public website.

THE COMMISSIONER: Very well.

MR ENGLISH: So Mr Smith's computer is ready for collection. It's been imaged, I'm instructed, so that can probably be arranged today, yes, this afternoon.

THE COMMISSIONER: All right. I'll adjourn until 9.30.

**THE WITNESS STOOD DOWN** [4.00pm]

10

**AT 4.00PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
[4.00pm]