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COMPULSORY
EXAMINATION

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INDEPENDENT COMMISSION AGAINST CORRUPTION

STEPHEN RUSHTON SC
COMMISSIONER

COMPULSORY EXAMINATION

OPERATION GERDA

Reference: Operation Gerda E17/0445

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 11 JULY, 2018

AT 11.30AM

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

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

THE COMMISSIONER: This is a compulsory examination of Frank Lu. It's being conducted for the purposes of an investigation of an allegation or complaint of the following nature. Firstly, from 2014, staff of S International Group, otherwise known as SIG, Sydney Night Patrol & Inquiry Co Pty Ltd Pty Ltd, otherwise known as SNP, and/or the University of Sydney have made false entries on daily time sheets, claiming for staff who did not actually work or who no longer work at the University of Sydney and/or who were overseas or otherwise unavailable to work at the times claimed. Secondly, from 2014, SIG, SNP and/or the University of Sydney staff edited daily time sheets to include staff that did not actually work and/or replaced names with other staff members' names regardless of the associated signature. Mr Sutton, you seek authorisation to appear?

MR SUTTON: I do, yes, Commissioner.

THE COMMISSIONER: Thank you.

MR SUTTON: Thank you.

20 THE COMMISSIONER: And I take it you'll be seeking a section 38 declaration?

MR SUTTON: I do.

THE COMMISSIONER: I propose to make a number of directions. I direct that the following persons may be present at this compulsory examination, and I do so pursuant to section 31A of the Independent Commission Against Corruption Act 1988: Commission officers, including transcription staff; the witness, Mr Lu; and the witness's legal representative, Mr John Sutton.

I also propose to make a direction under section 112 of the Act restricting the publication of information with respect to this compulsory examination. The direction will prevent those present today, other than Commission officers, from publishing or communicating information relevant to this compulsory examination. It will permit Commission officers to publish or communicate information for statutory purposes or pursuant to any further order made by the Commission. The direction may be varied or lifted by the Commission without notification if the Commission is satisfied that it is necessary or desirable to do so in the public interest.

40 Being satisfied that it is necessary and desirable in the public interest to do so, I direct pursuant to section 112 of the Independent Commission Against Corruption Act that the evidence given by this witness, the contents of any exhibits tendered, the contents of any documents shown to the witness, any information that might enable the witness to be identified and the fact that the witness has given evidence today shall not be published or otherwise

communicated to anyone except by Commission officers for statutory purposes or pursuant to further order of the Commission.

10 **BEING SATISFIED THAT IT IS NECESSARY AND DESIRABLE IN THE PUBLIC INTEREST TO DO SO, I DIRECT PURSUANT TO SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT THAT THE EVIDENCE GIVEN BY THIS WITNESS, THE CONTENTS OF ANY EXHIBITS TENDERED, THE CONTENTS OF ANY DOCUMENTS SHOWN TO THE WITNESS, ANY INFORMATION THAT MIGHT ENABLE THE WITNESS TO BE IDENTIFIED AND THE FACT THAT THE WITNESS HAS GIVEN EVIDENCE TODAY SHALL NOT BE PUBLISHED OR OTHERWISE COMMUNICATED TO ANYONE EXCEPT BY COMMISSION OFFICERS FOR STATUTORY PURPOSES OR PURSUANT TO FURTHER ORDER OF THE COMMISSION.**

20 THE COMMISSIONER: Now, Mr Lu, in colloquial terms that's a non-publication order. It means that you cannot discuss with others when you leave here today the evidence you have given – questions asked, answers given – except with your lawyer. It's a criminal offence for any person to contravene a section 112 direction – that is, the direction I've just given. Do you understand that?

MR LU: Yes, I do.

30 THE COMMISSIONER: Thank you. Your lawyer has asked me to make a section 38 declaration and I assume, Mr Sutton, that you've explained the effect of such an order?

MR SUTTON: I have.

THE COMMISSIONER: Let me remind you of a number of things in relation to your rights and obligations as a witness. Mr Lu, you must answer all questions truthfully, and if I ask you to produce any item during the course of your evidence, it must be produced. Do you understand that?

40 MR LU: (No Audible Reply)

THE COMMISSIONER: Now, the effect of a section 38 declaration is that although you cannot refuse to answer all questions truthfully, the answers you give can't be used against you in any civil or criminal proceedings. But there is one very, very important exception. The evidence can be used against you in a prosecution for an offence under the ICAC Act for most importantly giving false or misleading evidence. If you give false or misleading evidence, the section 38 declaration does not give you any protection in respect of being prosecuted for giving false or misleading

evidence. To give false or misleading evidence to this Commission is a very, very serious matter. It will involve the commission of a serious offence which can lead to a penalty of imprisonment for up to five years. Do you understand that?

MR LU: Yes.

10 THE COMMISSIONER: I also should say to you, Mr Lu, that as you probably know, this investigation has been proceeding for some time. For example, search warrants were executed by the Commission officers, as you probably know, and other inquiries have been made to get to the truth of the matters referred to in your summons, and they're the matters that I read out a little while ago. I've explained to you that if you give false or misleading evidence here today you will commit a very serious offence and you won't be protected by the section 38 declaration that I've made.

20 Now, before commencement of your evidence today I ask you to keep in mind three matters. First, as a result of materials obtained through the Commission's search warrants and other inquiries, it has made, the Commission has made, it has obtained a great deal of relevant evidence. The second matter I want you to keep in mind is that this evidence strongly indicates that you are a person who can greatly assist the Commission in its investigation. The third matter which I want you to keep in mind when giving evidence today is that on the basis of some of the material already obtained by the Commission which I have reviewed, I consider it likely that if you give untruthful evidence today the Commission will be able to prove that you have done so. I note again that could have very serious repercussions for you. So for your own sake I suggest that you give entirely truthful answers to the questions which Counsel Assisting me, Mr Baine, will ask you in a moment. Half-truths are not enough, nor are claims that you do not recollect matters which you clearly must recollect.

30

Might the witness be sworn. Will you take an oath or an affirmation?

MR LU: An oath.

<FRANK HUA LU, sworn

[11.45am]

THE COMMISSIONER: Yes, Mr Baine.

MR BAINE: Thank you, Commissioner. Would you please state your full name.---Frank Hua Lu.

10 And your date of birth?---[REDACTED].

Your residential address?---[REDACTED].

[REDACTED] ?---Yeah, [REDACTED].

[REDACTED].

All right. And your email address?---[REDACTED] or - - -

20 Have you got any other email addresses?---Yeah. frank.lu@sydney.edu.au.

And are they the only two email addresses that you use?---Hey?

Are they the only two email addresses you use?---Yeah, I have another Gmail one but I never communicate anyone with it, just - - -

And what's that?---[REDACTED].

All right. And do you have a mobile telephone number?

30 THE COMMISSIONER: Just a moment, Mr Baine. I'm not sure that I actually made a declaration. I suggest that I may not have, so I'll do that now and if I have done it I do apologise and I'll do it again.

40 Pursuant to section 38 of the Independent Commission Against Corruption Act I declare that all answers given by this witness and all documents and things produced by him during the course of his evidence at this compulsory examination 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 COMPULSORY EXAMINATION 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.

THE COMMISSIONER: Sorry, Mr Baine. Proceed.

MR SUTTON: Thank you, Commissioner, I think that was correct.

10 MR BAINE: Thank you, Commissioner.

Mr Lu, do you have a mobile telephone?---Yeah, yes.

And what's the telephone number?---[REDACTED].

And how long have you used that number for?---Jeez, a very long time. Like, eight years, nine, nine, 10 years maybe.

20 Are you the only person who has used that number?---Yeah.

And have you had any other phones that you've used over the course of that period?---Yeah, the SIG phone.

And what was the telephone number of the SIG phone?---I don't, I don't, I don't remember that one 'cause I just, yeah, it's the work phone so people knows and it's saved in, so the number's saved on top of the list.

We might return to that later.---Yeah, yeah.

30 And how long did you have possession of the SIG phone for?---Since September or October 2016.

Right. And were you the only person who used that phone during that time?---Yeah.

And the telephone that you refer to as the SIG phone - - -?---Yeah.

40 - - - was the same phone that was produced to the Commission under a section 22 notice approximately six weeks ago?---Yeah, yeah.

All right. Mr Lu, do you own a vehicle?---Yeah.

And what sort of a vehicle is that?---CLA45, it's a Mercedes.

A CLA45 is the model?---Yeah, yeah.

And approximately when did you purchase that?---I got it in 2015 July, so I purchased that, I think the order was nine month, yeah, I order nine month ago or before.

Nine months before - - -?---Yeah, yeah.

- - - that time?---July 2015.

10 Okay.---I remember I got it in July 2015.

So you purchased it new?---Two thousand and – no, it was new, that’s why I had to wait. 2014 I ordered, I think September 2014 then I had to wait about nine month or 10 month before.

But for a new vehicle?---Yeah.

Okay. And how did you purchase that vehicle?---98,800 or 98,000-something.

20 But what was the arrangement as far as the purchase, did you buy it with cash or did you buy it with finance?---No, no, finance.

And who was the finance provider?---BMW Finance.

BMW Finance.---Yeah.

Okay. And the vehicle cost approximately \$98,000?---98 probably 500 or 900, whatever, yeah.

30 And do you still use that car?---Yeah.

And what’s the licence plate?---[REDACTED].

[REDACTED]?---[REDACTED].

All right. Do you have a security licence number?---Yeah, I can’t remember it. Yeah, I have one.

40 Do you have an identification card that you carry around with your security licence number on it?---What do you mean, sorry?

So you would have a New South Wales driver’s licence. Have you also been issued a security - - -?---Yeah.

And do you carry that with you?---Yeah, when I'm at work, yeah.

Do, do you have it with you at the moment?---No.

All right. And you can't recall what your security licence number is?---No, sorry.

How long have you used that number for?---Security licence? I had it, I think 2009 or - - -

And the security licence doesn't - - -?---Or 2008 or yeah, because I had it, this was the first job I had since I got the licence. I got this job with SNP, so I never had work elsewhere.

10

All right. And that number when you need to renew your licence, you keep the same number, do you?---Yeah.

But you get a new licence?---Yeah.

Mr Lu, where, what is your occupation?---Security guard.

And where are you currently employed?---At the Sydney Uni.

20 When did you commence there?---10 years, so 2008, 1 December, 2008.

And who is your employer?---SNP Security.

SNP Security. And how long have you worked with SNP Security for? ---Since, since then, 1 December, 2008.

And what is your position at the university?---Now I'm the team leader, the security team leader.

30 How long have you held that position for?---Jeez, that one, maybe five or six years. I, yeah - - -

And before that, were you a patrol guard?---Yes, yeah.

And in your position as team leader, what do your day-to-day roles include? ---Just make sure, you know, that operations running you know, answer the calls if they, if, if people can't answer certain questions then I have to figure out, and escalation of issues and, yeah, that's pretty, pretty much, pretty much it.

40

Is it a static position or are you patrolling the university?---I have to do both, both. Like, so, it's like not, that's notset what I, like, what I'm going to do, like, if I'm going to be here or going to be there. So, I can, I can rove around or I can sit in the office, stuff like that, yeah,

And where, when you find yourself seated in the office, are you sending emails?

---Well, I would reply the emails or look at the alarms or you know, just let people know the, what they need to improve on, answer the calls. If certain things, the, the control room operator doesn't know what to do, then they have to come to me.

And what would they report to you?---Like, you know, maintenance issues or, you know, security issues, like, if someone's got complaints and, you know, if the system crashed. Stuff like that.

10 And you then provide them with advice or solutions?---Yeah, yeah.

And other than control operators or patrol guards coming to you for advice, is anyone else seeking your advice?---No, no.

All right. Mr Lu, approximately how much are you paid by SNP each week?
---Because we have a short and long week because my yearly would be about 62 to 65.

20 Is that inclusive of super or exclusive?---No, no. Exclusive.

All right.---Just, yeah.

And it varies depending on how many shifts you work each week?---And depends if you are on the, like, a public holiday during the year because four on four off then you have, you know, public holiday and sometimes, some years you don't fall into it, so it varies in that way.

All right. Were you previously employed by SIG?---No.

30 You've never been employed by SIG?---Only 2016.

And when you say, "Only 2016" - - -?---'16, so that, whenever the October 2016 or September 2016.

Why did you work for SIG for such a short amount of time?---Because there was no, there was no overtime at all from Sydney Uni, from, no, not Sydney Uni, SNP security, they cut it.

40 So at the time that SNP cut overtime, your evidence is that you went to work for SIG?---No. Everyone was pretty much forced to sign up with a subcontractor. I think it was, the time was two thousand, maybe two thousand, I don't know how long SIG been there, if it was six year, five years or six years. So before that, before SIG there was another subcontractor and at that time it was a different site manager. So - - -

Who was the site manager and who was the subcontractor?---Aaron Lucas. Oh, Ayla Leighton then was, during that time, that was IPS, IPS Security. Then Aaron Lucas took over as the site manager, that's when Tommy, I

think that's when Tommy came in, about five or six years ago. So, at that time, we were told by Aaron Lucas that, that, back then he, Aaron Lucas was site manager, Daryl was the account manager for the place. So, I don't know where that come from but Aaron told us that SIG, he have to, everyone has to go through SIG and that's basically the direction from SNP, the head office or you don't get nothing. You will not get - - -

10 So it was Aaron Lucas who said you needed to approach SIG?---Yeah, yeah told everyone. So, no one's going with, on overtime with SNP since then.

What was your relationship with Mr Lucas like?---No. Well, I don't have much, back then I didn't, I didn't work much, so - - -

You didn't work much?---No. Just like, I didn't do any overtime so, no, it wasn't that good.

So was Mr Lucas someone that you had to report to at the University of Sydney?---Yeah.

20 And as a manager, what was he like?---I don't think he was, I don't know, I don't think he was, he's knows what he's talking about, so - - -

Do you think he did or did not know what he was talking about?---No, I don't know, like, in work-wise I don't think he's, I don't like him. Personally I don't like him.

30 Okay, Okay, And why was that?---Oh, it's just the way he, he approach you. You know, trying to, trying to you know, trying to be, how do I say it? Certain things that he like, the little minor things he wanted, just wanted changed, just wanted to show that he the boss and, yeah, just to put you down. Just things like that.

And was the nature of the minor things that he took an interest in that which would be expected of a manager?---(No Audible Reply)

Okay, all right. Sorry, Commissioner, I withdraw that. Mr Lu, do you think that the functions that Mr Lucas was performing would be expected of a manager?---I don't know, yeah. I guess, yes.

40 And perhaps some of the frustration that you had with him was born of the nature of his role as a manager?---I, I - - -

I might ask it a different way.---Yeah.

Do you think that you became frustrated with him because he wanted to inspect your work frequently?---Well, I don't think he inspected my work frequently. He just - and also another thing that he, can I, can I say or, anything?

Please.---Because at the start when he came, there's a story. That he, that he caused some, he made some false accusations against me, saying that I have compromised guard safety. You know, back then, that was maybe 2015 or 2014. I can't remember which year. It was the O week. It was, I remember very clearly and there were guards that attend at the Great Hall, you know how Sydney University have the lawn in the front. Anyway, anyway they said the guards called for help, they called for help from people on the Friday night, people, you know, there's the bars and stuff, they finished the bars, the walk along there and threw rocks at them and they asked for help, you know, and I didn't do anything. I told them to deal with it or something like that, I remember. Then the, well, which I didn't do and they listened to the, and they said they called the control room phone to ask for help and Frank just disregard it, okay. So when they went back, when the university went back to the phone calls, like, I didn't say, I didn't say, I didn't disregard. I send the people down there, like, the patrols down there to see if anyone, you know, to see if any, anyone was throwing rocks at them or they are hurt or stuff like that. They all reported back there was nothing. But anyway, anyway, Daryl and Aaron, I don't know who, who wrote the, they suspended me for investigation like, basically told me to go home on the, on the spot.

How long were you suspended for?---Oh, two days.

Right.---Two, two or, two or three days they gave, I don't, I don't have, I've still got, I still have that piece of paper. And they called us in, you know, and they got the witness statements, like, people that was actually there I've never seen before, you know, because we have the ad hoc and stuff. Back then I didn't, I have nothing to do with who, who was arranged. So apparently he wrote a big statement and signed it, with all the guards signing it saying that I disregard them.

And approximately when was that complaint?---That, that, that happened when SIG, it was, it was a hot time so it was summer when SIG took over the subcontract at the beginning, maybe five or six years ago.

You mentioned a man named Daryl.---Yeah.

Who is that?---He was the site, he was the account manager. Then I don't know what happened to him in SNP or the politics or whatever happened at head office. Then he ended up, he left Sydney Uni, yeah, so for the last two, three years. He used to be, I never, like, when I worked at that place I don't see anyone from the head office.

And you mentioned that Aaron Lucas was responsible for telling you to work for SIG so you could claim overtime?---No, he didn't, not telling me individually. He told everyone that.

Was there anyone else from SNP who told people that they should work for SIG to claim overtime?---No.

Just Aaron Lucas?---Or maybe Emir back then. I can't remember. But Aaron was the site manager . Emir was a team leader back then so if you want to put in this perspective what everyone's, if you would, if you have maybe mentioned it, maybe not, I don't know, I can't remember but I remember Aaron Lucas was the one. He's the site manager and that's a direction from the head office.

10

Mr Lu, I want to ask you some questions about your income.---Yeah.

Do you have any other sources of income other than your salary from SNP?
---Now, now, no, but before I had it with SIG.

Okay.---Yeah.

And approximately how much per week would you receive from SIG?
---Jeez (not transcribable)

20

Did you say a lot?---No. I said I can't, I didn't say any, I couldn't - - -

I misheard you. I apologise.

MR SUTTON: He said, "Jeez", and then there was a mutter.

THE WITNESS: (not transcribable) I can't calculate because every week will be kind of different.

30 MR BAINE: And did you receive that money in cash?---Yeah.

Did you every receive that money deposited into your bank account?
---Yeah. Very rare.

And why would you receive it into your bank account from time to time?
---Because I don't have time to go pick it up. Yeah.

So you would pick up the cash would you?---Yeah.

40 And where would you pick it up from?---At the, at the uni, at uni, the control room or before we were going to the office to pick it up. Everyone was going by themselves.

To which office?---The Kent Street. I think the Kent, yeah, the Kent Street at Mascot. Yeah.

And you would travel there and you would collect your cash?---Yeah.

In an envelope?---Yeah.

And that process stopped approximately when?---Probably a half, at least more than a half year ago, like, maybe June, May. I, I didn't, I can't, really can't remember.

And when it stopped, the cash would then be delivered to the control room at the university?---No, no, yeah, that, that's right, it gets delivered, but it still gets picked up from the Kent, the Kent, the Mascot office.

10

The Mascot office?---Yeah. So one person goes and get everyone's.

So did you ever pick up cash at the Mascot office?---. Yeah, I have.

And did you also pick up cash in the control room office?---Yeah.

And why did the financial arrangement with SIG include cash payments?
---I don't know. I thought that was the way it's, it's, that's what we're supposed to do.

20

Do SNP pay you in cash or do they deposit?---No. No, they, they do the deposit.

So you just were satisfied that you could pick up cash from SIG in an envelope at one of the locations you've mentioned?---Yeah.

All right.---That's the only way, only way to, like, because we can't get money, like, work for SNP for anything else, for any, any other overtime, yeah. This the only way to do it.

30

Other than collecting cash from SIG do you have any other sources of income?---No.

Do you own, Mr Lu, any luxury items?---No.

Do you own for example any watches?---Yeah, I have one.

Is your watch that you have an expensive watch?---Yeah.

40

Approximately how much?---I had one for about 40,000, 40,000.

And approximately when did you buy that?---Oh, end of March.

March this year?---Yeah.

And what sort of a watch was it?---Rolex.

And how did you pay for the watch?---On my credit card.

And do you still have the watch?---No.

What happened to the watch?---I lost it.

Did you report losing the watch?---No.

10 And you've just parted way with the watch and made no further inquiries about the lost property?---No, no point any more. Even if I report it I'm not going to get it back.

So other than a vehicle and a watch, do you have any other luxury items?
---Like, what do you mean?

Any expensive items?---Like, in which, like, to, like, a chain, like, gold chain and stuff, no.

Okay.---Like, no, that's, no.

20 Any other items worth more than say \$20,000?---(No Audible Reply)

Mr Lu - - -

MR SUTTON: Sorry, was there a verbal answer? Just for the record that's all.

30 MR BAINÉ: Thank you very much. I believe you indicated that you have not received any other gifts or you've owned any other items worth more than \$20,000. Is that correct?---Like, do you mean, you mean, like, in watch wise, like, you know - - -

Yeah.---?--- - - - bags or one item worth 20,000?

Yeah.---No.

All right. Thank you, Mr Lu.

40 THE COMMISSIONER: What about real estate, do you own any real estate?---Yeah. Sorry. Yes.

Tell us about that.---That was at [REDACTED] with my mum. [REDACTED].

MR BAINÉ: Is that an investment property or is that the property that you live in?---I sometimes go there to live. No, I didn't, didn't rent it out or anything.

So do you have a mortgage on that property?---No.

And do you own that property outright?---Yeah.

And could you state the address of that property.---I think [REDACTED], or [REDACTED]. It's right next to the, the [REDACTED].

And you live though in [REDACTED]. Is that correct?---Yeah.
Sometimes I go over there and - - -

10

So this is an investment property, is it?---No. Well, I live there as well. I was planning to go there full-time but then because of the work then I didn't really, like, go there. I didn't, we never rented it.

THE COMMISSIONER: Does that mean it's vacant?---Sorry?

Does that mean it's vacant?---Yeah.

20

When did you buy it?---Would be off the plan. It would be, jeez, 2015 or 2016. It was off the plan.

And was the purchase price provided by you or was it you and your mother?---Me and my mum.

Right. How much did you provide?---I don't, I don't know. It's just, I didn't, nothing coming from me but they just put my name, my name on it.

So who provided the money?---Sorry?

30

Who provided the money?---My, my grandparents overseas.

What was the purchase price?---Sorry?

What was the purchase price?---I think it was 807, 807 or - - -

\$807,000?---Yeah, 807 or 80 - - -

40

And why was your name put on the title rather than your mother's?---They want to give me something.

Who did?---My grandparents. I lived with them and, for, like, 10 years when, and when my dad was here so, yeah, and, yeah, all my other relatives are pretty wealthy so, yeah, my other two, my mum's sister's got two sisters and they're pretty wealthy over there in China so, and their kids, you know, don't have nothing much to worry about so, yeah, so they gave me, so they helped me out and just put my name on it.

Very well.---Yeah.

MR BAINE: So, Mr Lu, I'd like to ask you a question about some gifts that you might have received from SIG.---Yeah, go for it.

Do you recall receiving any gifts from SIG?---Like, in which, they pay me weekly wage and whatever.

But did you ever receive for example any flights purchased by SIG?---No, no.

10

Any accommodation at hotels purchased by SIG?---No, no.

Any dinners purchased by SIG?---No, no.

Any, any gift cards purchased by SIG?---Just one.

And approximately how much was that gift card?---\$100.

\$100.---\$100, yeah.

20

And when did you receive that?---Christmas.

Christmas 2017?---Yeah, last year, yeah.

So other than that \$100 gift card - - -?---No.

- - - do you recall any other gifts that you've received from SIG?---Do you mean holidays and stuff?

30 Anything. Any cars, holidays, hotel accommodation, dinners, anything other than the cash - - -?---No.

- - - that seems generous of SIG to provide?---No.

Your supervisors at the University of Sydney I'd like to ask you some questions about.---Yeah.

Did you communicate with anyone at SIG?---Yes.

40 Who?---Like, during that time before, Tommy. All, all, all of them. Lyn, Maggie, Linda I think, and in the end, like, near the end it was Amy, yeah.

And what did you communicate with Amy, Maggie, Linda and Lyn about?---That, you know, this is my hours for the week and stuff like that.

And that was all?---Yeah, and or, or sometimes they call me saying that I need to pull this one out, this guard out to go to somewhere else and stuff like that and just, yeah, just general, basically general things about, you

know, who worked, who worked where, who worked what hours, stuff like that.

So you only communicated with them about professional matters or work matters?---Oh, yeah, yeah.

And what about Tommy, what was his role at SIG?---He's the boss.

10 And did you have a relationship with Tommy, a professional relationship or a social relationship with Tommy?---Yeah, yes.

So let's talk about the professional relationship first.---Okay.

How did you meet Tommy?---How did I meet Tommy. At the uni.

And did you talk to Tommy about only work matters or did you talk to Tommy about life and other matters?---Life and other matters?

20 Did you have a social relationship with Tommy?---Not really because I know, I know whatever he said may be a lie anyway so I knew, I had a feeling whatever he was saying it could be a lie to you anyway.

Did you meet with Tommy outside of the University of Sydney?---No.

You never met with him socially?---No, only at his office. No, no.

30 And what's an example of a lie that you think Tommy might have told you? ---Sort of lie. He said this time, you know, that last time he went back to Egypt he said his mum passed away, you know. I think he went, he left in March, sometime in March, and he has to go back. You know, I just said I'm really sorry to hear that stuff like that. Then I went back to, like, then after a while I go to work and people, because, because they're all Egyptians so they, I don't know how they knew each other or, you know, and they say the mother passed away 20 years ago. His mum passed, all the parents passed away, what's he talking about. The reason he was so, so urgently jumped and went to Egypt and he was telling me his mum passed away during the time when another subcontractor was going to overtake from him.

40 At the University of Sydney?---Yeah, yeah. Before you guys came, before, before that it was a process of SNP getting rid of him and trying to put someone else. That's what I heard after. That's what happened then apparently the ones that got put in in the end they called Multiworks. It wasn't the initial subcontractor that was, that was supposed to take over, it was another, some, there was another company. That's what I heard from the, like, the, the, the people there at work.

Did you heard any of those rumours before the Independent Commission Against Corruption issued search warrants at the University of Sydney?
---Sorry, please, can you repeat again?

Yeah. Did you hear those rumours before we came and seized documents?--
-Yeah, because we heard from this guy that Tommy, like, this guy he's saying Tommy, SIG is finished.

Who told you that?---Ahmed, Ahmed Eid.

10

And did Ahmed Eid identify who the other subcontractor would be?---No, not directly to me but then people told me he knew something's happening. They all, they all knew something was happening. Because you can feel it, something's happening, you know. It's really weird near the end after the uni started, like, probably March or on the, probably in February or January/February. I can, like, it's because I worked there that long I can feel things not going all right. You know, people, like, they would, what, what they would do is just give you a two days' notice, you know, and just leave or, you know, like, a few guys that, you know, a few positions, a few guys
20 will just leave the job at once and just left it and that's it, you know, just to create issues and, yeah, before you guys came I heard rumours there was some other company was going to take over from Tommy.

And Tommy misled you about the reason why he left Australia in March on your evidence?---Yeah, yeah.

Did he tell you any other mistruths other than that?---Oh, heaps. Just everything. Just, just things the opposite what he says.

30 So for a long time did you think Tommy was untrustworthy?---Yeah.

Okay. And did you ever report to Tommy or did you ever see Tommy at the University of Sydney?---Yeah. When he comes there, yes.

And what would he do when he came to the university?---He will just, he will just tell you just normal stuff, how's everything, how this guy, how that guy. You know, have a coffee with you, you know, and he would, that's, that's about it, or are we, am I going to stay here in the uni or, you know, and then, then he would just tell you some other stuff, some other, you
40 know, I'm, I'm, I've got this contract here, I've got this, I made this contract there at the, you know, around Sydney that he's, basically he's a businessman. He's, he's doing very well for himself, yeah.

Were there any other rumours that you'd heard about Tommy since the Commission seized the documents in April?---Other rumours I heard from Tommy after, no, not really.

I'd like to ask you about some of the people you reported to from SNP.---
Yeah.

Was Daryl one of those people?---From SNP?

Yes.---I made a - - -

Would you report to Daryl?---I generally report to Emir.

10 Emir?---Yeah.

And what would you report to Emir?---He's the, he's the site, look, it's, it's,
it's kind of confusing there. Like, what, Daryl is account manager all the
time, you know, and, like, from SNP head office all these years that I've
been there and, I know, he was the account manager. Now, he moved to
Sydney Uni for some reason I don't know. As I said before, I don't know
why he moved and, and Emir's always, to me, to my knowledge he's always
the site manager.

20 And so you would report matters to Emir?---Yeah.

And did Emir ever come around and inspect the work that you were
performing?---No.

Did Daryl ever come around and inspect the work that you were
performing?---Like, what do you mean by my work?

Just to see that things were being done correctly.---I don't, I don't know
how to answer this one, like - - -

30

Did anyone from SNP supervise your work?---Supervise my work?

Did they check on you to see you were performing your work correctly, did
they come around and inspect any, any aspect of your work?---Well, I guess
so, yeah, because the bosses, yes.

So who were they?---Daryl and Emir. Emir would have, like, what do you
mean by, like, inspect my work? As, you mean, what are you referring to
work?

40

Just to make sure you were doing things properly. So would you agree that
the nature of a manager's role is to check on the people below them from
time to time?---Yeah, yeah.

And, would, I'm just trying to find out whether or not any of your
supervisors came around and checked on you performing your role from
time to time.---Yeah.

And what was the things that they checked on?---Just to make sure everything's working and, yes, just really did, or any complaints and stuff like that.

And other than Emir and Daryl was there anyone else at SNP who would check on your work?---No, I don't think so.

10 All right. And what about at the University of Sydney, was there anyone who would come around and check on the work that the guards were providing?---Guards were providing at uni. I don't think, no, no.

Did you have any interactions with anyone from the University of Sydney and - - -?---Yeah, with all the, all the, you know, with all the clients, like, yeah.

But in management at the University of Sydney, was there anyone who was interested in how SNP were performing their responsibilities and their security at the university?---Sorry, I just, the, the question I - - -

20 Was there anyone from the university, any university management staff - - - ?---Yeah, yeah.

- - - who, who inspected your work?---No, no, because they go through Emir.

30 And did anyone at SNP or the university ever talk about the contract that existed between the university and SNP?---I heard the, look, I heard the, the contract is five years and two years. Five years and then two years, like, you can, you can apply for another two years. I don't know what it actually, what's it for but seven, like, I heard seven years contract.

Did anyone at the university talk about what had to be performed under the contract?---No, no. Like, no details, not in that.

So no one ever spoke to you about the details of the contract?---I know there are some KP we are, we are doing it well. I heard we are doing the, following the KPI, stuff like that, but I don't know the list of points or what's - - -

40 So you don't know what the KPIs were but you knew that you were performing - - -?---No. Like, we were, like, as a, yeah, that's what, what they said, it's the KPIs it's all good.

All right. Now, Mr Lu, you've heard the allegations that the Commissioner has read to you at the start of this compulsory examination.---Yeah.

Is there anything that you'd like to tell the Commission at this time about those allegations?---That it's true. It's, it happened.

It's true?---Yeah.

And they happened?---Yeah.

Well, I might take you to some documents, Mr Lu, and we can - - -

10 THE COMMISSIONER: Before, before you do that, Mr Baine, it might be just useful to get the witness to explain what he understood was going on and what sort of benefits he received from this. Can you just tell us what went on?---Sorry?

Can you just tell, in relation to the allegations which were in the summons and I read to you
- - -?---Yeah.

- - - you say they're true.---Yeah.

20 Just tell us about it.---So basically if we, the, Emir gets the, he does the RFS which is the, like, some sort of purchase order. Then he will give it to me and he will say, you know, and this is, depends on who is working on that day, which team leader is on that day or which team leader is on the shift so that just say a job to provide a security guard maybe to open the door or an event or stuff like that, like the little ad hoc jobs, then just go, get the team leader of the shift to cover it, to go there, be there and conduct the job and whatever and he will get half and the team leader gets half. In general that's what happened.

30 What else happened?---And this is, this is, this is what pretty much, because whatever the, so he does the purchase orders and, yeah, so he basically shares with everyone. So if anyone just say, if anyone say, you know, if someone, sometimes when they calling, so my job was if, to answer the calls at night. If someone called, pulled out from the patrol teams, you know, SNP will call me and I either cover it, if I can't cover it then, on the team the money gets shared between the team leader and gets shared with Emir.

Were you in charge of the rosters for SIG?---Yeah.

40 And were you, you paid money from time to time in respect of shifts you didn't work?---Sorry?

From time to time were you paid money by SIG for shifts that you did not work?---Yeah, yeah.

Yes, Mr Baine.

MR BAINE: Thank you, Commissioner. Mr Lu, I might ask you some questions about your role as the roster manager. I'd like to hand you some documents.---Yeah.

Mr Lu, I'll just take you through a number of these documents.---Yeah.

So you will see on page 1 that there is an email from you to Ali Syed on 14 August, 2016.---Yeah.

10 Do you remember sending this email?---Yeah, I can't, it was a really long time ago. Yeah, I would have got it, yeah.

But this email indicates that you became the roster manager from Monday, 15 August, 2016.---Yeah, would be. Okay, yeah.

Now, Mr Lu, when I asked you a question earlier about the mobile telephone number that was the roster phone at SIG, there is a telephone number in this document which says, which is identified as [REDACTED] [REDACTED]. Do you recognise that telephone number?---Yeah, it's the number but, 20 yeah, as I said before, I can't remember the number but this has got to be it.

All right. Well, you've referred to it twice in this email.---Yeah, yeah.

Now, Mr Lu, in the opening sentence you say, "Due to personal reasons Alan will no longer be in charge of rostering."---Yeah.

Who is Alan?---Ali, Ali his name.

Ali?---Yeah. His name's Ali but he calls himself Alan. 30

Now, when did Ali work for SIG?---Jeez, I haven't, long before, like, he, when Aaron was still there. When Aaron Lucas was still the site manager he came. Aaron he brought him in.

And --- Like, if you ask me the exact time I really can't remember. At least a year or two (not transcribable) - - -

How long was he the roster manager at SIG for?---I don't know. Maybe a few month. Before was, before was Lyn that took it. Or maybe they were 40 working together. I don't know. Like, before that, before I took over they never really, like, they don't want to tell, tell me the details of who is actually doing what, you know, so I, I don't know how, exactly how long he was involved in this, rosters and stuff like that with SIG because that's, he's a direct employee for them not SNP.

All right.---Yeah.

Do you recall. Mr Lu, I might ask you to just focus on the document that we're referring to and you'll get the chance to see the material. It's also on the screen if that's convenient for you to look at. Now, the reference in this email to sick leave, do you see that down the bottom in the sentence that says, "Please make sure you will leave a separate or a spate of time"?---
Yeah, yeah.

10 Now, Mr Lu, what would happen if someone was sick, how would they notify you?---They will just, they either call me or SNP will call me and, yeah, that's it.

And how would that shift be covered if they were sick?---I get someone, someone to, someone to cover it (not transcribable) - - -

Would you actually get someone to cover it?---Yeah, yeah.

20 And would there be occasions where you would use that person's name even though they had called in sick so on the time sheet it showed they were there?---Yeah.

But they weren't actually there?---Yeah.

And do you think that happened frequently for sick leave?

MR SUTTON: Sorry, I'm just, I'm being pedantic but the expressions of affirmation that I heard appear to me to be accepting of the question that was being put and not a response to the question itself.

30 THE COMMISSIONER: I didn't interpret it that way I have to say. Put it again if there's any doubt.

MR BAINE: I might ask it a different way in any event, Mr Lu. Thank you, Commissioner. Was it more common that you would not actually call someone in to fill in for someone who was sick?---No, it was not. No, no, only near the end, so only about a half year ago or maybe seven/eight month ago, from April, so that's when it, because everyone left at that time but at the beginning, no.

40 So at the beginning you would actually call someone in?---Yeah.

And that person would put their name on the time sheet?---Yeah.

But there was a time more recently you're saying where you would not call someone in and you would just have someone else on-site?---Because there was no one to, to be called.

THE COMMISSIONER: But, but you'd use their name wouldn't you?---
Yeah.

To, to, and then claim as though they had worked a shift and they hadn't?---
Well, some, yeah.

Yes.---Yeah.

MR BAINE: And then what you would do is you would tell SIG that that
person's name on the time sheet was actually you?---Yeah, was actually me
or actually someone else or, yeah.

10

All right. And if you turn, Mr Lu, to the second page of the bundle of
documents you will see an email.---Yeah.

I'll give you a moment to read it.---Yeah.

Now, you told the Commissioner at the, a short time ago that RFS
documents, request for services documents, would be sent to Emir.---Yeah.

20 And you can see down the bottom on 24 August, 2016 that there is an email
where Emir requests from Lyn at SIG some names.---Yeah.

And he says that myself and Daryl will cover the shift.---Yeah.

So your understanding of what he's communicating there is that he wants
some false names to put, to be put on the time sheet so it appears as though
someone else is working but it's actually Daryl and Emir who are working
that shift?---Who, who are working or who, yeah, who didn't work, yeah.

30 All right.

THE COMMISSIONER: Either working or not working and falsely
claiming under their names?---Yeah.

MR BAINE: And you see, Mr Lu, a bit further up there is an email from
Emir to you where Emir says, "Bro", send me names."---Yeah.

And then - - -?---I just give them to, yeah.

40 You sent him two names.---Yeah.

One of Sibel and another one of Ishan.---Yeah.

And where did you get those names from?---Tommy's office.

Tommy's office.---The phone I, they, they came and took the other day it
will have, I think it will still have the name list if they can, if it could be
recovered. It's got two, two in the word files, yeah.

THE COMMISSIONER: Can you just keep your voice up a little bit.---Oh, in the two, two word files it still would be in that phone I remember because that phone, I had two phones. That phone was the second phone Tommy gave me. There was another phone before that.

MR BAINE: Did it have the same mobile telephone number?---Number, yeah, yeah, because the, the first one cracked so, and it got took back. That was maybe beginning of last year.

10 The document that you had on the phone included the person's name but also their licence number. Is that correct?---Sometimes it did, sometimes it don't, yeah, but that one they did, yeah.

Okay --- With the security licence number, yeah.

So was it your job to assign names where people requested them?---Yeah.

20 And did they request them only to claim for hours that they did not work? ---They, they could have because they, like, some people doing double shift and stuff like that.

So when you spoke before about Aaron Lucas telling people to work for SIG for overtime - - -?---Yeah.

- - - did you allocate people names when they needed to work overtime? ---No. I was not with, with them back then. Aaron Lucas would have left before.

30 So when you were the roster manager?---Emir was the guy and Daryl was, no, Emir was the site manager and Daryl is the, like, account manager on-site.

So can you tell us why you gave people names, what was the main reason? ---What was the main reason. So people can, they gave me SIG, so they gave me the names to, the main reason was to, you know, let the guys to work.

And when you say the guys, was it - - -?---Like - - -

40 - - - all of the SIG guards or was it a select number of SIG guards?---All the SIG guards.

And obviously Daryl and Emir don't work for SIG.---No.

So were there also SNP guards or SNP employees - - -?---Yes.

- - - who you would give names to?---Yes.

And other than Daryl and Emir - - -?---Yeah.

- - - was there anyone else from SNP that you would give names to?
---Well, only guards, only the, the guards, like whoever's worked there, like, that's, that's a guard or a team leader or stuff like that.

All right. So even though you were working for SNP - - -?---Yeah.

10 - - - you assumed this role as roster manager for SIG?---I don't know if they put me, look, to be honest, I don't, I don't know how they gave me the, to be the rostering manager, that position.

Right.---They just, initially they said Ali can't do it and this is the phone, you've just got to answer the calls at night, and yeah, then I just took it since then 'cause Lyn used to take, do the rostering before Ali and apparently she's got kids or, kids and stuff and she can't answer the, I thought it's any reason but that's the reason why I was told, so they gave to Ali then Ali, Ali then gave it to me and that's it, that that's how it, how it got passed down to me. And it was proving much recommended, I remember this, was
20 recommended by, by Lyn and that, Emir and all that to give it to me, to give me, let me do this, and that was, it was basically, so yeah, basically then I just continued since then. Yeah, maybe, maybe that's from August.

So you said earlier - - -?---Yeah.

- - - that you worked for SIG for a short period of time.---Maybe only from that time till maybe till the Friday of April that, that, that week you guys came and that's it, from the Friday onwards I didn't, I didn't get involved at all.
30

But --- Maybe that was 20 April, I think it was a Friday.

But do you mean to say that you worked for SIG from 15 August, 2016 - - - ?---Yeah, well, the, yeah.

- - - until 18 April, 2018?---Yeah, well (not transcribable) yeah, from that week after, that's it.

40 But during that period you continued to work for SNP as well?---Yes, yes.

And - - -?---This, this job, I didn't think it was even official, so basically just, you know, just word of mouth, I have no, there's nothing signed, a contract or anything with them, he was just, like, here's the phone, just do it, yeah.

All right. So you worked at SNP but they gave you the phone to be in charge of rostering.---Yeah, off SIG.

SIG, yeah.---Yeah.

All right. Mr Lu, would you turn to page 3 of the material.---Yeah. Okay.
All right.

This is an email from you to Emir - - -?---Yeah.

- - - on 25 August, 2016.---Yeah.

10 I'll just give you a moment to read it.---Yeah, yeah.

So you can see that there are nine guards' names.---Yeah.

Now, next to the bottom one, Mohammad Qa'qour - - -?---Ah hmm.

- - - in capital letters is written ME.---Yeah.

So you worked under his name - - -?---Either I worked - - -

20 - - - at this time?---Either the Sunday or something, yeah.

All right.---Sunday or Saturday, yeah.

And based on your reading of this email, do you have a recollection whether or not you worked under the names of any of those other people or would you have just worked under the name of Mohammad Qa'qour?---That would be, and it would be some other people as well, it would be some other people as well.

30 Some other people - - -?---Yeah.

- - - would have worked under these names?---Yeah. Or I would have worked under another - - -

THE COMMISSIONER: Sorry, I just missed that, you would have worked, apart from Mohammad, sorry, Mohammad Qa'qour, you would have worked under or claimed under other people's names as well. Is that what you're saying?---Like if, if in the um, if this guy worked more than six days and if, if we needed to use someone else it would have to be another name.

40

Ah hmm.---Yeah. Really - - -

MR BAINE: Yeah. On, on other occasion you would.---Yeah.

And we'll come back to this particular document.---Okay.

And I can confirm that on this occasion the only name that you worked under was that of Mohammad Qa'qour.---Yeah.

But you can see that under the name Mina Azer you've got "(Salam Al Zayadi)"?---Yeah.

So would you agree that Salam worked for Mina on that occasion?---Yeah.

Now - - -?---Yeah.

- - - down the bottom of the email --- Yeah

10

You say, "Make sure they do not clash with another site."---Yeah.

Whose responsibility was it to check that the guards' working hours did not clash?---It was all, all our responsibilities. We're meant to check it, we're meant to send it back to SIG then the, the girls there in the office are meant to check it as well.

So you would check it?---I would check it, they, he Emir would have checked it and, and the girls in the office would have checked it.

20

And then you'd send it to the girls and the girls in the office would check it too.---Yeah.

Now - - -

THE COMMISSIONER: Why, why was it necessary to make sure they did not clash with another site?---Because, it's because SNP, subcontractor for SNP Security and some of these guards are working at another site for SNP Security I think at even, you know, Penrith, the courts at Penrith and, you know, some SNP sites.

30

Ah hmm.---So these people work here, maybe at night they were working, work over there or, you know, finish a night shift they will go to another day shift but SNP site.

MR BAINE: Did Mohammad Qa'qour know that you were using his name? ---Yeah.

How did he know that?---Well, they would have looked in the time sheet and they would know.

40

So Mohammad Qa'qour was still an employee of SIG at that time?---Yeah.

And did you tell him that you might have used his name from time to time? ---I, I, sometimes I tell them, sometimes no, sometimes no, that's it, yeah.

And do you think that there were some employees whose names you used that you never told?---Yeah.

Are there any of those who come to mind?---No, it's in that list, if you guys have the phone you'll see that Word document. These, these ones, these are the ones I, heaps of them I don't even, all of them I don't even know. Like, I didn't, I've never ever met them. But these, the ones here on this one, yeah, they actually worked at the uni but some of them though I never ever met.

10 Okay. So they certainly weren't notified that you were using their name.
---No, no, no.

Now, at the top of the email you tell Emir something. You say, "Sign them in, bro, I got them to go home directly from there." So reading this email do you think, and it's just on page 3 - - -?---Yeah.

- - - do you think that - - -?---Yeah.

- - - these guards actually worked that day?---Yeah, they, they are.

20 All right.---Because they, they left from Kirkbride, directly from there to go home, so - - -

And you told them to go home?---Yeah.

Yeah. And what does this mean, "And told them you will fix them on time sheet?"---Just sign them in and, you know, cause, because maybe they forgot, forgot to sign in at that time, there was no time sheet or whatever when they come, came in and Kirky's like, at Balmain so they'd have to come back and sign it.

30 And would you do that often, would you sign people's names in - - -?
---Yeah.

- - - on the time sheet?---Yeah, yeah.

And you've said that you'd sign, in this example, people who were in the Balmain campus on the time sheet?---Yeah.

40 Would you sign people who were at Sydney Uni in on the time sheet as well?---Yeah.

All right. Now, Mr Lu, would you turn to page 4. If you actually turn to page 5 - - -?---Yeah.

- - - we'll go back to page 4, but if you turn to page 5 you'll see that there's an email from Lyn at S International Group who says, "Hey, Emir, can you send through Wednesday's time sheet." And then further up you say that you did sent it through. And then if you go back to page 4?---Yeah.

I'll just ask you to read the two emails.---What, which one - - -

MR SUTTON: Sorry, Mr Commissioner, may I speak to Counsel Assisting for a moment?

THE COMMISSIONER: Of course.

10 MR BAINE: I, thank you. My friend has corrected something. So, it was actually Emir who said that he sent it through and then the email has been forwarded to Mr Lu on 25 August, 2016 and, Mr Lu, if you just read those emails on page 4 --- Yeah.

I'll ask you a question about it.---Yeah. Go, go for it.

All right. So, do you see in the first sentence of the top email, you talk about four guards?---Yeah.

20 Can you explain what that sentence means?---Four guards and that's the name, Jawad, Mostafa, Fatima, Oliveria did 07 to 17 for the protest, for Kirkbride protest. Just did a, and Gol Amiri did the same protest from 18 to 20. Did the same protest from 18 – maybe, yeah, that's, that means the time they worked. And Gol Amiri did the same protest from 18 to 20. So, he, maybe they asked for extra guard so he would have worked from 18 to 20 or something like that. That's probably what it means.

30 All right. And then in the second sentence - - -?---Oh, I remember that one. I remember this one. Yeah. He was meant to be, he was meant to be 18 to next day or something or like, until a bit later but that, Daryl, Daryl told him to go home that day. Yeah, I remember that one. Yeah, that was at the beginning of this protest. Yeah, and - - -

All right. So, he only worked for four hours?---Two hours, or two, yeah, four hours.

Two hours but he was scheduled to work for more hours?---Yeah, I remember. Yeah, I remember this one and Daryl told him to just go and, because I remember Daryl was there that day. Yeah.

40 All right. And then do you see the next sentence?---Yeah.

What does, "Yes, real players," mean?---That's who, that's real people there, not the ones using no one's name or stuff like that.

So, was that coded language that you used? Real players meant these were the real people?---That's not actually a code but yeah, I would say real players or - - -

I see.---Yeah, stuff like that yeah. But - - -

All right. So, on that basis, the four guards that are listed, Ahmed, Md Assad, Ra'ed and Ali , they were the people --- Yeah.

Who actually attended the protest?---Yeah.

Mr Lu, would you turn to page 7 of the bundle of documents. Now, this is an email from you to lyn@sigservices.com.au sent on 29 August, 2016.
10 Now, in this email you attach your time sheet for that week in August. --- Yeah.

You see that you tell Su that you worked 210 hours in that week.---Yeah.

Now, it's not possible --- No

For you to have worked 210 hours, is it?---No, no, no.

And we'll go through some more questions about that shortly but can you
20 explain what the, "Plus 600," means?---Oh, they give me, Tommy's supposed to give me at the start, at the start he gave me 300 to answer the phone at night and then, then it got increasing to 400 and, recently it got increased to 500 a week.

What was that for?---Just to answer the phone at night.

So he paid you originally \$300 and then eventually \$500 a week just to answer the phone?---Yeah, yeah, yeah.

30 Now, you can see here, though, that there are two \$300 components.---That was two weeks, for two weeks. The week before they didn't pay me for it, yeah.

All right. And then further on in the email you say, "Let me know if anything is unclear." Now, Mr Lu, in fairness to you this is not your email but can you explain what attach, what the top email from Lyn to info@australiaunitedsecurity.com.au - - -?---Yeah.

40 Can you explain what you understand or what you might understand the heading in the attachments to mean, "The OT"? Can you explain what you think that means?---Overtime.

Overtime. So, do you think that the staff at SIG understood the claims for these hours, these 210 hours --- Yeah

Were actually overtime hours?---What do you mean by they understood as the - - -

Do you think that they would have been suspicious about a person working 210 hours in a week?---Oh, they, well they, they all know what's going on. Every single one of them.

But even if they knew what was going on --- Yeah.

Do you think that they would have been concerned about someone working for 210 hours in a week?

---Like you mean an OH&S perspective or - - -

10

I just mean do you think that someone would look at a claim for 210 hours worked in a week and be alarmed?---No. Then they would just pay it. They would just - - -

All right.

THE COMMISSIONER: You said a moment ago that they all knew what was going on. --- Yeah.

20

What did you mean by that?---Using different names, people doing the double, double shift and stuff like that. So, basically it's Tommy's, that's, you know, if we can't cover it, that's, that's what you've got to do and even when they sent the, the name list for, for, for me, you know, if the guards can't do this, just give the names.

Do people like Lyn and Maggie and the others, they all knew too, didn't they, that, that shifts were being claimed for which hadn't been worked?--- Yeah.

30

And so did Eric? No, not Eric. What's his name? Emir.---Oh, yeah. Yeah, yeah.

Sorry.

MR BAINE: That's fine, Commissioner. Thank you. So, if we turn to the next page, Mr Lu, I'll draw your attention to a number of matters, but if you add up all of the hours it greatly exceeds the number of hours that actually exist in a week.---Yeah.

40

And in particular on the 27th of August, you claimed to have worked 13 hours plus 12 hours plus four hours plus six hours plus 21 hours which comes to approximately 56 hours and it's not possible to work 56 hours in one day, is it?---No, no.

Now, if you go to the first entry which is 22 August, you'll see that you use the name Ben - - -?---Pfitzner.

Ben Pfitzner who was a team leader, TL?---Yeah.

And you claimed 12 hours.---Yeah.

Now, could I please invite you to turn to page 56 of the bundle--- Yeah, yeah.

And you'll see that highlighted in blue is the shift that you were actually rostered on to work --- Yeah.

10 And then you'll see below, highlighted in pink, the shifts that you are claiming to have worked.---Yeah, but with the team leaders, we actually have to, I have actually, we actually have to be there. So, probably maybe I did a double that day or maybe I did that, maybe I left early, probably 1 o'clock in the, at night because maybe next day, because I don't know what the next day is. That's what generally happened, next day is the night shift. I can do this and go sleep and come back and, you know, in the afternoon. Yeah. The, yeah, that Ben Pfitzner, yeah, what, what that would be me, I would be there.

20 So, Mr Lu, on 22 August you worked for 24 hours, only 24 hours.---Maybe, yeah.

Do you think that you would have actually been at the university working that whole time or would you have been sleeping from time to time?
---Maybe I, maybe I would go home earlier, like, 2 o'clock or something at night.

All right.---Or 1 o'clock, whatever, yeah.

30 Well, can I ask you to also turn to, or to now turn to page 38 of the bundle in front of you.---Yeah.

And if you go down to the entry 22 August, 2016 you will see that there was a deposit --- Yeah.

That was made by you into a St George Bank ATM - - -?---Yeah.

- - - at 12.14 so that would suggest that on this day you weren't actually at the university for that whole 24-hour period?---No, I should be there because I, St George Haymarket - - -

40 It's identified as being Haymarket. Now, Haymarket is close to the university but it's not at the university, is it?---No.

So was it common practice for you to go and perform daily administrative work while you were supposed to be working at the university?

THE COMMISSIONER: Like banking you mean?

MR BAINE: Like banking.---Oh, yeah

Or paying other sorts of bills or - - -?---Yeah.

And where you were actually on-site for a full 24-hour period would you sleep at the university?---Sometimes but not all, no, sometimes I would.

10 So what you might do from time to time as you said earlier --- Yeah

Is you would go home early?---Yeah.

So as opposed to going home at 6.00 you'd go home at 1.00?---Some, yeah.

But claim for those hours?---Yeah.

All right. And then you can see that on the, if you go back to page 8 of the bundle of material.---Yeah.

20 You can see that you worked for 38 hours under various people's names. ---Yeah.

And sorry to inconvenience you again, Mr Lu, but then if you return to page – just give me one moment.

THE COMMISSIONER: How much were you paid an hour? I know when you were team leader - - -?---Sorry.

30 That's okay. It seemed as though from an earlier email that if you acted as team leader you'd get \$23 an hour. If you weren't acting as a team leader how much per hour would you - - -?---21.

21 is it?---Yeah.

Yeah, okay. Thank you.

MR BAINE: Now, Mr Lu, if you could turn to page 59.---Yeah. Yeah.

40 Now, once again you will see that you were actually rostered on to perform a shift.---Yeah.

And that you have signed there.---Yeah.

In the signature columns.---Yeah.

And if you turn over to the next page, page 60.---Yeah.

You will see the name of Isaac Yanni.---Yeah.

Who has worked for approximately 14 hours between 1700 hours and 0700 hours.---Yeah.

Now, Mr Lu, do you see the signature next to Isaac Yanni's name?---Yeah.

Do you recognise that to be similar to your own signature?---Yeah. Maybe I would have wrote it. Yeah, I would have wrote it.

10 And you say that you've probably signed his name?---Yeah.

Okay. Now, what we've seen here, Mr Lu, is that you've worked for 24 hours on the Monday and now you've worked for again another 24 hour period on the Tuesday. Do you think that you would have gone home during this period, this 48 hour shift? It's actually, but you've actually claimed 50 hours but it's 48 hours.---Yeah, I would, I would, I would have gone home and come back.

20 You would have gone home?---I would have gone home and come back.

All right.---Yeah.

So when you went home did that leave the security at the university understaffed?---Not, not really because there was, there was, like, I don't know, I can't remember how many people were supposed to be on the shift but I know I will not leave a place, like, just say, just say a room you're meant to be looked after just, just vacant and just see you later, I don't care, but I wouldn't do stuff like that. There will be other guards there. There will be people there that's actually there.

30 So you would rely on the other guards to perform your work?---The job was, is, yeah, basically just, just static but if it was a hard job, like, just say if actually, you know, if there was an actual protest that's no, no, I will not make it understaffed. If it's, like, at night, because that I remember Kirkbride back then it was just one entry and, you know, just people occupying the, occupying the, you know, the room upstairs of the building, of the main building and people were violent and, you know, it's all artist. All they want is not to get the uni to cut down the, shut down the facility so, yeah, things like that but if it was things, like, I think it's going to be a great
40 risk and it's going to, you know, put pressure on the other guards, no, I wouldn't do it. Only if it's easier and not sure why it was requested five or 10 guards because that, that, that thing I don't, I don't, I don't decide how many guards to be put on.

So your evidence is that if there were, if there was some need for you to be on-site you would be on-site but if you thought there was no need for you to be on-site and other people could perform your role you would go home?
---Yeah, yeah.

But you would still claim for it?---Yeah.

All right. Commissioner, I note the time.

THE COMMISSIONER: Could I just go back. I do too and we've got to adjourn for a moment but can we just go back to page 7 again - - -?---Yeah.

- - - where you've claimed 210 hours.---Yeah.

10

And Ben P is a reference to Ben Pfitzner. Is that right?---Pfitzner, yeah.

Pfitzner.---Yeah.

Thank you. And we've seen from the attachment at page 8 that he worked 12 hours. So that means that you would have been paid 12 times 23 which is \$276. Do you agree?---Yeah.

20

And that leaves 198 hours left where you would have got \$21 an hour and that amounts on my calculation to \$4,158. So we've got the \$4,158, we've got 276 and then we've got the plus 600. Do you agree with that?---Yeah.

That's 5,034.---Yeah.

For that one week.---Yeah.

Yeah. Thank you. We'll adjourn till, would there be any problem with coming back at , at 2.00 rather than 10 past 2.00? 2 o'clock is okay?

30

MR BAINE: That's okay with me, Commissioner.

THE COMMISSIONER: Mr Sutton, I'd rather your - - -

MR SUTTON: No, it's not a problem.

THE COMMISSIONER: Okay. And I'm going to say to your client there's no problem with him talking to you.

40

MR SUTTON: Yes.

THE COMMISSIONER: But I don't want him talking to you about his evidence.

MR SUTTON: No, no no. I've told him - - -

THE COMMISSIONER: Understood? I mean we're not at court but the usual rules, we try and apply them.

MR SUTTON: I've been here before, sir, and I take my practising certificate very seriously.

THE COMMISSIONER: Oh good, good. Talk about the World Cup or something like that. Okay. Good on you.

LUNCHEON ADJOURNMENT

[1.09pm]

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COMMISSIONER

COMPULSORY EXAMINATION

OPERATION GERDA

Reference: Operation Gerda E17/0445

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 11 JULY, 2018

AT 2.00PM

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

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

<FRANK HUA LU, on former oath

[2.06pm]

THE COMMISSIONER: Just have a seat. Yes, Mr Baine.

MR BAINE: Thank you, Commissioner.

Mr Lu, could I invite you to turn to page 56 of the documents in front of
you. Do you recognise this to be what was referred to as a site time sheet?
10 ---Yes, yes.

And just by way of comparison, in that bundle of documents that you have,
would you just turn back to page 8, and do you recognise that to be your
personal time sheet?---Yeah.

So the difference being that the personal time sheet is the hours that you
worked and the site time sheet being the hours that were worked by all of
the guards?---Yeah, yeah.

20 All right. Thank you. If you could return to page 56. You'll see this is a
document that I've already asked you some questions about?---Yeah.

But the blue highlighting indicates the hours that you were rostered on to
work?---Yeah.

And then the pink highlighting indicates the hours where you worked under
the name of someone else?---Yeah.

Now, if you turn to page 59, you will see again that your name has been
30 highlighted in blue - - -?---Yeah.

- - - which indicates the hours that you have worked as per the roster.
---Yeah.

And then if you turn to page 60 you will see the name that you used
highlighted in pink for a 14-hour shift?---Yeah.

Now, Mr Lu, if you turn to page 64, this is Wednesday, 24 August, and in
this shift you'll see that you were allocated to or rostered on to perform a
40 12-hour shift?---Ah hmm.

And that's highlighted in blue.---Yeah.

And then there were two other shifts that you worked, a control room shift
and then also a patrol shift. So on Wednesday, 24 August, 2016, in this
night shift you were performing three different shifts at the same time.---No.
The max I would do is one, would have done, 'cause Peter Walsh, no,
anyone with a SNP employee we don't use it.

For the avoidance of doubt, can I just take you back to page 8 of the document.---Yeah.

And that includes your - - -?---Yeah.

- - - personal time sheet. And you'll see that on the 24th - - -?---24th.

10 - - - you have identified that you've worked the hours of Nader Gad, Peter Walsh and Mohammad Qa'qour.---Yeah, 'cause generally, maybe, but generally, no, generally these SNP employees, no, would not be used.

So this might have been an exception - - -?---Maybe.

- - - to what you generally did?---Maybe. I - - -

And it would seem that it is an exception, wouldn't it?---'Cause it's been a while, but generally these SNP names would not be, the SNP employees would not be used.

20

All right. Well, assuming that you did use the SNP employees' names - - -? ---The, the, the this guy, Peter Walsh, no.

Yeah.---But maybe I used it that day.

On this occasion you - - -?---Yeah, maybe.

We can assume that you did. Would you just explain to the Commission - - -?---Yeah, yeah.

30

- - - sorry, the Commissioner - - -?---Yeah.

- - - what you would have done when you were performing three shifts, three different peoples' jobs in a night patrol?---Well, we just - - -

I beg your pardon.---Yeah.

When you were performing the roles of three different people on a night shift.

40

THE COMMISSIONER: What, what would you actually have been doing? Is that the - - -

MR BAINE: Correct. Thank you.---Just got to shut the doors, turn the alarms, you know, and sit in the control room, 'cause there's not much happening at night, so we have a list, you know, of the, on the Gallagher software, so which doors opened, just got to make sure they were shut, you

know, any phone call that comes through, just got to make sure that it gets responded.

So you would, do you think in this night shift have spent a lot of time inside the control room?---Yeah.

Do you think that you would have done much patrolling?---No.

10 And when you were patrolling - - -?---Yeah.

- - - at night time - - -?---Yeah.

- - - were there main buildings that you would visit?---No, 'cause everything come the alarm system, anything that come up, like, if it opens it will show up on the alarm, but if nothing shows up, that means all, everything's good.

20 So you'd stay inside the control - - -?---Yeah, because all the, all the building would be alarmed so you will get some PR, PIR sensors, if a door left open for five seconds, 10 seconds, it will show that the perimeter, someone walked in and left the door open.

Would you ever go to the residential colleges?---No, we're not allowed to.

30 And was that because the contract between the university and SNP did not cover the residential colleges?---No, because the residential, we have SUV, like it's run by I think the Macquarie Bank or something, these one, but the colleges inside the Sydney Uni, no. They generally told us whatever happens there, unless we call you, we don't go like St Paul's, St Andrew's, St John's. It doesn't matter what happens, they have a thing or someone or someone on site, it doesn't matter what happens, if they don't want to tell you, you don't go.

All right. So the college possibly being the only place on the university that might require some security services at night time, the likelihood of you spending time inside the control room on a night shift was high, so staying stationary inside a control room was high?---Yeah.

40 All right. Now, if you turn, Mr Lu, to page 67, also on Wednesday, 24 August - - -?---Yeah.

- - - you'll see that Mohammad Qa'qour's name has been highlighted. ---Yeah.

Do you think that that is your signature?---No.

So whose signature might that have been?---Maybe his, his own. This one's not mine.

I can take you back to the document on page 8 which says - - -?---Yeah.

- - - or indicates that you claimed for - - -?---Maybe someone else signed for it.

- - - Mohammad Qa'qour's hours.---But this is not my signature.

So would you like to explain to us - - -?---Yeah.

10 - - - what would happen with guards signing on and signing off?
---Signing on and signing off?

When a guard - - -?---Yeah.

- - - had a name that was used - - -?---Ah hmm.

- - - and that guard didn't actually do the work, who would sign on and sign off?---Maybe the team leader on the shift, maybe Emir, maybe Daryl, I don't - that's the main people.

20 And also you?---Yeah.

All right.---But that's not, I don't think that was my, yeah.

THE COMMISSIONER: You don't think that one's your signature?
---No way I sign, I write like that.

MR BAINE: And you said before that Peter Walsh was an SNP employee?
---Yeah.

30 And that you wouldn't usually use SNP employees?---No. Certain people we wouldn't usually use.

Why was that?---I don't, I don't know, 'cause he never worked, like, they didn't work with SIG.

So it would arouse the suspicion of SNP - - -?---Yeah, something - - -

40 - - - if their own employees were appearing on the time sheets?---Or if the, yeah, the, the 'cause it's been strictly not allowed to, you know, get them to work, what do you call it, to do overtime through SNP.

All right.---So the, I don't know, you just see the names that's not used, I can tell you like, if I have the time thing I can tell you a few people that's not, never, they can't be used. That's it, yeah.

Now - - -?---It's not, not all, yeah, certain people, no, never, can never be used.

You see the name down the bottom - - -?---Yeah.

- - - of that list, Lincoln Nock?---Yeah.

Was that a name that was commonly used to claim hours for - - -?---Yeah.

- - - work that wasn't performed?---Yeah, yeah.

10 Why was his name used so frequently?---I don't, I don't know, they just picked it, they just picked it.

Did you ever meet Lincoln Nock?---Yeah.

And did he work for SIG during the time that you were the roster manager? ---Yeah, yeah, he did.

20 And would Lincoln have known that his name was being used very frequently?---Yeah, maybe. I don't, I don't know, because Lincoln's more, Lincoln, 'cause he started before I took over, like, with SIG, a few people started before I took over, so there were actually better communication with Daryl and all that, not with me, but yeah, this is a name that constantly gets used.

And why was it constantly used?---I don't know. Just probably just, just, just it is, this one, Lincoln Nock's.

30 Are there any other names on this list that you recognised as being frequently used?---(No Audible Reply)

Malenka or - - -?---Oh, yeah, Malenka. Malenka maybe was there back then during the protest.

What about Jay Albers Johannes?---Oh, that one's there, that, that, that, that, that one's definitely there, (not transcribable) would never, yeah.

Do you recognise your handwriting in any of these names?---No, no, not this one.

40 So - - -?---Was I, I don't know, if I'm working on the day shift but I don't think any of them are my handwritings. I'm just having a look. No. Yeah. And Mohammad Qa'qour, that name is kind of hard to write.

So it's been shortened to M-o-h'd.---So someone, yeah, yeah.

Yeah.---It's like I don't know where to put the dots and 'cause I know, I remember that guy's name have some dots and apostrophes and stuff like that on the Q or something, yeah.

Was that one reason why Lincoln Nock's name was used frequently, maybe because it's very simple?---Maybe.

Now, Mr Lu, if you turn over to page 68 - - -?---Yeah.

- - - you'll again see that you were rostered on to work a night shift.---Yeah, yeah.

10 And then if you turn to page 69 you'll see highlighted in pink the name Sibel Isli.---Yeah.

Do you recognise that signature to be similar to your own?---No.

Do you think - - -?---No.

- - - that that handwriting is your own?---Maybe someone else put it. I, I don't know, that's not, that's not my writing.

20 So if you don't recognise it, who do you think would have been the person who would have written it?---Maybe the team leader or maybe Emir done the next day, but yeah, no, it's not even his writing, 'cause Emir's one's like a big huge, you know, round, but that's not, I don't know who wrote this, this, definitely I didn't write that.

So other than you and Emir, was there anyone else who had access to these time sheets and would fill the names out?---Well, every, every team leader.

30 But it's difficult for someone who's not actually there to fill out their name, so you and Emir would fill out the names of people who weren't there, but was there anyone else who would fill out - - -?---Yeah, the team leaders.

So - - -

THE COMMISSIONER: Who are they, who are they? Sorry .

MR BAINE: No, thank you, Commissioner.

40 THE WITNESS: Yeah, sorry. So I've got one team, 'cause recently – can I, can I, can I say this, recently probably from August or something, like, I can't even remember exact date, August I took two things then, I took two teams, Ben left, I think he finally quit in August, so before that, so it was me, myself, Amyna, Amyna, Ben and Kerem, so we are the four team leaders.

MR BAINE: And do we take it from that, that those - - -?---Yeah.

- - - four people - - -?---Yeah.

- - - yourself included - - -?---Yeah.

- - - knew what was happening with the time sheets?---Yeah.

And do we take it that if one of those other time sheets wrote for example Sibel Isli - - -?---Yeah.

10 - - - here on this shift on 25 August - - -?---Yeah.

- - - that they would have known that Sibel Isli didn't actually work that day and that it was actually a cover for you?---Yes, maybe they would, but I'm not sure who, what happened that day exact, but normally, generally the, it will be halved, it will be, you know, six hour for the, the person that was on a shift and six hour for Emir.

Right. And you'll recall when I showed you the document on page 8 - - -?---Yeah.

20 - - - that you had worked approximately 220 hours - - -?---Yeah.

- - - for this week?---Yeah.

Do you recall if the other team leaders were also putting in personal time sheets for as many hours as that? If for example Ben or Aymyna were also putting in time sheets for 200 hours?---No.

30 Why were they not putting in time sheets for 200 hours?---I don't know. I don't think I get that, I don't get the exact how many hours he get because it doesn't come to me, you know.

THE COMMISSIONER: But did you understand that they were claiming for hours that they hadn't worked?---Yeah. But not as much as me.

But not as much.---No.

Okay.

40 MR BAINE: And who did it go to?---It all went to SIG and I did try to find out like how much people are actually getting, 'cause in the end I was starting to feel this is not going, going good, going right, you know, 'cause look generally, I'll tell you, generally how it works is, I, without compromising people's safety or the building, you know, and put people in danger or put the guards under pressure, just say all right, so now you've got to, you know, you've got to stand here in the middle of the night for the whole night, you know, stuff like that, then this can be done, if, if this, if this going to affect anyone, you know, we're just going to, if this going to actually affect someone, someone's job, just say you do triple, you do three

times your workload, no, we generally wouldn't, I wouldn't allow it. So by saying that, so I wanted to, when I go to SIG with the girls and ask them stuff, you know, but to me it's like, it's like another secret that they keep, like, what's happen, what actually happened between Emir and the team leaders and I want to find out about the team leaders 'cause I don't get the exact amount of hours what happens while I'm not there.

10 THE COMMISSIONER: Ah hmm.---Because I'm just like them as well, another team leader, just got extra, people call me and that's the different. So they, they kept a secret in the, in the office and yeah.

MR BAINE: Did you have any idea about how many hours Emir was claiming?---Sometimes more, sometimes less. No. Everything's just like, it's, it's, they call me, they, they, they gave me this title as rostering manager which is not even official, you know, from Tommy or from, it's not even in the book, but anyway - - -

20 But it did involve some responsibility, didn't it?---Yeah, yeah, well, trying to, basically, you know, if people within the company, it should be a shared job between Emir and Daryl and all that, you know, whatever's happening, but I don't know, somehow it just all ended up with me. Yeah, I don't, I don't know exactly how it works, no, I have a rough idea if Emir comes to me with some sort of, you know, the RFS before or if that comes to me or someone calls in sick and I wasn't able to get people to work 'cause people works like really too much, then I will have the idea of that, but other than that, like little jobs or whoever didn't turn up on the day when they are there I won't have a clue. I won't have a, like, you know, in the morning maybe someone call in and call them, I would not have a clue.

30 Was Emir someone who you trusted at the University of Sydney?---How do I say this. You can't, that place, I don't know, you can't, you can't really, in comparison, yes, in comparison, yes, but - - -

And the emails that we showed - - -?---But - - -

- - - that I took you to earlier - - -?---But - - -

40 - - - where you referred to Emir as your "bro" that's relatively affectionate language?---Oh, that's, that's how we call everyone, that's how we talk to anyone, even the team leader.

So would you have, but would you have emailed Ben Pfitzner like that?
---Yeah.

And would you have emailed Ben Pfitzner or would he have emailed you asking for names of guards - - -?---Yes.

- - - to use?---Yes.

And would you have provided those emails or those names in emails to people like Aymna?---Yes.

And Daryl?---Daryl, no. Daryl, really rare, 'cause like I tell you honest, like, I don't have too much interaction with Daryl in this, yeah.

But would you agree that the person - - -?---He would come to me as well, but not much.

10

But would you agree that the person that you were closest with at the University of Sydney was Emir?---(No Audible Reply)

Would you agree that the person - - -?---Yep.

- - - would you agree that you communicated the most with at the University of Sydney was Emir?---Yeah, yeah.

And did you have a social relationship with Emir?---Yes.

20

And you would meet up with him outside of work?---Oh, not much, but yeah, I would sometimes go to his house, but that's like probably once every half a year or something like that.

And would you message him on WeChat or WhatsApp or Viber or - - -? ---Yeah.

- - - just text messages?---Yeah.

30 And would you do that how many times a week?---(No Audible Reply)

Or how many times a day?---Oh, I can't remember the time, depends on what's happening, if he want to call me or want to talk to me, you know.

All right.---So it depends on what's happening, but I find unless, like in the end, unless it's something they wanted to, you know, they wanted to be done or, no, he doesn't talk to me much after that, just like, to see me in person or want to talk to me and, you know, stuff like that.

40 But you, would you talk about the hours that you claimed?---Yeah.

Honestly?---Yeah, honestly.

You'd say this week I claimed 220 hours and perhaps Emir might share honestly how many hours he worked as well?---Sorry, what are you, sorry, so again, like?

Would you be honest with each other - - -?---No.

- - - in talking about how many hours - - -?---Oh, no.

- - - you claimed?---I don't think this is, I don't think the answer he gave me would be honesty. That's why I trying to find out from the SIG office of what's happened, what's happening, but then I just, I don't know, he just never, I never get a real answer. I want to, 'cause the only person that would know is it would be Lyn and Tommy and 'cause whatever, Emir probably will just hide something away from you and you go to the team
10 leaders to find out, they will just deny it as well, and there's no point in chasing it 'cause everyone, you know, it's like, you know, you're going to make, you know, like an enemy or something if you kept, kept on insisting to find out.

And who are the people at SIG that you asked questions about hours to?
---I asked, I asked Lyn, I asked Maggie, I asked Su, maybe not too much, mainly it was Maggie then it was Amy then, but they all said they have to go, go through Tommy or they, they would either choose not to answer you or change the subject or just fuckin', just completely – sorry – completely
20 just ignore you.

All right.---Then you ask again just like they tell you something else or they just ignore you.

And did you have an okay relationship with the staff at SIG?---I did at the beginning. You know, I used to buy them lunch, used to buy this and that. I used to go you know, when every Wednesday I go pick up the cash for everyone and bring it back. But the - - -

30 Where would you do that? At Mascot or Rockdale?---Mascot. The Rockdale office, I never, ever, ever been there and I didn't, I don't even know how you open up. You know, the, and Tommy constantly – before this whole thing happened, I don't know, I feel really weird. He kept on calling me to meet up with the girls, you know, want me to get involved and talk to, some guy called Ramy, I didn't, I never, ever met and, you know, just talk to him, this and that and I said, “No, I'm not talking to anyone. You know, I just talk to you and I just talk to the people I know. I don't want to get involved. I don't know what you're doing because I know you can't be that, I don't know what, you know, the way you are, I don't want to, I don't
40 know what trap you set for me.” And they tell me to go to the Rockdale office, this and that. I never wanted to go and he was trying to get, get Emir and all these people to convince me to go, go there. I don't know why that this thing happened and then you guys came but I never, ever stepped into that Rockdale office once.

Who was Ramy?---He, apparently he's the new operations manager but I heard from other people because obviously when he mentioned a name of someone new, I will do my check around the people. Maybe someone that

worked would know him. I think in the end he's the, yeah, he's the operations manager and I think he has some, I don't know, some contracts and I never met this guy. I never, ever met, met this guy.

Do you know his surname?---No, no, but I know he's not, not someone I should meet. So, so Tommy was trying to get Emir to, you know, convince me to go there, you know, just go talk to them. I don't know what, you know, all, everything come into my mind, like, after, I was, you know, I don't know whether, who to trust or who not to trust out of them.

10

But did you continue to buy lunch for Amy and Lyn and Maggie?---No, no because once, maybe I stopped June or May or something because, because like, as I said before, they not telling me the truth and they constantly call, used to call me and tell me some lies about that, the boss Tommy had to pay some payroll tax, that he's in financial difficulties, that he want us to contribute to him and I don't know, I don't understand because I'm, I'm not an accountant. Something about the payroll tax and he had to pay or it's more than 150,000, stuff like that. They can't, they will tell, they will call me up, Tommy would tell you something like that then he would, I would, maybe I would try to validate with them and they will tell me, "Yeah, this is what happened." You know?

20

But what was it about the payroll tax that they told you?---Oh, because they had to pay, pay payroll tax, the boss doesn't have money.

So, the boss doesn't want to, Tommy doesn't want to pay payroll tax?---No, he paid but, he paid the money but then he wants to get, get the money from us.

30 THE COMMISSIONER: How, how would he do that? I suppose one way would be that he would, let's use the 221 hours as an example --- Yeah.

You might only get paid 100 and he'd take the others?---Yeah, see he wants to come up with agreements like that but not like, he would mention it to you but then use the girls to, like, to, you know, to force it.

MR BAINE: So, did he force it? Did he collect money from you?---No. Not in the end, no.

40 So, say as the Commissioner has suggested --- Yeah,

Say that you were paid \$5,000 for the week of 22 August --- Yeah.

The week commencing 22 August --- Yeah

And you were paid \$5,000 in cash. --- Yeah, yeah.

Did you give any of that money to Tommy?---No.

Did you ever give any money to Tommy?---No.

Did you ever have to do anything for Tommy that allowed him to let you get away with the hours that you were claiming?---Did I have to do anything for

10 Did Tommy ask for anything in return?---No, as long as, as long as the, the site is running good. That's all, he told me that as long as he is making the money, he doesn't care.

20 And how do you think he was making the money?---That's, that's why I don't talk to these girls in the end, because he, I wanted to find out. Like, look, I try to start a security business before but then I got the master licence, this and that, but it's all cancelled now but that was, that was in 2015. But then like, it, the, set up this company but then I just figure out that you need a huge amount of cash flow which there's no way I can get like, \$200, \$300 I heard, \$200, \$300,000 to, like, you know, to, because of the invoice or something, you have to pay the guard first and the invoice would have to wait one to three month, I don't know. Something like that and then there's, I've got the licence, apply for this, apply for that, then in the end there's no way I can get the \$2-300,000 to pay (not transcribable) you know? So, I just stopped doing that. Sorry, it's off the topic but with Tommy, Tommy, no. As long as he, he said as long as his business is there, that his hours are there, no one fighting, no. No, we don't, he didn't get nothing off us.

30 Right. So, did you know of any other benefit that Tommy was receiving from this arrangement? Do you think that he was taking money from the hours that were being claimed by you?---No. No.

Because very shortly, Mr Lu --- Yeah.

I'll show you an invoice and I'm sure you're aware of the process but SIG would send an invoice to SNP --- Yeah.

40 At the end of each week for the hours that had been worked by SIG guards and the invoice that I'll show you is for some \$80,000 and this was a practice that was occurring very frequently.---Yeah, sure.

And did you ever hear of Tommy taking a cut of the hours that were worked from SIG guards at the University of Sydney?---No, but he wanted to take a cut off me but I didn't, didn't let him but then he just said, "Okay," and that's it. I didn't let him from mine, no. Maybe from others, I don't know. What, it's, it's really weird, like, you know, if he would have arrangement with this person, with that person or with that person, you know, even though we do the same job, it depends on how, I don't know how the pay rate even was decided. It's like, depends on how, how you talk to him and

he will, then if someone else confronts him, "Why is he getting paid more?" then he would make up some, you know, excuse for it.

THE COMMISSIONER: I think you told me a little earlier that you were being paid \$21 an hour.---Yeah.

Where you, was SIG then upping that rate when they charged SNP?---
Sorry?

10 Where they charging, where they, was the invoice that SIG sent to SNP, would they increase the hourly rate? So, would they have charged you at say \$23, \$24, \$25?---I don't know.

You don't know?---I don't know about that. It wasn't me. Like, I would love to, I've always loved to find out from them because I wanted to start a business myself, how it actually worked, but there it's like top secret. No one wants to answer you. You know, so they wouldn't, the only person that would know is Lyn, you know, certainly, she's a, she's a what do you call it? An accountant.

20

MR BAINE: And did you have a good relationship with Lyn?---Yeah, before I did, I said we were all Chinese, we were all friends and this and that but in the end when I got, got in to do this job, I just felt like all of them, it's like, you know, hiding everything away from me. You know, not so, and actually they were working like, more towards like, more towards Tommy and just lie for it. You know, whatever Tommy says, even if that a lie they will back him up. Even though, if I find out that you're lying, you know? That's, that's, that's how it started destroying the relationship because I would have figured it out from, you know, find out myself that he was lying about certain things and they would defend him and I'm thinking you know, there's just no point to be friends anymore.

30

So your relationship became bad with Lyn when you decided that - - -?
---And with all, yeah, because - - -

- - - she was protecting Tommy's interests.---Yeah, like to another level. It's like as if that's her own business, that this is her, like, everything would be hers, you know, so disappointing it was so - - -

40 Approximately when did that happen?---Probably May. I remember before then we stopped, when, when I think she went back to China one day, I think, and she goes, and Tommy said, "That's a gift for you." I goes, "What's the gift going to be?" And then they, they said they're going to give me a, like, a tie or a pair of socks or something, so just to, you know, in my culture you can't do stuff like that, you know, not like - - -

THE COMMISSIONER: I wish it was the same in our culture.

THE WITNESS: And she well know, she knows that, you know, it's not like she grew up here or she was born here or whatever.

MR BAINÉ: Yes.---She, she's very aware of this. So basically another way to give you, to, like, not to intimidate you but to, you know, humiliate you.

To put you in your place perhaps.---You know, I got a gift for you.

10 Yeah.---You know. Then after that when, that time she came back from China or the last time and that's it, I was, no, like, seriously, don't talk to me. Done. Maybe Tommy got pissed off at me for not doing something for him so, you know, that's what, that's what I go through, you know, so they will do this, like, go around in a circle and get someone else to do something for them.

So you've seen the emails - - -?---Yeah.

20 - - - like the one on page 8 of this bundle - - -?---Yeah.

- - - were sent by you to Lyn, or at least the email address lyn@sigservices. ---Yeah.

Did you communicate with Lyn after say May 2017 when you had a falling out with her?---I would, yeah, yeah we still would talk.

All right.---But yeah.

30 Well, Mr Lu, when you spoke about the cash that was being delivered --- Yeah.

To the university - - -?---Yeah.

- - - did you ever see the size of the envelopes other people were collecting? ---No, I never - - -

Did you ever see the contents of the envelopes that other people were collecting?---No.

40 So when you told - - -?---It's money in there, you know.

I understand.---Yeah.

But when you told the Commissioner that you didn't know how much other people were claiming - - -?---Yeah.

- - - you didn't see anyone else's money, did you?---Like an open envelope, no.

Did anyone open their envelopes inside the university, inside the control room?---Yeah.

But they did it in a way that you couldn't see how much they had been paid?
---No, some people just say it, say it out, how much they got paid, just like, I try not to go see, you know, how much people get 'cause - - -

10 But if other people were saying how much they were paid, did you often think, oh, I've been paid more than that person?---Yeah.

And was it ever the case that you thought, oh, that person's been paid more than me?---No. I don't know. I can't, I don't, I don't really pay much of attention to them, but if they pull it out and they say some figure then they say something, if they don't, I don't touch it. I don't, I don't, I don't hold it and weigh them up 'cause I heard people are starting to, starting to weigh, weigh how much the envelope is, you know, on the scale, before it was like, I didn't take it, I didn't go since probably before May or June or something.
20 I, I can't even remember the exact date, I'm not lying or anything but I can't remember the exact day, I just stopped going there and I heard that people that actually went there was going through the, under the light to see how much people, each one's getting a weigh, how much, which one's heavier, which one's not, stuff like that, I did, I do, did heard it, hear stuff like that, but yeah, personally, no, I don't open up the envelopes.

Right.---No.

30 Were they kept in a drawer?---Yeah, just next to, next to the team leader. We just left them there and everyone just kept grabbing them.

Was there ever any issues with theft?---No.

So - - -?---Never. No one steal other people's. Look, I suppose before the cameras you can take everyone's, you know, but no one, no one ever took anyone's, no.

All right. On that bundle of documents that you've got, would you turn to page 70.---Yeah.

40 And you'll see that there are three names there where, which you've used. Do you recognise the signature of any of those as being similar to your own?---No.

Do you recognise the handwriting as being similar to that of your own?
---That's not mine, that's not mine, that's not my handwriting. Maybe the first one, maybe, but I don't think so, I don't think there were, I can write it out for you, but no, no.

And then if you turn to page 74, the photocopying makes it very difficult to read this person's name, but I think it's someone whose surname is Jamal or Jamil. I can confirm on the document on page 8 that it is Syed Jamil.
---Jamil?

Yes, J-a-m-i-l.---J-a-m-i-l. No, I don't - - -

In, in any event, it's a poor quality photocopy - - -?---Yeah.

10 - - - but the original is a bit stronger.---Ah hmm.

That's right. Sorry, we're on the - it, it might be, Mr Lu, that that name is Syed Mohammad. It does look in this poor quality copy that it does say, the first name does look like it has, contains a Y and it appears as though the second name might be Mohammad.---Yeah, yeah.

MR SUTTON: If it assists, Mr Commissioner, I agree it's a Syed Mohammad and then what looks like a J and ends with an L, to the best that I can make out, if that assists you.
20

MR BAINE: Thank you.

THE COMMISSIONER: Thank you.

MR BAINE: So that's consistent with the hours that you claimed. Do you recognise that signature to be similar to that of your own?---It could be, it could be, I don't, because it's a while ago, I can't be, yeah.

30 And the quality of the photocopy is not particularly strong.---Yeah, could be, but I don't, I don't know.

But in that it is, there's a recognisable slant from the right-hand side to the left-hand side, almost like a diagonal line, if we were to turn over to page 75 we'll see actually that your name appears not in a shift as a team leaders but just as an additional service.---Yeah, 75, yeah. The second, yeah.

And again in your signature it appears as though there is a diagonal slant from the right-hand side to the left running down.---Yeah.

40 So it, it may well be that that is your handwriting.---Yes.

Now, Mr Lu, we asked, I asked you before about using SNP names on the time sheet.
---Yeah.

This is an example of your name appearing in an additional service. Did SNP have any concerns about your name appearing in additional services?

---Oh, no, no, I have two names at SNP. How the system is done, is, is or whatever, the rostering or whatever the system's called, it will have a Frank Lu 1, Frank Lu 2.

10 What's the difference between those?---One is, one is you are with the SNP and the other one is when you're doing the, we're the subcontractor. So I think this, look, I'm not 100 per cent sure, I'm not, I've never been to the head office but by speaking with the rostering there when they assign you the shift, like if they called you, if worst comes to worst, if no one answered the phone before or whatever, for some reason no one answering the phone, they are still going to be the contact. So, they said to me that, "Okay, we'll have to put you, do you have another name with SIG in the profile," so they have to put you on a different profile, like Frank Lu 1, Frank Lu 2. So 2 means with a subcontractor, 1 means with SNP. That's what it means.

So, Frank Lu 2 - - -?---Would be - - -

20 - - - would be an example of this, would it?---Anything outside of my four on, four off. Anything outside of my four on, four off, it will be different name of, of, it would be like, it would be registered as Frank Lu 2 of, with all the SNP employees. That's how the SNP class like, separate. How, yeah.

THE COMMISSIONER: So four on and four off would be Frank Lu 1, is that right?---Yeah, yeah. Like, if the, whenever I sign the, the contract I have with SNP, the four on, four off, that's then Frank Lu would be, I assume would be Frank Lu 1 but I know then have two profiles for the same person just with a different number.

30 Do they do that with other employees as well?---Yeah

Yeah. --- Because, because he was, it's strictly, it was strictly meant to do overtime with them.

Yeah, okay --- He just, he just bend it for years.

40 MR BAINE: Mr Lu, who was SNP rostering?---Back then, back then would be, during the day it would be Troy Swadling but then he quit. I think a while ago, I don't know how long ago but he, he, he resigned and got another job. So, after that, all the operations would be, they would have a general idea of this rostering.

And what did SNP rostering do for you? What did they roster for you?
---They don't roster for me. They just call, call me if someone, if one of their employees sick, they would call them. If they don't call Darryl or Emir directly, they would call them and they would call me.

All right. And where they aware that you had Frank Lu 1, who was working at the university on four, four on, four off shifts?---Yeah, that's because he told me this. That's how I knew they have two profile for me. So, I assume for everyone else.

And, and SNP rostering would contact you if they needed you to perform work that wasn't four on, four off allocated shifts, is that correct?---Yeah, yeah. They would, before I took over the roster they would do that and they have to go through the SIG because I did do shifts with them before.

10

And would this be an example?---What the, the Frank - - -

The Frank Lu on page 75?---Yeah, yeah. Well, this, anything that's not team leader you have to go through, it's going to, I don't know if they called me or, this one or this one's already taken over. This one, yeah, I would have already taken over. So, I mean before that, probably, before August.

So, the - - -

20 THE COMMISSIONER: Sorry, can I just clarify one thing?---Yep.

MR BAINE: Yes, Commissioner.

THE COMMISSIONER: The two profiles, F1 and F2, were they created by SNP or - - -?---SNP.

SNP, thank you.---Well, if, if, only if you are SNP employee.

30 Yeah --- but if you are a SIG employee, I think they just put, I don't know what's the word they put, they use. They use another wording that, it's like an Excel file I think they have in the system and they will just put ad hoc and no, no name assigned to it.

Okay --- There would be no name. The name will be S International or SIG in that spot and that's it.

Thank you.--- Yeah.

40 MR BAINE: Mr Lu, would you please turn to page 79. --- Yeah.

You'll see a number of guards' names have been highlighted here. Once again, they're highlighted in pink. So, these are the names that you identified in the document at page 8 as being performed by you. Do you recognise the handwriting or the signatures in any of these as being that of your own?

---No, no. I - - -

Is it possible maybe the first and the last entry?---No. I don't, I don't think I, look, I don't think I sign it like that, no. No. No. I don't, I don't write Ns and stuff like that. No. I, I don't know because it's a very long time ago. Yeah, to be honest, I - - -

There are a few other entries that I could show you, Mr Lu - - -?---Yeah, sure. Yeah, sure.

10 But I won't in the interests of time, but based on the number of entries that have been highlighted in pink --- Yeah.

Do you think that these time sheets are an accurate record of the work that was performed at the university?---These were, this is work it's meant to fill on the, on the day. This was what was meant to fill on the day.

Well, that's right. They indicate what was meant to have been performed --- --- Yeah

20 But they don't actually record what was performed, do they?---What was performed, no, they don't write, Like with the jobs, because I know this job, you've just got to be outside. Just stand there, just scattered around and that's it and you, the, the job description is that pretty look, to be really honest, for the protest at that time was on the, hit the newspaper as well I think. You've basically just got to be there. You can't really stop anywhere, you can't touch anyone, you can't, you know, say, "Oh, you can't go in, you can't, you can't put the banner up." You've just got no, no, no, you don't have any power basically. You basically, if you are there or not there, the same thing, you can't do nothing.

30 THE COMMISSIONER: I think, I think what counsel's raising with you, and I'll put it in a slightly different way,--- Yeah

If you go back to your 210 hours --- Yeah.

These time sheets are supposed to support your 210 hours --- Yeah

They're inaccurate, aren't they?---Yeah. Okay.

40 Yes.---If that's, yeah.

Is that the point you were trying to make?

MR BAINE: It is, Commissioner. And so, where we have five lines of names, five different names that are recorded here on page 79 in pink, only one person was performing those shifts and that one person was you, would you agree?---Yeah.

So, is your view that you could get away with one person performing five people's shifts because there was only one entrance at Kirkbride and it was unnecessary to have five people doing that work?---Yeah, yeah.

Now, Mr Lu, you will remember the very first document that I showed you on the first page of this bundle. It was an email that you sent introducing yourself as the new rostering manager --- Yeah

10 At SIG and would you agree that within your first two weeks as rostering manager, you were allowing people, including yourself, to claim in excess of 200 hours of work that was not actually performed?---Yeah.

And did you come up with this arrangement?---No.

How long had it been happening for?---Emir came up with this, Emir came up with this arrangement. He will just tell you, "Just do this," and that's it. He would get, he would get the okay to get approval for how many guards and, and that's it and yes, and that's what we did.

20 THE COMMISSIONER: Did you, did you have an understanding that he had been doing it for many, many more months than you had been doing it?--Yes. Like, yes and no but he doesn't, no one told me anything. That's why, like, as I said to Anthony before that, so you'll remember I mentioned with Lyn and all that, but that, that, that's because I find out in the end, like, you know, they like, they keep everything away from me as well. So, but maybe he could have been doing that before. He could have been doing it before, I don't know. I think so but I don't know. To me, I don't know because they never involved me before this. Yeah.

30 MR BAINE: So before you became rostering manager - - -?---Yeah.

- - - in August 2016 - - -?---Yeah.

- - - had you ever claimed for hours that you had not worked?---No.

And from the time that you became rostering manager in August 2016

- - -?---Yeah.

40 - - - how regularly would you have claimed for hours that you didn't work?
---Probably weekly.

And the other people who might have been claiming for it weekly, can you identify anyone?---All the team leaders would be if involved.

And the person who came up with this arrangement was who?---It wasn't me.

But was it Emir?---Could be, or maybe Tommy or could be anyone, could be any of them. Maybe, maybe the people even knew about this before but I was, no, I didn't claim this, this before that, but the - - -

But when you became rostering manager - - -?---Yeah.

- - - did Emir tell you that - - -?---Yeah.

- - - this was how the system would work?---Yeah.

10

And did he tell that to anyone else or did he tell it to just you?---No, he told me, he told me.

All right. So just some general questions about this conduct, Mr Lu.
---Yeah.

Did you sometimes perform shifts using the name of another person?
---Yes.

20

And how often did you do this?---How often? I took all the Ben Pfitzner from August is me.

From August 2016?---Yeah, because the team leader, because that position cannot be uncovered, like not covered, so I have to run it, so, or maybe sometimes, you know, I did the day and the night 'cause people kept on pulling, purposely pulling out, I don't know why, but they're purposely pulling out on the days that they know people are not, not going to be, not, people going to, are off, so they're purposely pulling out maybe to, I don't know, maybe to, to show the, you know, to, to give a hard time to - - -

30

THE COMMISSIONER: I think, I think you told me just a moment ago that you were claiming for shifts that you hadn't worked weekly.---Yeah, that's right, yeah.

Thank you.---Yeah.

MR BAINE: So from August 2016 you were first of all using other people's names?---Yeah.

40

And secondly you were using other people's names for work that you didn't perform?---Yeah, yes.

And was overtime a reason that some people used other people's names to perform work?---Yes, but, yes.

And was that because SNP didn't pay overtime to SNP employees and they asked SNP employees to go work for SIG?---Yes.

And they would use an assumed name so that they could claim overtime?
---No, they, they, they're not assume names, they are, they get to use their own name, they get to use your own names and I don't know, for some reason if you, the people that works there, has, whatever, whatever's going on in their life or the reason is, they, they, they, they sometimes don't even use their own name when they can. I don't know why.

Right.---You know, so - - -

10 Now, Mr Lu, I'd like to take you back in the bundle of documents and I'd like to take you to page 9.---Yeah.

Now, what we've been looking at for the last little while has been the time sheets in relation to the week commencing 22 August, 2016.---Yeah.

What this document is, is the invoice that was sent by SIG - - -?---Yeah.

- - - to SNP for the work that SIG performed that week.---Yeah.

20 Now, you can see that the invoice is for \$81,000?---Yeah.

And I know that I have taken you to the time sheet where your name has been recorded.---Yeah.

But I just want to make you aware that the names that were recorded in the time sheets - - -?---Ah hmm.

- - - were actually invoiced and sent by SIG to SNP.---Yeah.

30 So if you have a look on page 10 you'll see highlighted in pink the name of Peter Walsh, which was the name that you thought was an SNP employee - - -?---Yeah.

- - - and might not have been you but on the balance it probably was you.---Yeah.

40 And then if you go to page 11 you see a person whose surname is Fatima, and that's a name that we saw on the document at page 8. Then if you go to page 13 you see highlighted in pink a number of names, and then those names highlighted in yellow include some of the names that you told Emir and Daryl that they could use, for example down on 24 August highlighted in yellow towards the bottom of the document - - -?---Yeah.

- - - you see the name Ihssan Bataineh - - -?---Yeah, Sibel.

- - - and the name below that is Sibel Isli?---Yeah.

And they were two of the names that you said that Emir and Daryl could use.---Yeah.

So the SIG - - -?---Yeah.

- - - invoiced SNP for that work.---Yeah.

And then if we turn to page 14 you'll also see the names again as you will on page 15, 16 and page 17.---Yeah.

10

So it's clear on the face of this document that the hours that were claimed were actually later invoiced back to SNP.---Yeah, yeah.

Now, Mr Lu, if we go to the document at page 19, this is an email from you to Lyn at SIG Services.---Oh, yeah, yeah.

And I'll just give you a moment to read the document, if you want to have a look at it.---No, that's, that's all right, all good.

20

Okay. And you can just see that in the top line it says, "The guards have other shifts so I have used different names." Would you agree that that is another example of the conduct that we've looked at where - - -?---Yeah.

- - - other people's names would be used on the time sheet?---So I used different names.

You can actually see - - -?---Yeah, yeah.

30

- - - in the paragraph below that where Lina's name was used it was actually performed by George Boutros, or actually, sorry, where Lina did the work - - -?---Is George Boutros.

- - - the work was performed by George Boutros.---Yeah. Atif equals Lincoln. Gol is Isaac. Ali used his own name. Yeah. Salam covered Kirky during the day (not transcribable) Yeah.

And when you say at the bottom of this email, "I hope this is helping," - - -? ---Yeah.

40

- - - do you say that because the staff at SIG were becoming confused? ---No, because they, they have to do the invoice so they have to put a name through to SNP.

But did they ever get confused that you were working for example 220 hours in one week?---Like, what do you mean by confused? They don't - - -

Did they ever say to you, oh, this doesn't make sense that you've worked 220 hours in one week?---No.

Did anyone at SIG ever tell you to stop claiming so many hours?---Yes, they did.

Who told you that?---I think it was Lyn did.

And what did she say?---Just, she just said, “Oh, maybe it’s too much, maybe just, you know, cut it down a little.”

10 On how many occasions did she tell you that?---I can’t remember how many occasions, but yeah, but she did, did say that.

More than once?---Yeah.

THE COMMISSIONER: What did she say, cut it down a bit, did she? ---Yeah.

Yes.

20 MR BAINE: And then, Mr Lu, if we go to page 20 you’ll see that this is an email from you to Lyn at SIG Services on 12 September --- Yes

And if you turn to page 21 you’ll see that going down throughout the week you performed or you’re claiming for 21 hours on the 5th, 21 hours on the 6th, 21 hours plus 12 hours on the 7th, 21 hours plus 12 hours on the 8th, 21 hours on the 9th, 24 hours plus 21 hours plus 5.25 hours on the 10th and then 24 hours plus 21 hours plus 4 hours on the 11th.---Yes.

30 Which comes to approximately 228 hours, which on the Commissioner’s maths is about \$5,000.---Yeah.

And then if we go to page 23, there’s an email from you to Lyn at SIG Services on 24 October, 2016. Now this, if you go to page 24, has only 69 hours claimed plus \$300. --- Yeah.

Now, you’ve explained to us that the \$300 was the money that Tommy gave you to pick up the phone.---Yeah.

40 Why do you think you claimed so, so few hours on this week compared to the previous weeks?---Maybe the, that’s, I don’t, I don’t know. Maybe there was something actually was happening at Kirkbride. Maybe, you know, so that was actually, like, actual, actual protest.

And, and when there was something happening at Kirkbride, that allowed you to claim approximately 228 hours?---No, no. When something’s not happening there, I would have claimed that but when something’s happening there, no.

All right.---That's why, maybe, maybe, maybe that's a time so we just had to give full, full maybe extras to cover it. Yeah, so we don't take nothing if it's something actually is, you know, with the news and with all these people you know, chanting and stuff, yeah. We have to get the guards in.

So, there were hours – I withdraw that. There were weeks when you would claim a smaller amount of - - -?---Yeah, if, yeah. Because - - -

10 - - - work?---Yep. The time I, yeah, the time I took before was, yeah, it was, nothing was happening. You know? And no one would see if something, I knew it was going to happen or, you know, because it would, the protester is not going to just rock up and goes, "I'm going to protest now," in the middle of the night. They cannot, they can't do that, so they have to, someone has to inform us they're going to conduct a protest probably a day or two days before if that happens and we, we cover the whole thing. We're not going to leave it.

So, if you consider say the week on page 22, where you worked 228.25 hours --- Yeah, yeah.

20 That's not indicated on the document, that's just my maths – how long do you think you actually spent at the university? If you were rostered on to work 40 hours, you were only rostered on to work 40 hours, but you've claimed 228 hours, can you give any indication or can you give any explanation for how many hours you might have actually been on-site at the university?---I would be there, I would be there for the two days extra because I would be there myself, I would take two more extra shifts at least or maybe sometimes I can pull you know this, a double and yeah, I would be there.

30 So, if we go back to say page 21 --- Yeah

And this is the page before page 22 where I said there was 228 hours that were worked. You were on-site on the 5th and the 6th, the 7th, the 8th, the 9th, the 10th and the 11th, were you?---Yep.

Just based on what you see in that email?---Well, what do you mean, like, am I on-site?

40 Yes. Were you actually at the university on those days?---I don't know, I can't remember.

But were there occasions where you might have only been rostered on for 40 hours, where you only worked 40 hours but you claimed much more than that?---I would be there all the time. When there's stuff like that, I have to be there.

All right.---Like me, yeah, I do and they'd be aware of it, what's going on.

Now, Mr Lu, if you go to page 25, you'll see this is an email from you to Lyn at SIG services --- Yeah.

On 30 October, 2016. --- Yeah.

And if you go to page 27, once again on Friday the 28th we see the name Lincoln Nock --- Yeah.

10 And you've identified that that was a name that was used very frequently. Probably, would you agree that if Lincoln Nock's name appears in a time sheet --- Yeah.

It's more than likely to be worked by someone else and not Lincoln Nock? ---Yeah.

THE COMMISSIONER: Or not worked by anyone.

MR BAINE: I missed that, I beg your pardon, Commissioner?
20

THE COMMISSIONER: Or, or not worked by anyone.

MR BAINE: Or not worked by anyone.---Yeah.

Indeed, indeed. Now, would you explain to the Commissioner down the very bottom, you have a total of 155 hours --- Yeah.

And you have two additional increments, one of \$300 --- Yeah.

30 And one of \$500. --- Yeah.

What was that \$500?---Maybe Emir borrowed off me before for something. I don't, yeah. So - - -

Who would have borrowed that?---Emir.

Emir.---EB.

THE COMMISSIONER: EB, yes.---Yeah.
40

MR BAINE: So, it was the case that you would borrow money from each other and then you would use a adjustment in your pay from SIG to clear your debts?---Yeah. I don't, I don't borrow off him though. He just borrow off me.

But on this occasion, you probably did?---He borrow off me, he borrowed off me.

Yeah. Sorry, yes, he, he borrowed off you?---Yeah, yeah.

Yeah. Now, if we go to page 28 and we see it's an email from you to Lyn at SIG Services on 21 November, 2016. --- Yeah

If we go then to page 30, which is sort of the second page of the attachment, we have and confirmed that this is the case, but you've worked 131 hours at \$21 an hour and then you've added your \$300 fee for picking up the phones?---Yeah.

10

All right. Now, Mr Lu, on page 31, there is an email from info@sinternationlgroup to SIG Rosters on 10 April, 2018 and it attaches a document that is called, "The names list, Frank." Now, if you go to page 32, do you recognise this to be the document you were referring to --- Yeah.

That you kept on your phone?---Yeah.

And can you explain what this document is?---So, just to give it to the guards when, whenever they, they need the names.

20

So, these were the names that were most frequently used, were they? ---Yeah. So the, yeah, so they give me the names and, yeah, just to, instead, instead of calling them directly, they have to, they come to me and that's, that's what it is.

So, you've mentioned that Ben Pfitzner left SIG.---In August, maybe. Maybe.

In August, 2017?---Yeah.

30

So, you can see the date on this document is 10 April, 2018.---Yeah.

Is his name on this document on page 32 because his name can now be used as he has left SIG?---No.

So, why would his name be on a names list?---I don't, I don't know. In April, in April, I don't think he left yet because I, I - - -

April being eight weeks ago.---Yeah, yeah. Hey?

40

Eight weeks ago.---Oh, this is eight weeks ago?

Yeah. Three months ago.---Oh, yeah. He would have left, he left at August, 2017.

So, his name is on this list because he's no longer at SIG ---Yeah.

And he won't notice that his name is being used?---Yeah.

Is there anyone else on this list who has left SIG?---Yeah.

Would Lincoln be one of those people?---The ones I actually know, the one Eslam Eid.

Eslam Eid.---The one that, the one that actually worked in the uni and left will be Bishoy, Eslam, Ben, Zain, Nader, Oliveria, Seif and oh no, Lincoln's long left. Yep.

10

And obviously there was some concern about continuing to use Lincoln because his security licence was due to expire?---Yeah.

On 15 June, 2018.

THE COMMISSIONER: Is that yellow highlighting from us or is that - - -

MR BAINE: No, that is on the document - - -

20 THE COMMISSIONER: Thanks.

MR BAINE: - - - Commissioner. So, Mr Lu, we've gone through quite a few documents. --- Yeah.

Who knew at SIG that this was going on, that this conduct was occurring?--- All, all of them. Every single one.

And Tommy knew?---Of course.

30 The admin staff knew?---Yeah.

But what about SIG guards? Would they have had a good idea this was occurring?---Yeah.

Everyone?---Yeah.

And what about at – and what about your explanation for Tommy --- Yeah.

40 And the benefits that he received? Is there anything else that you'd like to comment on about benefits that Tommy might have received under this arrangement?

---He will keep the guards happy and, you know, he doesn't have to, look, basically he doesn't have to provide any guards for the same shift to be covered. You know, and the guards were happy to cover it and, yeah, so he keep his contract.

All right.---If he, yeah, no, he wouldn't have, yeah.

So, if we go back for a moment to page, say, 10. This is in relation to the week that I've been asking you a lot of questions about --- Yeah.

In August 2016 --- Yeah.

But there's quite a comprehensive list of SIG employees here. --- Yeah.

Now, if we go to the bottom of the document where it says, "Patrols in Codrington Street, Darlington." --- Yeah.

10

Can you just look at those names --- Yeah.

And go through the list and identify who would have known about the conduct that was occurring? Would Fatima have known?---Yeah.

Mina Botrous?---Yep.

Samir?---Yeah.

20 Eslam Ali?---No.

Why would Eslam Ali not have known?---He, he's from another site. He, he maybe not from there. He's from another site.

So, he was from another site but his name was used at the University of Sydney?---But he sometimes come to, if this is covered, if this is to cover some shift he does come.

30

All right. --- He does come to cover some shifts but he, and they're very rare but, yeah, it's their money.

So, he probably didn't know?---Yeah, yep.

All right. You've spoken about Samir. What about Gol Mohammed Amiri?---Yeah, yep.

He, he knew?---Yeah.

40

Okay. We've spoken about Mina, we've spoken about Peter.

THE COMMISSIONER: Can I ask you this, when you say he would have known, what would they, what would they have known?---Well, they would know there's, you know, people covering shift and people doing doubles and stuff like that.

Would they have known that people were claiming work that hadn't been done?---Maybe they would have an idea, yeah.

And why do you think they would have had an idea?---Well, they had, they would have, they, they, they would have heard about it because people would have talked about it.

Okay. --- Yeah.

So, it was no secret?---No. Like, we didn't, yeah, we didn't have really a secret. So, we just thought everyone knew, knew about it and that's how it can be done and that's it. Then we just continued on.

10

Okay. All right.

MR BAINE: Thank you, Commissioner. Isaac Young?---Yeah.

Lina Chami?---Yeah.

Now, Mina Botrous has a brother, George?---George, yeah. Yep.

Would George have known?---Yeah.

20

Zain. Maybe, I'll let you go through the list, Mr Lu, and do you just want to just identify the people who would know in this list?---Who - - -

And speak them aloud?---People who - - -

Who would have known that the conduct was occurring?

THE COMMISSIONER: It might be easier to indicate which ones - - -

30

MR BAINE: Maybe, maybe I'll continue. Maybe I'll continue.

THE COMMISSIONER: - - - wouldn't have known. Yes.

MR BAINE: Now, just remind me if I've asked you about some of these. ---Yeah, yeah, go for it. Yep.

Zain, would he have known?---Yeah.

And Salam Al Zayadi?---Yep.

40

Younan Shiba?---Yep, yep.

And then the person who's name is below- - -?---Ikhlass.

Okay.---Ikhlass.

Would he have known?---She.

She?---Sort of. I don't know. Just kind of works in the library so doesn't get to do anything to do with us. Yeah, but she would have known about this using different names. They all, that all knew. Pretty much, they all have a – I don't know if they're going to admit it but I'm sure they all, they all do because they all been there for, for quite, quite a while.

What about Momir Petrovic?---Maybe not at that time, at that time because they were in Camden because they don't come here, they don't come to the, the city. They just stay where they are.

10

Marisol Garcia?---Yeah. Oh, no, no. Anyone in Camden, maybe not because they don't deal with us much before. If this, what are talking about, is this at, are you talking about 2017 or '16?

2016.---Yeah. No, I don't think back then. That's, maybe they do but I don't, but I don't think back then, they - - -

All right. Well, if you can identify people who would know now, please do so.---Everyone that's on the list there would have, like on the - - -

20

All right Camden because it's on a different campus?---Or the Codrington or, yeah, they would know.

What about the libraries on the corner of Abercrombie and Codrington Streets?---Sorry, which one?

So, Hosam El Samman?---Libraries, corner of Abercrombie and Codrington. Oh, Fisher Library. Oh, yeah, yeah, yeah. They, they, they been there for long time. They sort of will have an idea. Yeah, they do.

30

Because these are the, these are the people been there a very long time. They started with SIG, so would have been there five/six years. So, people been there generally, if they been there for very long time, they would know this.

Muhammad Javaid?---Where that?

Sorry, if you turn to page 12, at the very top of page 12.---Oh, yeah. Yeah.

And Mohammad Alam?---Alam, yeah.

40

Now, if we go down in to the next bunch of names. A few of these you've identified as being on that list of Frank names that we looked at previously but what about Ali Khan Kashif Mohammad?---Oh, yeah.

Atif Ali?---Yeah.

Ali Nayeff?---Oh, this guy left a long, a while ago.

Robert Basilic?---No, that's. No, I don't know. This one, this one I don't, Robert Basilic. He's not, I never, not even there.

So, if he wasn't there, this name was a name that was used on time sheets?
---Yeah, yeah.

MR SUTTON: (not transcribable)

10 MR BAINE: But didn't know, that's right. The gentleman who's, Ra'ed, I think that was one of the names that we looked at.---Ra'ed.

Yes.---Ra'ed. Ra'ed.

Ra'ed.---Oh yeah, he, they know Ra'ed, Mohammad Qa'qour and all that, he knew. He knew.

And Md. Assad we've looked at. I think there might be some repetition of these names. Bernadette El-Cheikh?---Yeah.

20 On page 13?---Yeah. Yep.

Hannah Coriwen?---No. This one, this one, no. This one, I don't think so because this one left. This one was, this one, one close to Tommy but he, so they left, she left.

And what about Yahya?---Who?

Yahya, Y-a-h-y-a?---Oh, Yahya?

30 Yahya?---Yeah. Yahya is, oh yeah, yeah, he changed his name now.

And if we go look at Sibel Isli highlighted in pink. Do you recognise the name Sadruddin Huda?---Yeah, yeah. Yeah, that's - - -

Would they have known?---Yeah. Sadruddin Huda is Aymna Huda's husband.

40 And Hannah Coriwen?---Hannah. Hannah is a, I don't know, it's Tommy got her in the, I don't know where she's, this one, no. This one did not work very long time after that, she was actually there.

If we go back down the document to Devrim Daniel Kilic.---Yeah, they, they'd know.

And Mostafa Elkholy?---This, Mostafa Elkholy, he wasn't there too long. He wasn't there too long. He was just, yeah. This one wasn't there that long.

Ashlee Parker over on page 14?---Yep. Yeah, they - - -

Ashlee knew?---Yep. But generally if they were on the patrols, most, like, you know the set shifts, the core shift, they would know on each teams, the people on the teams, they would definitely know. Only the people that might not know is the people that or just came once or twice but I think everyone knew because we didn't use, like, we didn't want to use random people all the time because of the, because random people, you don't know what they like, you know, when they come they - - -

10

And their trust levels?---It's not, and they don't know like, what to, what to do, what's expected of them at the job and stuff like that. So, yeah, just

All right. --- Basically whoever's on the patrol team, they should all know.

You've identified a number of people at SIG who knew what was occurring. --- Yeah.

20

What about at SNP? Daryl knew?---Yeah.

Emir knew?---Yeah.

Did anyone else?---That's the only people I know, I know, I know that I'm in contact with, they know.

And do you know what benefit Emir received?---Yeah. Half - - -

Just money?---Yeah.

30

Do you know if Emir received any other benefits?---It could be but he kept away, as I said before, they always keep, I wanted to find out about these things for myself because I make sure I'm not missed out. Yeah, it being kept away from me.

And what about Daryl. Do you know of any benefits Daryl received? ---Daryl kept very like, by himself. I only talk with Emir.

So, you didn't have much to do with Daryl?---Very, very, very, very rare.

40

All right. And what about anyone else at SNP?---Wouldn't know this. I think everyone would have known because the time sheet gets sent to them. It's not even, the way I look at it is just like, whatever scribbles, they wouldn't have figured that out.

But is there anyone who reviewed the time sheets? Is there anyone who yourself knew had knowledge of this scheme?---I don't know with SNP, I don't know. Like with, in the head office I wouldn't have a clue who knows or who doesn't.

And what about at the University of Sydney, did you know anyone at the University of Sydney who knew?---No.

Does the name Dennis Smith - - -?---Yeah, that's my boss, that's the boss.

Now, what was his role at the university?---Operations manager.

10 When I asked you at the beginning of this compulsory examination if you saw people from the university come around and inspect people, did Dennis ever inspect your work at the university?

THE COMMISSIONER: Check up on you, check up on your work?---To see if the - - -

MR BAINE: To see if you were just performing your work, doing your job?---Yeah, in the morning he would have said, "Everything going good? Any complaints, any issues," any, if you had general stuff, anything he needs to follow up. Stuff like that, yeah. He - - -

20

So, did you have much to do with Dennis?---No, not really.

And did you communicate with Dennis using SMS or WeChat or WhatsApp or Viber?---Yeah, yeah.

And how frequently would you do that?---Probably on the weekly.

Weekly?---But that's after you know, the, before I didn't talk to him much.

30 And what did you talk to him about?---Because I bet some, some horses or something.

Was he a punter?---Yeah. Apparently. I don't know how much they punt but yeah, so - - -

And did Dennis have much of a presence at the university? Did you see him much other than in the mornings?---Yeah, all the time.

40 All the time.---All the time in the morning and I think he leaves at 3.30 or 4.00, 3.30 or 3.00 or something, but he comes in at 6.30. Yeah.

Do you think that Dennis knew about what was occurring involving the time sheets?---I don't know. He sits outside because the time sheet gets, I, I write it like we put it, we put inside Emir's drawer.

So, did you ever see Dennis interact with Emir?---Yeah, they, they talk to each other, they sit next to each other.

Did they have a close relationship?---Yeah.

And did, to the best of your knowledge, Dennis and Emir socialise outside of work?---Yeah, yep.

10 What's, what do you know?---Basically at Christmas and stuff like that they – Emir used to, look, Emir used to talk about it you know, he's close with Dennis. So, to, so generally by doing that, he can bring him more, more power to, to himself over there. You know, "I'm close with the client," and that's it, that's it. So he would, he would, he would just say you know, "I'm going to visit Dennis," or something. I don't know if it's true or not, whatever he said but he's - - -

But Emir would tell you that he was close with Dennis?---He, oh, he will show it you know, where everyone knows.

THE COMMISSIONER: He expected him to big note him, did he?
---Sorry?

20 Big note him, big, big note him, is that the - - -?---So basically, yeah, basically, "I know the boss so," yeah, you know, "So, I have the power to."

MR BAINE: And what about Dennis and Daryl? Did they sit near each other or did they, did you see them communicating often?---Not much. Not much to my knowledge, no. But only with Emir, that I, from what I can see but what they do afterwards, I don't know. I see at work.

30 So, you said Tommy came to the University of Sydney from time to time?
---Yeah.

Did you ever see Tommy and Dennis together?---No.

Did you hear any rumours about Tommy and Dennis that - - -?---I heard rumours about Tommy and Dennis.

40 What were they?---Tommy, look, I heard it from the guards, you know, but with, all I heard was, like, yeah, Tommy was saying that he have everyone recorded. He's got proof on everyone, he's got everyone recorded saying something wrong and doing something wrong. Apparently that's what Tommy's been saying now, every single one. He's got something on everyone.

But recorded - - -?---Like, saying - - -

- - - on video or recorded on - - -?---No, on the voice or something. They love, they love to do things like that. You know, they, once they try to give you, the people over there, they try to get you to say something wrong and record you to just basically try to talk to you do admit something that you're

didn't even do maybe, or say. You know, just talking to you and record you. They, I don't know, I find this is the way they, they like to do these sort of things.

10 Did you hear any rumours about things that might have been recorded about you?---Yeah, yeah. He said he had everyone that's, I don't mind, just record me. I don't know whether it's true or not but I thought a guy like that, I would expect he would do something like that, I expected that. So, but I just said, I, I, I, I remember I told him but at the end of the day he approved it. Yeah.

THE COMMISSIONER: Did you have any understanding that – I mean, Dennis represented the client.---Yeah, he the client.

Yes. Did you have any understanding that Tommy was giving him any benefit?---No, no. Seriously, not from me. Like - - -

20 MR BAINE: And you never heard any rumours - - -?---Whatever happened between him and Tommy, they never showed me any signs.

THE COMMISSIONER: Okay, okay.---I know, only him and Emir and that's it. Like, Dennis and Emir were close and that's it. That's how we were sitting, if you guys remember how we, if you guys came you got the video, Dennis sits here, Emir sits there, Daryl sits on the other side. Like, a few more tables down. Yeah, like, towards the other side of the entrance.

30 MR BAINE: And where did you sit?---I was sitting on the side. Like, like probably behind this door, behind this, this wall. That's the control room. That's how, that's how the setup is. So, only time I really communicated with them, if the, if the client, if they want something to be done or in the morning you know, before, probably, because we start at 5.30. So, Dennis come in at 6.30, probably talk to him for half an hour and that's it, then people start coming in. So, that's it, that's the max we will do and I'm only there two days like, on the day shift. So, in total two days in a week, then on my night shift, I can't obviously.

40 Was there anything else that you'd like to tell the Commission about the claiming of hours on time sheets or Dennis Smith or Tommy or any of the other people I've asked you about today?---Oh, the, everyone knows about this like, you know, all the, all the people, the team leaders, everyone knows, knows about it. But what else do you want to know?

Is there anything else - - -?---Like, if - - -

- - - that you'd like to share?---Depends in which, give me a question.

THE COMMISSIONER: In relation to the allegations.---Like, you know.

The allegations in the summons, is there anything more you think you can tell us about those?---Because I thought this was, you know, just, well, this practice was allowed and that's it and no one said nothing. The sheet gets kept, the time sheet gets kept in the, you know, in the, we go put it in Emir's drawer, he used to fax it and the SNP rostering never said nothing. They just accepts it, tick the names, yeah. That's it. They, and I don't know how they, I don't know how they invoice and who pays who and how it is gone and paid. I don't know. So, I thought this was an acceptable practice and all the, all the subcontractor companies does it because I've been doing it for
10 about, like, I've been in the security for 10 years. Like, I don't know like, if, if you hear stuff, what's happening with other people in, like, other companies this and that, you know, what they do, people talk. So, I thought this was okay.

I think SIG had a relationship with the University of Wollongong too, didn't they?---Oh, I don't know.

No?---I have no idea about that one.

20 Okay, okay.---Maybe it's hooked up by Daryl maybe. Who knows, if because it's very, as I said before, Tommy very secretive guy. He would talk to you, talk to him, talk to him, it would be a different, like it would – I don't know, he's very good at trying to confirm what he heard was true. So, you know, then use as I said, use the girls to try to get in from the side to find out the answer. You know, he would just sit there in the office and get them to do like, talk to you or something like that to think to confirm what he heard was true or get them to tell you a lie so you can believe it and just keep following it.

30 Like the death of his mother?---Yeah. Well, I heard them, people that were close to him, that's what he's talking about, 20 years ago, his mother passed away 20 years ago. Then I realised something's wrong, that he, why he going back. So, and you know he's not coming back.

MR BAINE: Have you had any communications with him since he's gone to Egypt?---Oh, he's telling me, he's telling me that he's going to get a lawyer, that, you know, he going to face it. You know, "It's nothing to do with me. You guys are putting everything on me. It's got nothing to do with me," and then ask me questions like, "Oh, so, so, what is happening?"
40 I said, "Tommy, listen, don't talk to me," you know, I said, "Don't talk to me anymore." He getting a lawyer then he will get, he will get the people there that's close with him. I don't know this relationship, how he got it with the, these guards, these people from Egypt. You know, and they ask me for the phone, they constantly come and ask for the phone that Michael and Leonie came to grab off me that day. They constantly ask me for that phone.

They've asked you - - ?---For the iPhone.

- - - since the time that the phone was produced to the Commission?---Yeah.

After that time?---After that time, they ask me, before that time, they ask me.

THE COMMISSIONER: Who asked you?---All the guards over there, that was with Tommy.

10 MR BAINE: What were their names?---You've got, as I said, Ahmed Eid and there's another guy called Magdy Aly but I think that's a guy since Tommy's company is closed down now and it's run under different name now. MOK or something but it's I think the same thing. So, that guy has asked for, for it, Ahmed's asked for it, you know, Emir's asked for it. After he came here, he asked me for it, for the phone. So, yeah.

And why do you think they were asking for the phone?---He saying, he saying that that's what, as I said before, it's very, that's what I'm saying, I can't trust anyone there. They, they, he was saying things on the line like,
20 people, oh, because he came here because that say I was supposed to come, he came. All right, 20 June, I was supposed to come but apparently he came. So, after he came back, he goes, he talked to me in the car park, he come to work alone and he talk to me on the Monday, he come on the Wednesday and then I than he asked me Thursday or Friday, he goes, "They were very interested in your phone, in that phone." He want me to bring it because he got two interview, consecutive interviews, right. He had one on Friday, he had one on 20th, it was a Wednesday, which was mine. So, after the Friday, I think the, then Monday before he came again on the
30 Wednesday, he was asking for the phone too, that you guys are interested in. You know? He was saying that you guys want that phone. I was thinking in my head, phone, they already took it like, two months, a month ago. Then that's when I starts raise the suspicion like, like, really what's going on here? What are they, what they doing? Did Tommy tell him to - Tommy really wants that phone. I really you know, they want it.

THE COMMISSIONER: Anything else?

MR BAINE: Sorry, I do, Commissioner.---Yeah, go.

40 Sorry, just one moment. Now, I've just got two final questions, Mr Lu. The first one relates to the cash that you received from SIG. How did you use that cash?---Oh, gambled it - - -

And did you use it to purchase any of the items that you spoke about like the car?---Not the car, no.

Or the watch?---The watch, well, how are you going to put it? I had a good win on the TAB at one day, then I actually, maybe some part of it, part of it

was with the money from SIG, part of it was my own and part of it was money I won.

And what about the property that you own?---That's nothing with that. Money didn't even come out for me, it just puts my name. They wanted, as I said to Commissioner, they just, my grandparents wanted put my name on it.

10 THE COMMISSIONER: I think you said it was a gift?---Well, something like that, in a way like that,), yeah. They just - - -

MR BAINE: All right. And secondly, I asked you some questions, Mr Lu, about Mr Smith and you said that you communicated with him very regularly on text messages and social media applications.---Yeah.

Do you socialise with Mr Smith outside of work?---No.

20 Have you ever socialised with him outside of work?---Meet, meet, meet up with him, no.

But as far as your evidence is concerned, only Emir has met up with Dennis Smith socially?---Yeah.

And I know I said I'd only ask you two more things but I'm going to squeeze in one final thing, Mr Lu.---Go for it, yeah.

MR SUTTON: Prosecutors.

30 THE COMMISSIONER: Yes, that's right.

MR BAINE: What was it that was so important or what do you think was so important that was contained on the phone that Emir wanted?---What, on, on the phone they took?

40 What was Emir concerned about?---Yeah. Maybe text messages. Look, to be really honest, I, look, I know this is, I didn't think this, this is writing the name, like, to be really honest, but it, it's like that, that attract that big of attention, you know. I thought it was just everyone, it's been going on like, we've been doing it for a year, nothing happened and everyone knows. I didn't think it was that illegal. So, but then, yeah, on the other hand, I knew if I, if I gave away the phone, they going to, they going to just say they don't know anything anymore. I knew that phone, that had all the messages in there. All right, but I didn't you know, even though, even though like, I was in the shop that people came, the first things think of, oh shit, just delete the phone. You know, it was just so many movies, you know? That's what you going to do?

Is that what happened?---Yeah. Basically I deleted it and I thought about it, you know, should I even keep it, because no one called me 'cause after I thought, I was waiting for someone to call me and then one day then just rocked up at my house, I was thinking what are they going, what are they going to do, yeah.

And the phone was actually not at your house.---No.

10 It was at someone else's house.---Yeah. I left it at my friend's house.

And why did you leave it there?---Like, I don't want it to be found, that phone, 'cause look, everyone's looking for that phone, at work, they, they at work, they, they then people, they nearly started taking, they wanted to, you know, ask me where the phone is, I goes, yeah, 'cause I had my own phone, yeah, it's over there, and they were really going to grab it. (not transcribable) what're you doing? Oh, (not transcribable) the phone. They want the phone. They just told me they want the phone because they want to cancel the, the, Tommy send them because he want to cancel the contract.

20 Right.---They just want the SIM card, they don't even want the phone. I guess you can cancel the contract without the SIM card or the phone. Numerous times they attempted to get the phone off me.

And that was because they were concerned that there were text messages that were incriminating on the phone or that were revealing on the phone. ---Yeah, oh, there would definitely be messages saying that he's aware of the whole thing.

30 And is that all, were there emails, were there videos, were there - - -?---No videos.

- - - recordings?---No recording, I didn't record, I don't, I know it's illegal to record people. I never recorded. I, I don't do stuff like that.

40 So just text messages and - - -?---Yeah. I knew I had to keep something just in case if something happens, you know, who knows in these things with that guy and the rest of them. So yeah. I think Tommy's old company is still running, even though that I heard in Rockdale people went there with, took the cash and et cetera, you know, I think it's still open, just under different name. I know Lyn and that's not working there but the person that's running the, like the accountant there, I think that's her friend.

THE COMMISSIONER: Her friend?---Lyn's friend.

Okay.---I think so. I think her name's, look, I, look, this, this what I heard. I love, I don't know, I have a habit of finding out what's happening, you know, through people, you know, with this guy, so basically I think what they did, they just, it's the same company, same way of running it, just

without Sydney university. And with Lyn, they put another girl, I think was Cindy, if this is Cindy, if that's a Cindy that, I don't know if that's the Chinese one, then I know it's Lyn's friend. So he's going to, basically she's not allowed to work anymore, it's the same, I'll put a different face in. It's run the same and Magdy Aly is the one that's running the company now.

MR BAINE: What was the reaction of the guards when they found out that their money had been, their pay had been - - -?---Taken.

10 Taken.---I wasn't there that day, but they all waited and I think finally recently the pay was, finally got sorted after two months.

Did you get some pay?---Sorry?

Did you get paid?---I, I had 300 left in that, that day in the envelope I remember with my name on.

Right.---Yeah.

20 But did you get paid in the last couple of weeks one final instalment from - - -?---Oh, no, no, no.

- - - SIG?---No, no. Like once, you're talking about from that day, from that day, ends from that day.

It ends from 18 April.---Yeah. It just, and there's (not transcribable), there's no final, like I'm not even officially with him, you know.

Right.---He doesn't want to know me from that day, so yeah.

30 Commissioner, those are my questions.

THE COMMISSIONER: Do you want to tender that folder?

MR BAINE: I, just two administrative matters. The first one is, would I, I'd like to tender this, that's right. It's a bundle of documents shown to Mr Lu in the compulsory examination on 11 July, 2018.

THE COMMISSIONER: I'll mark that Exhibit 19.

10

#EXH-019 – BUNDLE DOCUMENTS TITLED COMPULSORY EXAMINATION 11 JULY 2018

MR BAINE: Thank you, Commissioner. And the final matter is just in relation to the direction not to talk about the - - -

THE COMMISSIONER: I'll go through that in, in a moment.

20 MR BAINE: All right. Thank you very much, Commissioner.

THE COMMISSIONER: Mr Sutton, do you have any questions you want to ask?

MR SUTTON: I do, I do, hopefully very quickly. We might just start, Mr Lu, in relation to the property.---Yeah.

30 It'll come as no surprise to anyone here to hear that you and I have discussed that previously. You agree with that?---Yeah, yeah.

And you have also, just towards the end of this examination conceded or informed the court or the Commission that you're a gambler.---Yeah.

And in fact you gamble quite extensively, is that correct, or you did when you had money?---When I have money, yeah, I did.

When you had money you gambled a lot. Is that right?---Yeah, I even borrowed money, I don't, to gamble it.

40 In fact you've got substantial debts. Is that right?---Yeah.

You've got a St George credit card that's got a \$17,000 debt on it. Is that right?---Yeah.

NAB with \$18,000?---No, I think it was ANZ not NAB.

ANZ, sorry, it's my typing, you're right. That's why I should have my glasses on when I've got the lectern. Thank you. AMEX 14,000?---Yeah.

Personal loan of 19,000?---Yeah.

And a St George car loan you're in debt to 36,000?---Yeah, yeah, BMW Finance, yeah.

Yes. And all that time you were earning a salary of only \$65,000 a year with SNP.---Yeah.

10 Yes?---Yeah.

So when it came time – I'm sorry, I should say your gambling habits are well-known throughout your family. Is that right?---Sort of, yeah.

Yeah. Certainly your grandparents know.---Yeah.

And so when they've provided for you, the question was put to you before about why your name was on the property, but isn't a better question about why your mother's name is on the property, and that's to stop you getting to it and dealing with it. Is that right?---Yeah, to, yeah, to stop me from selling it.

Because you can't get access to that property because her name's on it. Is that right?---Yeah.

Okay. You told us that you bought that very ridiculously expensive watch because you had a substantial win on the horses.---Yeah. I remember I won mid-April, I mean mid-March.

30 Okay.---I won on some NBA games.

Do you recall how much you won on that occasion?---I remember winning at the casino, at the leagues club and the, and the, I think a TAB. One day the max win I got was, I think it was a \$7,000 bet and I got 28,800.

Would there be many wins that you had like that?---I had a few good ones on that month then I had some money - - -

40 What's a good one, what constitutes a good one, more than 5 or - - -?---10 grand, 10 grand or something.

More than \$10,000?---Yeah. I pretty much won it, yeah, from like 10,000.

You concede and you agree and you've told this Commission that you have claimed for shifts that you have not worked.---Yeah.

You accept that?---Yeah.

But also is it the case that some of the entries that we've spoken about today are to give you extra shifts that you did actually work?---Yeah, I did work, I did a lot of, like I pretty much worked a lot as well last year.

No one's saying that you have not acted – sorry, are you familiar with the term ghosting?---Yeah.

And you understand that's to claim for a shift when you've not been present?---Yeah.

10

Is that right?---Yeah.

So that there are entries on time sheets, some of which relate to other names when you've been present and some of which relate to your own name and other names when you have ghosted. Is that right?---Yeah.

You were asked by Mr Baine whether you trusted Emir. Do you recall that question?---Yeah.

20

And you said, "In comparison, yes." What does that mean, "In comparison"?---Well, comparing with Tommy and comparing with all these other people. Yeah.

So, you think what Emir would have told you about what he was doing was more likely to be true - - -?---Than Tommy's.

- - - that what Tommy would tell you?---But still in the end I think, depends on what situation is it is, you know.

30

You were also asked about an email where you referred to Emir as, "Bro," and you were asked whether that was an affectionate term. Do you recall that conversation?---Yeah, yeah.

And you said, "No, it wasn't affectionate." Is that another term of mate, buddy, pal?---Yeah.

Is it in that kind of context it was used?---Yeah. I, I can use that to anyone. I can say that to anyone.

40

Okay. You were asked about if you had socialised with Emir and you said, "Yes," and you said you went to his house maybe once every six months or something like that?---Yeah. Last time - - -

Do you recall saying that?---Yeah. Would be Christmas and stuff.

And you were asked - - -?---Yeah.

You were asked about texting him on WhatsApp and other applications.---
Yeah.

And you said, “Yes, if something required.” What did you mean by that?
---Well, if he needs something fixed or, you know, to cover the shift, stuff
like that. He would just call or he would call the team leader himself or if
I'm there, you know, just general like, the work stuff.

10 This practice of, of ghosting or false invoicing for people who were or were
not present or were doing double shifts, Frank 1 or Frank 2, whatever it
might be, but the falsification of the sheets, did this occur before you took
over the rosters as far as you were aware?---No. I don't, I don't - - -

So, did you inherit the system or did you invent the system?---I, I think I
would have inherited because they - - -

You inherited it?---Yeah, I didn't invent anything. I would just get told
what to do.

20 Okay and that's the point I want to get to. When you say you got told what
to do, what do you mean by that? Who is the person who told you what to
do?

---Emir told me, Tommy told me and the SIG, as you can see in there, they
send me the list to, what to use.

Okay. So that list was provided to you by others and you were informed that
those were, and I'll use this term, the safe names to use, is that right?---
Yeah.

30 You were asked about – sorry, can I just check something with Counsel
Assisting?

THE COMMISSIONER: Yes, of course, of course. Take your time.

MR SUTTON: If you can turn to page 9 for me in the folder.---Yes, yep.

Have you seen that document or any – sorry, for the record, I'm referring to
what is an invoice from SIG to SNP and it's an invoice dated 0-0-3-0-0-2-7-
0 of 31 August, 2016. Do you agree with that?---Yeah.

40

Have you seen that document or any document like that before?---No.

You have not?---No.

All right. Just if I go across column by column. The first column is the
dates.---Yep.

The second column appears to be the location of the work provided. Do you see that?---Yep.

The third column, I've just checked with Counsel Assisting, refers to the number of hours worked in that location. --- Yeah.

The fourth column, and this is the one I want you to look at, is the hourly rate. --- Yeah.

10 Now, you told this Commission, excuse me, that you were being paid at a rate of \$21 an hour?
---Yeah.

The rate, so if you look down and we go to six up from the bottom, the Sydney University CET, do you know what CET stands for?---CCCT?

No, CET, sixth one up from the bottom.---Oh yeah, Centre for English Teaching.

20 Okay. Look, come down two from that, there's CRO, what's that one?---
Control room operator.

Okay. Was that your position?---No. Mine was a team leader.

Well, you've told us there were times you worked as team leaders and there were times you worked as guards?---Yeah, yeah.

30 So, as team leaders, and if I've got this right in my memory, you, you were paid \$23 an hour?---Yeah.

And CR, sorry, as a, as a guard you were paid at \$21 an hour?---Yep.

Was that at, do those rates apply to SIG or to SNP?---To SIG.

To SIG.---Would - - -

40 Okay, no that's fine. So, when you were working with SIG, are you an independent contractor to SIG or are you an employee of SIG?---(Not transcribable)

I'll put it another way. With regard to SIG, did you sign an employment agreement that would entitle you to sick leave, annual leave, superannuation payments?---No.

No. So, you were an independent contractor to SIG, so you just worked when they needed you?---Yeah. Yeah. I didn't, I didn't sign anything.

No. ---- or fill out any form.

So, the point I'm trying to make is that you were being paid \$21 an hour and in terms of the hours that they're charging out at, they're charging at \$24.80 because that's more, correct?

THE COMMISSIONER: It just reflects their margin, doesn't it?

10 MR SUTTON: Well, that's what I'm trying to understand. I was, Commissioner, and it may be that it's no great chase here or there, but I'm trying to see if there was some other benefit to Tommy.

THE COMMISSIONER: Yes, sure. Well, there, there certainly was in terms of this invoice.

MR SUTTON: Well, yes, and, and one would think just making himself the contract alone is a substantial benefit in its own right.

THE COMMISSIONER: Yes.

20 MR SUTTON: But anyway, I won't go any further with that because I don't think it's necessarily helpful, other than to ask this question. Team leaders are shown on this invoice, do you see that?---Yeah.

30 The fifth point up, but team leaders were all employed by SNP, weren't they?---Yeah. Oh, no, no, no. That's, Ben Pfitzner was one at the time, was employed by them. So, like, really with the, with the position and how the position and who's supposed to cover that position, I, I, I have no involvement in there who to cover, so it's management's decision. How it's covered was with, with them.

So, I'll go back to the question that you've answered, when I asked you about whether you inherited or invented the system and then I asked you who told you about the system --- Yeah.

And you said Tommy and Emir. --- Yeah.

40 Did anyone, what did they tell you about the system?---Just, just put a name, name on it if, and cover the shift if you can cover it, get a name, put the names on it and yeah.

So, in essence, you were told to put, if, if there was a space where someone should be at work, that names needed to be filled, is that right?---Yeah, just fill, fill it but you know, if you can't get it then depends on whose shift it falls under, which team leader it is. So, like, basically the, the, that shift will get shared with, with Emir and the team leader.

Right.---And whatever other ad hoc stuff, you know - - -

You were asked some questions – sorry, I cut you off.---Yeah. Some, and some ad hoc during the day maybe to, maybe some electrical contractor wanting to open up a maintenance room, open up the roof door. You know, you don't need, really need to be there with him. You know, so stuff like that, use a, use a name.

You were asked some questions by Counsel Assisting about what I'll call your base hours, your core hours of 40 hours a week. --- Yeah.

10 Is it your evidence to the Commissioner that you would always comply with your base hours or your core hours of 40 hours per week?---Yep.

You've mentioned about Dennis being a gambler, interested in horses. ---Yeah.

Other than discussing horses with him did you have any other interactions, did you go to the track, did you go to the TAB for him, did you - - -?---No.

20 - - - mingle bets, anything of that nature?---We talked about the bets, which one to bet, that's it, only on the phone but 'cause he lives, he lives down, I think he lives down Sutherland somewhere, I don't know, but down south somewhere, so - - -

Right. You said Emir was close to Dennis.---Yeah.

Or Dennis was close to Emir, same difference.---Yeah.

30 And then you said one word, and then moved to a different topic, and that one word was "Christmas."---Mmm.

What, what, why did you say Christmas, what was it that caused you to say that word?

---'Cause I remember some, even before then - - -

Before then when?---Yeah, before this, before the 2016, probably 2015 or - - -

40 Yes.---You know, I remember they used to buy gifts for each other and Emir used to carry, carry, carry in and show to control room and it's from Dennis. That's before he was like to be the site manager, he was a team leader like us. They used to buy gifts for each other all the time and it would be posted on Facebook.

Okay. I always wonder --- So yeah.

When the Commission starts writing files on that question.---

THE COMMISSIONER: Don't worry too much.

MR SUTTON: No, I'm not, I can assure you. You've told the Commission that Tommy – sorry, withdraw that – that Emir came here on 20 June, the date you were supposed to come here.---Yeah.

And you've told the Commission that you were approached by him looking for the telephone.---Yeah.

And by others.---Yeah.

10

So the question is this, and quite simply, have you discussed with anyone your attendance at this Commission?---No.

Have you told anyone that you've even received a summons to come here? ---Even my, my family and, you know, my, my normal, not work friend, like my friend, you know, and then that's it.

And let me put it another way.---Yeah.

20

If I remember the words correctly, you cannot tell anyone, and to do so would be to prejudice the inquiry. So you've told mum and dad.---And a few of my close, like my close friends, so what's happening.

Okay. Have you, have been worried about coming here, apprehensive?---Yes.

I can say it was a lot stronger earlier, Your Honour, Mr Commissioner. That's the issues that have come out. I'll just check my instructions if I may.

30

THE COMMISSIONER: Yes, sure, sure.

MR SUTTON: Thank you. You've told me that you took over the rosters supervisor position - - -?---Yeah.

- - - when Ali Muzaffer, your words, "got caught." What was that about, was that to do with this kind of behaviour?---Yeah, I think so.

40

And how long was Ali Muzaffer, M-u-z-a-f-f-a [sic], present and engaged in that position before you took it up?---Would it be, he's, so would it be a few month, like two or three month before that.

And who did it before him?---Lyn.

Lyn?---Lyn did.

Lyn. Is that the same person who's the accountant?---The accountant, yeah.

Okay.---She was a, she was always known the one for the roster since SIG took over, so yeah, it was in her hands before.

So is it your view that the prior – sorry, I withdraw this put it another way. You’ve expressed the view that the roster supervisors were Tommy, is that Tommy as in the owner of the business?---Yeah.

Lyn, then Ali and then you. Is that right?---Yeah.

10 And it’s your view, is it not, that this kind of ghosting, false entry, has been going on the whole time those people have been involved?---Could be, yeah.

With regard to Daryl, and that’s Daryl McCreadie, is that right?---Yeah.

Is it your understanding that he ever gets a split or a share of any moneys that are earned through the false entries?---Yeah, he does.

20 How do you know he does?---How do I, he, he will put a name down and that’s it, and that’s his, you know, he, he and Emir would, ‘cause all his time sheet goes through Emir, I’m sure he, he, he – and they say, say it out (not transcribable) you know (not transcribable) and this is mine. .

Okay. And is it the case that if Emir is aware of a particular time sheet, you answered some questions from Counsel Assisting in relation to this and I just want you to think through this again.---Yeah.

If Emir is aware of the false entries - - -?---Yeah.

30 - - - that he will want a slice of that money?---Yeah, if he’s aware, yeah, he will, he will take it. He will take, take a half.

And then the remaining half goes to the team leader. Is that right?---Yeah, or whoever’s, yeah, whichever shift that falls onto.

And is it your view that if Daryl finds out about a particular one that occurs, although this is an exception to the rule, that the team leader could miss out and he will take that share?---Yeah. Depends on who the team leader is, yeah.

40 Okay.---Some team leaders stronger than the others so some wouldn’t let ‘em do it but - - -

But you would concede that from time to time - - -?---Yeah, he did, yeah.

- - - when Emir doesn’t know and Daryl don’t know, doesn’t know, you get the 100 per cent of the - - -?---If yeah, some things happening on my shift.

Okay. And you would also agree that in times Tommy has asked for a share but people refused to give him money?---With me, yes, but I'm not, not sure about the other ones. He always come up with ideas of getting something off you with a different way and excuses, like, yeah.

Is it your view firstly that you can't accurately guesstimate how much money you've received?---No. Cause I --

10 And that which you have you would say has gone through gambling?
---Yeah, it did.

THE COMMISSIONER: But it's many thousands of dollars, isn't it?
---Hey?

It's many thousands of dollars?---Like, I don't keep, like really, I don't know why I don't keep a count of, like, my money.

MR SUTTON: Mr Commissioner, can I say that question was not meant to diminish - - -

THE COMMISSIONER: No, no, no, I understand that, no, of course not.

10 MR SUTTON: Just rather than say he's a poor record-keeper.

THE COMMISSIONER: Of course not. No, no, I understand that.

MR SUTTON: Yes, it's not meant for that purpose. I think that was drawn to the fact when I set out all of his debts and the amount of money he was earning.

THE COMMISSIONER: Yes, sure.

20 MR SUTTON: In fact was it – I withdraw that. Don't need to go there. I'm sure the Commission already knows this, but is it correct to say that, that via the messaging on your telephone it will show that Emir has directly made contact with you to make arrangements for ghosting shifts and the like?--- Yeah.

And it was Tommy that provided the list that we've seen today of names to use?---Yeah, they, yeah, they've got that, so, like, his office, his office, so anything that generally what, generally that has to get a nod from Tommy to be approved in the office, even though he's saying he's nothing to do with it or I'm not there, but everything has to be approved by him, because, because why I say this, 'cause you know, these girls in the end, Lyn and all that, you know, they started, in the end, like, want to ask them questions, like, I'd keep chasing her, what's going on with these hours, what's going on with him, oh, you have to speak anything you have to speak to the business owner but I don't know, the way they talk is, you know, just made me really annoyed before. So yeah, so basically mainly have to get, everything have to go through Tommy or they're not going to talk.

30

Okay. Thank you, Commissioner.

40

THE COMMISSIONER: Thank you, Mr Sutton. Now Mr, I should ask you is there – sorry, have you got something else, have you?

MR BAINE: Just one, two final matters.

MR SUTTON: Sorry, Commissioner.

THE COMMISSIONER: That's all right.

MR BAINÉ: Sorry. Thank you. Mr Lu, my friend asked you just about people that you've spoken to about this compulsory examination. Have you spoken to Emir about this compulsory examination?---No. He really wants to find out, he's asking me every day, "Are you," you know, not every day but regular basis because he's talked about it at work. He, he came and goes, "They want you," he came and told me, "They going to talk to you next." I goes, "Yeah, all right." Then he goes, "Oh, when you going to be called?" He would just call you out of random at night if you are, if he is
10 doing some other work, I'm at work, you know, he would just want to discuss about it. I just go, "No," I just, I just, I, I told him, I goes, I goes, "It's weird why they not calling me." You know, I told him that, I just, "Well, why are they not calling me?" So, he just kept on, wanted to call you to see if you're answering or not, to test, he basically, he wanted to test you, test you out and find different ways of asking questions, just want to know when you go in but no, he doesn't know, I never told him. I never told people anything.

20 And what did Emir tell you about ICAC or this, the compulsory examinations?

THE COMMISSIONER: That he had.

MR BAINÉ: Has Emir told you anything about ICAC?---Because I remember he was here until really late the first time, that first time he was here, really, he, he was here until really late or something. Something like that and the second time, which was my day that I was supposed to come on the 20th. So, he came twice in a row and he's saying stuff like you guys were really interested in the phone and that phone, which I already, they
30 already, Michael and that took already and, "If you want to give it to me, I can bring it to them." Like, on the, on the Wednesday. He came on the Friday, then on the Monday or Tuesday before he came here on the Wednesday, he wants that, that phone off me. As I said before, that's when I started realising, no, something's wrong with this guy. I don't know what he trying to do and really wants that phone. And he - - -

All right, well - - -?---No, I didn't tell anyone.

40 The Commissioner will remind you of the obligation shortly --- Yeah

But, I would just ask that you turn to page 33 --- Yeah

Of the bundle in front of you. Now, you've been asked some questions about the core hours that you performed for SNP.---Yep.

Who paid you for the core hours, the 40 hours that you worked per week?
---SNP.

And how was that money paid to you?---In the, in the account.

All right. And if you look, Mr Lu, at the document in front of you --- Yeah

And it goes over on to page 34. --- Yeah.

You'll see in the description that this has come from your St George account statements --- Yeah.

10 And you will see from 14 January, 2015, --- Yeah.

That there are fortnightly descriptions and there are payments that have been made into your account from SNP?---Yeah.

And over that period it aggregates approximately \$170,000?---Yeah.

All right. Thank you. Those are my questions, Commissioner.

20 THE COMMISSIONER: Thank you. Is there any reason why the witness shouldn't be released from his summons?

MR BAINE: I don't think so. I think that would be appropriate, Commissioner.

30 THE COMMISSIONER: Mr Lu, thank you for your assistance. It's very much appreciated and I'm proposing to release you from your summons, so you're free to go. I do remind though, that I made a nonpublication order this morning which means, as you know, and I think you fully understand that you can't talk to anyone about your evidence given here today, okay? And that, that will include family and friends. It's one thing to tell them that you're coming here but I made a nonpublication order. Now, I don't want you to tell anyone about what you've said and what you've been asked. ---No, I don't (not transcribable)

THE WITNESS EXCUSED

[4.25pm]

40 THE COMMISSIONER: All right. Okay. Well, I'll adjourn then. Was there something else?

MR SUTTON: No.

THE COMMISSIONER: No.

MR SUTTON: (not transcribable)

THE COMMISSIONER: Thank you.

AT 4.25PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.25pm]