

GERDAPVT00147  
15/06/2018

GERDA  
pp 00147-00192

COMPULSORY  
EXAMINATION

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

STEPHEN RUSHTON SC  
COMMISSIONER

COMPULSORY EXAMINATION

OPERATION GERDA

Reference: Operation Gerda E17/0445

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 15 JUNE, 2018

AT 2.30PM

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 Emir Balicevac. Is that how you pronounce your name?

MR BALICEVAC: It's Balicevac but it's okay, sir.

THE COMMISSIONER: Balicevac, okay, thank you. I'll read onto the record, the scope and purpose of this compulsory examination. It's as follows. One, from 2014 staff of S International Group (otherwise known as SIG), Sydney Night Patrol & Inquiry Co Pty Ltd (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 worked at the University of Sydney and/or who were overseas or otherwise unavailable to work the times claimed. Two, in 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 member's names regardless of the associated signature. I propose to make a number of directions and then I'll explain to you what your rights and obligations are. Do you understand that?

20 MR BALICEVAC: Yes, sir.

THE COMMISSIONER: I propose to make a direction pursuant to section 31A of the Independent Commission Against Corruption Act, 1988. I understand that you are unrepresented?

MR BALICEVAC: That's right.

THE COMMISSIONER: I direct that the following persons may be present at this compulsory examination – Commission officers, including transcription staff, and the witness. I also propose to make a direction under section 112 of the Independent Commission Against Corruption Act, 1988, restricting the publication of information with respect of this compulsory examination. The direction will prevent those present today, other than Commissioner 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. It is a criminal offence for any person to contravene the direction I'm about to make. Do you understand that?

MR BALICEVAC: Yes.

THE COMMISSIONER: 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 which 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 WHICH 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, what that means, sir, is this, that the fact that you are here today and the evidence you give here today stays here. You can't go out and tell people what has happened. Do you understand that?

MR BALICEVAC: Yes, sir.

30 THE COMMISSIONER: And if you do, you commit a very serious criminal offence. Do you understand that?

MR BALICEVAC: Okay, sir, yes, I understand.

THE COMMISSIONER: Now, let me say a few things about your obligations as a witness and some protection that I can offer you.

MR BALICEVAC: Thank you, sir.

40 THE COMMISSIONER: As a witness you must answer all questions truthfully and you must produce any item which I require you to produce during the course of your evidence. Do you understand that?

MR BALICEVAC: Yes.

THE COMMISSIONER: You'll have to answer for the purpose of the transcript. Yes?

MR BALICEVAC: Yes, yes.

THE COMMISSIONER: Nonetheless you may object to answering the question or producing an item. The effect of objecting is that although you must still answer the question or produce the item, your answer or the item produced cannot be used against you in any civil proceedings, or subject to one exception, in any criminal proceedings. The exception is that if you're asked a question and you object, you still have to answer, but that answer can't be used against you in civil or criminal proceedings, except for this exception, it doesn't prevent your evidence from being used against you in a prosecution for an offence under the ICAC Act, most importantly, an offence of giving false or misleading evidence, for which the penalty can be imprisonment for up to five years. So it's a very serious offence - - -

MR BALICEVAC: Yeah.

THE COMMISSIONER: - - - to tell us untruths. Now, rather than you objecting to each question then having to answer it, I can make a declaration that all the answers you give and any item I require you to produce will be regarded as having been given or produced on objection by you, and that saves you the time and trouble of objecting every time you're asked a question. Would you like me to make that order? It's for your protection.

MR BALICEVAC: I'm okay, sir.

THE COMMISSIONER: I think I should, because you're unrepresented. Do you agree?

MR BAINE: I think that's appropriate, Commissioner.

THE COMMISSIONER: 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 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 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 THINGS PRODUCED.**

THE COMMISSIONER: So as I've said, sir, that declaration will protect you in relation to the evidence you give today, unless you give untruthful evidence.

MR BALICEVAC: Okay, sir.

10 THE COMMISSIONER: And I should say for your benefit that, that this investigation has been proceeding for some time and search warrants were recently executed by the Commission officers, as you probably know, and other inquiries have been made to get to the truth of the matters which were referred to in your summons and to which I've just referred to here. I've explained to you that if you give false or misleading evidence here today you'll commit a very serious offence and you won't be protected by the declaration I just made.

20 Now, before commencing 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, the Commission 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 you're 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 demonstrate that you've done so, and as I've noted a little earlier and as 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 will be asked by my Counsel Assisting, Mr Baine.  
30 Half-truths are not enough, nor are claims that you do not recollect matters which you clearly must recollect.

Before Mr Baine proceeds, can you tell me your full name and occupation?

MR BALICEVAC: My full name is Emir Balicevac and working as a security at the Sydney University as senior team leader.

40 THE COMMISSIONER: Thank you. And do you agree that you were served with a summons to appear here today?

MR BALICEVAC: Yes.

THE COMMISSIONER: And do you have a mobile phone?

MR BALICEVAC: Yes.

THE COMMISSIONER: Do you have it with you today?

MR BALICEVAC: Yes.

THE COMMISSIONER: And what's your mobile phone number?

MR BALICEVAC: [REDACTED]

THE COMMISSIONER: Pursuant to section 35(2) of the Independent Commission Against Corruption Act I direct that this witness produce his mobile phone to the Commission forthwith.

10

**PURSUANT TO SECTION 35(2) OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT I DIRECT THAT THIS WITNESS PRODUCE HIS MOBILE PHONE TO THE COMMISSION FORTHWITH.**

THE COMMISSIONER: Would you mind handing your mobile phone to the associate, please.

20

MR BALICEVAC: Yeah, yeah absolutely.

THE COMMISSIONER: And the officers that are within the hearing room will have a discussion with you after your evidence about getting it back.

MR BALICEVAC: Okay.

THE COMMISSIONER: Okay. I'm going to give you a piece of paper, or my associate is, and I want you to, I direct you pursuant to section 19 of the Act to write onto that piece of paper your PIN for the phone.

30

MR BALICEVAC: Yeah.

THE COMMISSIONER: Do you have any other mobile phones?

MR BALICEVAC: No, sir.

THE COMMISSIONER: Right. Do you know a person by the name of Frank Lu?

40

MR BALICEVAC: Yes.

THE COMMISSIONER: When was the last time that you had any contact with Mr Lu, by telephone or otherwise?

MR BALICEVAC: I did spoke with him, he called me this morning, he's a team leader today at the uni.

MR BAIN: Commissioner, can I just indicate that the witness is currently unsworn.

THE COMMISSIONER: I do apologise. Take the – do you take an oath or an affirmation?

MR BALICEVAC: Sorry, sir?

MR BAIN: I, I think the witness has indicated he'll take an affirmation.

10

MR BALICEVAC: Yeah, okay. Sorry, what do I need to do?

<EMIR BALICEVAC, affirmed

[2.42pm]

THE COMMISSIONER: I was asking when you last had any contact with Mr Lu, by telephone or otherwise?---Today, sir, maybe 10.00, 11 o'clock. It's in my phone history. I'm not really sure.

10 All right. And what did you talk about?---He asked me, because what's actually happened, sir, I didn't come for a whole week at work.

Yes.---And, and he, he, he keeps asking me what's going on and like am I coming down to the uni and I says, "I will come on Monday."

Did you tell him you were coming down here?---Well, sir, I will be honest with you - - -

Did you tell him that you were coming down here?---Yes.

20 What did you say to him?---No, "I just got called in for ICAC, the ICAC interview." This is all what I said.

Did you have any face-to-face contact with him today?---Today, definitely not. Didn't see him for more than a week.

Thank you. Yes, Mr Baine.

MR BAINE: Thank you, Commissioner.

30 Mr Balicevac, is that correct?---Yeah, Balicevac, but that's okay, sir.

Balicevac.---I'm fine.

Thank you. Would you please confirm your date of birth?---[REDACTED].

And your residential address?---[REDACTED]  
[REDACTED]

40 And the mobile phone that you handed to the Commission's associate, how long have you been using that phone for?---I will be – what it is, I – every two years I change the phones as my contract so this phone could be somewhere December or January, sir. I, when I signed the contract, I can call Vodafone and get the exact date.

I see. But the mobile telephone number has been assigned to you for - - -?  
---For at least maybe 10 years.

Okay.---Maybe not 10, eight years.

Okay.---Yeah.

Thank you. Would you identify once again your occupation?---I am down there as a security senior team leader or in SNP my role is put as a 2IC, sir, to site manager, but I'm, I'm not, I'm, I'm, I was more as a, as a, as a guard.

And you currently work for SNP?---Yes, that's right, sir.

10 And how long have you been there for?---You mean for SNP or for the, in the uni?

For SNP?---For SNP, I've been working for two years and maybe a few months, sir.

Approximately starting in?---At the end of 2015. I think it's somewhere, 15 December.

Okay, thank you --- That's in the records in SNP, sir.

20 And how was it that you came to work at SNP?---Okay, I will explain. Do you want me to give you some background, sir?

Yes.---Okay. 2010, there was a company called IPS. I came to IPS, worked under, as a guard, patrol officer like, two days, two nights. This was summer of 2010/11, 2010 in May. Now what's actually happened, 2013, I'm not hundred per cent sure which month it is, IPS for whatever reason was actually removed from site and I'm not sure, this was the upper management decision.

30 Can I just ask you, Mr Balicevac, what site are you referring to?---Sydney Uni, sir.

40 So, IPS was a subcontractor at Sydney Uni?---Through SNP and there was a Delta Security as well. At one stage there was two suppliers to SNP from 2010, and whatever reason was Delta was removed from site like, previously. Then 2013, let's say maybe or '12 or, or '13, somewhere here, sir, SIG came. I'm not, I don't, I can't say accurate date and there was a proper process, they were given two-three months like till the transition happens and in 2014, no, '13, SIG came across and IPS was completely removed from site. We then, we had no choice either to be SIG or basically to go, go, go, what do you call, go, go with IPS.

Okay. So, you commenced working for SIG in 2013?---Whats actually happened, in 2013, when I, when this came, I was very cautious, sir, of my state, what will happen with me. Like, and I actually, I, I, not that I was, I, I sort of was one of the senior guards on-site like, and they, I used to run the control room and all these things and I said look, "I really don't know SIG, I would want to be with SNP." Then Daryl has somehow helped me to make

this through for a six months period, I think I was six months SNP, but there was, we couldn't do much overtime, sir. Then I, they said, "If you go to SIG, you can work as many as, hours as you want. If you go to SNP, you gonna stick, stick up, this is the hours, or you're going to work somewhere else." And I want to be, sir, quite honest, I'm not happy to, to stay with one company forever. I am, I like, to, to change, you know? I, I mean, I, I am the person who like to stay at one place, not changing locations and go somewhere else. Then I moved back to SIG. Then when I done this, whatever reason, it, I don't know who but someone gave a green call (in

10 SNP head office that all direct staff, if they want overtime, the can start working through SIG. Like, I would have, let's say mandatory two days, two nights like, which I have to do as a my full-time role, then all my overtime I would have to go through SIG. Then I already made to step down, I said, okay, I couldn't go back. I, when I moved back to SIG, I wish if I could stay with SNP and do overtime with, with SIG but I couldn't and then I stayed with SIG 'til summer 2015. Then SNP won the contract basically on everything, sir. They won the contract on electronics, traffic, line marking, cash in transit, like, if one person couldn't manage this contract, like, because it became too big, and also services have expanded.

20 So when this happen I still was, I still was working as a team leader at that time in 2015 in December, and I will give you one small background. 2014, sir, I really didn't like SNP anymore if you, to be quite honest. 2014, sir, I, with Gary Jannese, I attended incident and actually disarmed a person with a big kitchen knife, like, he wanted either to kill himself or he wanted to kill others. So what actually happened, there was a call medal of valour which is in Canberra, like, for all this bravery thing and all these things, at that time was Craig Miller, he was appointed as national manager or GM manager. He basically says, "You are not direct staff, I'm only appointing Gary," because I was a team leader, Gary was a patrol officer. We attended

30 this incident as the same. We both actually managed to take this things off him, either to not kill himself or not to hurt others on the, on the campus. And he, he was putting a massive bar against me saying no, he's not direct staff, he can't do this, he can't go to Canberra if he's not SNP. So there was, I really don't know who was also was involved, there was people involved in my side, some people was, but he was pushing on his end to saying no, he can't do it, and I actually called him up and I says, "Craig, at the end of the day I'm still here under SNP, I'm, why I can't do this?" And Gary, which really was great man, he came around and says, "Emir, in this case we have to sort of in this case we have to," he didn't want to go, he

40 basically says, "If you are, Emir, not going, I'm not going." So it happened that I still, whoever made decision up high made to go back to Canberra, and I will be honest, at that time I was really upset with SNP. I didn't even feel like to go to this Canberra thing to get this medal. I want to be honest with you, because what did I do, because I'm not, at the end of the day they are the one who brought this SIG to the uni, not me, and at 2015 then he didn't like me, I, I, I felt this as from day 1. Then I mean this was enough to tell me, and I really don't know even today why he had these issues with me, I didn't do nothing to him. In 2015 when this role came up I think

Daryl, or I'm not really sure who made this role, but it was meant to be second role as the new contract was signing and myself, and I'm not really sure if Nikita was applying, I'm not a hundred per cent sure, and I got selected, sir.

THE COMMISSIONER: When you say Daryl, that's Daryl McCreadie?  
---Yes, that's, apologise, yes.

10 That's okay. And did you report to him?---Yeah, yeah, he, then, then I applied for the job and he made this, he brought me on-site. But Craig Miller then says, then he went with Daryl having issues about this, why I got on-site, and Craig Miller to say, okay, you want to be here in this role, you have to be SNP direct. And I says, "Okay, I will, I will go with SNP," and, and I signed up again.

MR BAINE: How was it that SIG were able to pay overtime but SNP were not?---Do you want me, as, as the declaration say, to say everything the way it is, SNP didn't want to pay overtime because of the profit, for profitability. It's much easier to pay SIG \$24.80 and they don't need to worry about  
20 insurances, they don't need to worry about paying anyone extra or all that.

But is the effect of working overtime for SIG that instead of working two days on day shifts, two days on evening shifts and then four days off, so a typical four-four cycle, you would be working five days and then three days off or six days and, and two days off?---If you are SNP staff, you would have to do your full-time position, two days, two nights. It was a mandatory. You can't kick this off and do it through SIG. But overtime was going automatically through SNP. It was, you couldn't work for SNP as well at the time.

30 So, if you wanted to do overtime – and we might get to this later – but if you wanted to overtime you would use someone else's name and perform the work?---Sir, to be, to be quite clear, staff did you use someone else names and I will be saying actually as one of them as well. I was working as overtime too and people would, look, not as SNP would request, I still will say SNP would allow you to work six to seven shifts in the row but two days, two nights, you would have to work for SNP, then rest you can do basically whatever it is. I will bring this up as well, as SIG, which is  
40 Tommy, we called him Tommy, his name is Taher Sirour, he brought many times to my attention and Daryl's attention, but again, I, I, I am not account manager and I had no this stand to, to speak to someone in the head office. I only started to know these people from head office now because the contract is falling down. This is only how I started to know them. These people never came to say hello to me, hi to me, how are you going. I just started seeing them now. But Tommy did bring this up. I cannot - - -

THE COMMISSIONER: What did he bring up?---He saying, he says SNP being paying me for \$24.80, it's a flat rate for, for a decade and I, because

Tommy started losing high-calibre guards, where people saying – what’s actual, where the problem started happening, sir, there is old EBA like, Frank Lu, what he mentioned, Amyna Huda, all these people, they have like, a \$26-27 through SNP. So, he, he said, “I’m getting this money, I can’t pay to keep up this place with my guards. I cannot continue.” And he says, and I said, “Tommy, you need to talk this to Daryl or talk to the head office. I cannot change your rates. That’s up to the SNP. I can’t do it.” And guards came across, agreed with Tommy and if I do a lot of overtime shifts, I might stay. If I don’t have overtime, I’m not going to be able to stay.  
10 Some of them left as a result of this because like, if you’re getting \$24.80, how much do you reckon he would pay the guards, or I don’t know what, what rate he going to use. And it’s a flat rate, sir. So, the guards were really impacted and, and they were used, they were completely used on this site.

MR BAINE: So, you would make \$24.80 a week, approximately how much, sorry, an hour, approximately how much would you make per week?  
---No, no, no. This is how much SNP was paying to Tommy, sir, \$24.80.  
Sorry, not to the guards. I’m talking to Tommy. This is what, again, I am  
20 saying, Tommy was bringing this up to us, to myself and Daryl and I did ask Daryl how he, I said to Daryl, “Is there any solution he get more money to be able to, to pay the guards?”

And, and what year was that?---This was, this was from, Tommy was complaining since 2015-16, sir. He was, he wouldn’t complain as every day, you know, but in occasions he did.

I might ask you some questions about additional sources of income that you have. - - -Yes.  
30

Are there any that you would like to disclose to the Commission?---Yeah, I will, sir. When I say additional source, I’ve been, I’ve been down – okay, what, what, what it is, as I mentioned, the reasons of all guards been doing overtime in all this period, like I’m, I, I included myself as well, I’ve been – there was – well, I will give you quick example. Like, I was there from 8.00 to 4.00, that was my, my, like, it was my SNP, Monday to Friday, then I would, I was always down at 6.00, 6.30 I used to be at uni, go home 6.00pm, 8.00pm, 10.00pm, all depends, but what I would do, there was like  
40 a little bus run, just for example, bus run or this run would go and say, okay, I going to do this, and I go out, drive a bus, maybe half an hour. It was a four hours minimum, sir. And I, yeah, so I done this, sir, but reason is all I done this, because going back, when I was actually even – Craig Miller was trying to push me out from this role, he offer me \$46,000 a year, and Daryl says, Daryl was saying to me, “Emir, are you going to sign it?” I says, “No, Daryl, I’m not going to sign.” And uni was aware of this as well and - - -

THE COMMISSIONER: I think the question was though - - -?---Oh, sorry, sir.

Let's just go back a step.---I apologise.

On, on average how much would you have made a week?---Average I would say, okay, put it this way ah, ah, where reason is - - -

I'll ask the question again.---Okay. In average maybe \$1,000.

\$1,000 a week on average.---Yes.

10

All right.---If you're talking average, sir.

Talking what?---If you're talking average, average, sir.

Average, yes.---Yeah.

And did you have any other sources of income apart from the \$1,000 on average a week that you were paid?---Okay. When I signed this contract, when I signed this contract 2015 in December, I didn't want to sign it  
20 because Tommy called me, he says, "Emir, if you sign this I will give you," I think \$300 at that time. I was talking to my missus who said to me, "Look, Emir, you do this, you sign this up, Tommy is not there tomorrow, you are this place." And I have opportunity to sign up another job down at Campbelltown - - -

You must, you must start listening to the question. The question was, apart from the average of say \$1,000 a week, did you have any other source of income? The answer to that is either yes or no.---Yes.

30 And what was that source of income?---Tommy was paying me \$500 a week in belief that I can actually save him down at the uni.

MR BAINE: And that \$500 a rate was, \$500 a week was a base rate?---It was weekly rate.

Thank you. And were there any sums on top of that or bonuses that were paid on top of that to you?---I will probably say when was like, you know, Christmas, New Year's Eve, I'm not talking in the, like, in the big money, like he would give me sometimes like extra \$300 voucher or something like  
40 this is, if we, when we finish up the, the, the jobs.

But is your evidence that the only additional money that you received from Mr Sirour was \$500 and occasionally some gift cards or other - - -?---I can say maybe three, three gift cards in, in all this time.

But only \$500?---No, gift cards were I think \$200 or something, sir.

I understand, thank you.---Yeah.

But the only extra income that you are declaring to the Commission is \$500 a week from Tommy?---\$500 from Tommy and I did a lot of overtime, sir. I was covering shifts and I, and I was working as a security officer.

So how much do you think a week you were getting in overtime?---I, I did say altogether let's say \$1,000 or 1,200, when we're saying, talking average, sir.

10 So you would claim - - -?---With this \$500, everything together.

So let, can we just break that down. There was \$1,000 that you were paid from SNP each week. Is that correct?---Yes, as a, as a, as a wages, yes.

And then there was \$500 that you received from Tommy?---Yes, that's right.

20 And then there was a \$1,000 that you would receive in overtime payments? ---Yeah, when I worked, sir, but sometimes less, sometimes, but let's say average \$1,000.

THE COMMISSIONER: Does that mean all-up the most you would make every week is \$2,500?---Ah - - -

At most?---2,000 sir.

2,000.---Yeah.

Okay.

30

MR BAINE: And was that money being paid in cash to you?

---Yeah, Tommy was, Tommy paid everyone in cash, sir.

And why do you think you were paid the \$500 per week?---I honest, honest in my heart, I don't know, I really don't know. Tommy for some reason was believing that I can help him out with the, what do you call it, with the, to stay there, and I couldn't, definitely I can't. Like, even what's happened now with him, he's out. What did I can help him?

40 Did you ever disclose to Tommy that you didn't think you would be able to protect his interests at the university?---I did say to him, that is a different, I said, "Look, Tommy, as long as you do the right job you can stay. You don't do the right job, you won't stay."

So you've disclosed to the Commission the income that you have, what about, are you married, Mr Balicevac?---Yes, sir.

And what's your wife's name?---

And does she work?---No.

Okay. Are you aware of any cash deposits that she receives into her bank accounts on a weekly basis?---Yeah, that's right, sir, that's where it went.

So the \$500 would go into that bank account or was that given to you?  
---No, no, no, it wasn't given nothing to me. I never went to his office to collect any cash, sir.

10

And all of the money that you received from SIG for overtime pay and the \$500 bonus was all transferred into your wife's bank account?---Yeah, that's right, sir.

Were there any other gifts that you received from SIG or Mr Sirour?  
---No, sir, no. Gifts to me, to be honest, once when he was in Egypt he brought one, like a horse thing, like a statue, but I didn't have any interest in that.

20 Did he ever pay for any flights for you?---For me, definitely not.

Overseas accommodation or domestic accommodation?---Hundred per cent not.

And on your evidence, gift cards on two or three occasions?---Maximum three, maximum three, but maybe two, I will be honest.

I'd like to ask you some questions about some individuals. Mr Sirour you've identified.---Yes.

30

Do you have a social relationship with Mr Sirour?---When you say social, do you mean family, family things or - - -

Would you meet with Mr Sirour socially?---I can say me and Tommy met up maybe seven times in, in the whole time I've been with SIG.

40

It's quite trusting then that he would give you \$500 a week to protect his interests when you'd only met on seven occasions.---We did talk on the phone more than, actually than meeting up, I will be quite honest with you, but he used to come at the uni, there was a coffee shop, he would come there, have a coffee, half an hour, 20 minutes he would leave. But definitely I can confirm me and him, we didn't have that I went to him or collect from the office any money, no.

And you would text message Mr Sirour, would you?---Yes.

On matters unrelated to security at University of Sydney?---When I say matters unrelated, we would, no, no, no, not, well, we would be talking

more about like guards, if I says, look, this guard is actually not performing or like issues with a guard or like any sort of thing, he would always say, "Look, Emir, your job is to tell me if someone is not up to the, the, is not right," to let him know. This is, but not as a, I cannot confirm that we done anything like something out of work, that we went somewhere, he would ask me, "Did you go to the bush?" My, my, my hobby is go to the bush hunting, fishing, camping, he would ask me, "How did you, how did you go there, did you have fun," and all these things, yes.

10 And you have a social relationship with Frank Lu?---Yes.

What is Frank's role at the university?---He's a team leader.

And did you meet him through your work at the university?---Yes, yes. I never knew him before.

And you communicate with Frank frequently?---Quite, yes.

And Daryl McCreadie? - - -Yes.

20

Do you know Daryl socially or only professionally?---Okay, I can confirm, Daryl did come once, we started this work and, like, we talked, talked, talked and we, we were talking, "We should catch up one day." Then I said, "Okay, whichever way you want to catch up," we, and he said, "Okay, we come to you." This was maybe, I can't remember when exactly, probably I have somewhere in Facebook or something, I'm not quite sure. He only was at my place once but I never been in his house.

30 And would you communicate with him?---And we went to New Zealand for a, for a, for a like, a bushwalking trip in Milford Sound, like, we went four nights over the mountains.

And that wasn't through work, that was just in your holiday time?---Yes, sir.

And Dennis Smith? - - - Yes.

Can you identify the role Dennis Smith has at the university?---As I believe, he is security operations manager.

40 And what is the nature of your relationship with Mr Smith?---Mr Smith with me, is, okay, we, our relationship been built for many years. Like, when I say relationship, not as a, I can't say we've been like family friends but like, I, I worked really good down there and he, he really valued my job when I was down working two days, two nights as a team leader. There was a lot of incidents did happen and I can bring up as (not transcribable) camp when I was attending down and not fighting but sort of don't allow the protesters to get in between Palestinians and Israelis people, and being attending as well Julia Bishop. One of the incident there was a lot of push happen and,

and a lot of, a lot of like, all this kind of things. I used to be assigned for these sort of jobs. I would be assigned a vice chancellor protest, I would be assigned for, for a lot of things, sir. And I was yeah, he would be asking me all sort of, "Yeah, Emir, go there. You know what to do."

10 So, you're describing a professional relationship. Did you have a social relationship with Mr Smith?---Okay, what it is, at Honeymoon Bay, Mr Smith has moved, not moved, well, he's, he's going to be moving as far as I, I am hearing from him. He was living in [REDACTED] he sold his house and he moved down at [REDACTED] Okay, then at [REDACTED] he going to live down there, but his mother-in-law which was living here somewhere in Caringbah, she passed away. So, family looking, I think, as far as I know to sell this property and I, I don't think so he has any place to stay and for him to go to drive [REDACTED] Sydney, I think it's, it's quite far away and yeah, that's what it is.

20 So, what - - -?---When I, when I oh sorry, when I went to Honeymoon Bay, he give me a visit down there maybe for one hour and this was it, he went back. And on the way back, when I went to Sydney, so what it is, at Honeymoon Bay, it's very family, family place, down in Jervis Bay, I would take my family and kids, I would take them down at the Jervis, at the Honeymoon Bay with the trailer, they would camp there for maybe three-four weeks and she would stay there. I would come here, work Monday to Friday, Friday afternoon, sit in the car and drive down there. And that's not the big resort, sir, and Dennis did give me a visit down there, he came down, I said, "I'm down here," then on the way back, we stopped actually, stopped by and maybe stay there for half an hour. He show me down the beach and surrounding where he is and yeah, but drive, drive back and my engine blown up on the car.

30 The relationship you're describing though indicates a level of closeness between you and Mr Smith.---Look, I would say so. We, I can't say we are family, like, we never went to each other as, as I can say as, like I went for him as a Christmas or he came to me for a Christmas. He never came to my house, I can confirm his hundred per cent. Him or his wife or his kids never been to my house.

40 All right.---If, if you do ask me about his, do I know does he have a son, if I say I don't know it's only I'm lying.

I might show you some documents at this time.---Yeah.

I'll hand you a folder.

THE COMMISSIONER: Did Dennis know Tommy?---Yes, he, he knew him.

MR BAINE: Would you like to explain that relationship to the Commission?---He knew him in ah, he met him only two times, sir, down at the uni, and that was it. I, I can assure this, maximum two time. Look, two, three times maximum they caught up for maybe 20 minutes.

Were you present during those conversations?---Yes.

10 And what was spoken about?---Tommy was, whatever reason is, Tommy always had fear that he will lose his business. What is the reason, I don't even know myself why he always thought of this. And I don't know why did he think, to be honest with you, sir. And, and Tommy would always talk, talk to Dennis about how he's growing in the business and Tommy's plan were in the future, not, I'm not talking now, I'm talking in the future, maybe 2020, he always was thinking that he can potentially be at the uni as a direct to the uni, he always thought of something like this.

20 So do you think that the \$500 payment that he gave to you weekly was to help him protect his interests at the university and possibly help him achieve any other goals that he had?---Did he really think of this? I don't know, sir.

30 Do you think he might have leveraged the closeness of your relationship with Dennis Smith in the form of a \$500 payment to keep you onside to keep Dennis Smith onside?---Look, Dennis clearly did say to us his plan was much earlier to retire than he has retired now. It's, he, his plans, he, he doesn't, I don't even, he meant to be 2015/16 out of here, as far as listening his story, this was his plan. Then why he didn't retire, I really don't know. He's too many things and he's saying it's still early, this and this, then, and I did say this to Tommy, "Dennis is looking to leave, and he cannot do much on the contract," and I did explain to Tommy on several occasions, "You to be direct university contractor with this money you are not strong, you are not strong enough." Apparently, this is, again I'm saying what I've been told from uni, "You to have a university contract you have to be a corporate beast like what SNP is. If you're having 200, 500 full-time staff, if you are loaded you can actually run the contract. If you don't have money, that means you can't have the contract." Not money, but I'm saying if you cannot, let's say, you, let's say like now, uni didn't pay SNP for five months, just giving example, if this five months they didn't get paid, if you are small how are you going to survive?

40 I might return to some issues about Dennis Smith and the contract shortly. I'll give you some documents to have a look at, Mr Balicevac.

Commissioner, I understand, do you have a copy?

THE COMMISSIONER: I do, thanks, yes.

THE WITNESS: Thank you. Open it, sir?

MR BAINÉ: Please. Could I invite you to have a look behind the first tab, and you will see that it is a bus - an email in 2016 of an SIG business card - - -?---Yes.

- - - with the name Ed Balicevac?---Yes, that's me, sir. Okay. Yeah.

10 Do, do you go by other aliases? Do you have another alias?---No, look, sir, can I, can I explain and, yes, this, this is me and what, what it is, is actually Tommy, but not regarding this, not, this, what they wanted me to, to go with them, to be, to be this representative but not for the Sydney University. I can clearly explain and like, this was actually a job for Lendlease.

That's okay. Just if, if you can identify that that is yourself.---Yeah, that's me, sir. Yes.

That's fine. Okay, thank you. Would you turn the page to the next email, which has in the header 1July, 2013. That's a three page document, and would you turn to the final of those three pages.---Three, one, page three?

20 You'll see, unfortunately there's no page numbers, but some, do you see that the first page was the business card that I directed you to, the second page is another email containing the business card again?---Yes.

The third page is an email between you and SIG in July, 2013?---Yeah, "Please find attached time sheet." Is this the one?

30 Would you please go to the, yes, the third page, there's an email of 2 July, 2013 at 9.13am.---"Please find attached time sheet," yes. --- Thank you. - - - Yeah. This time I was working for Tommy, sir.

And do you see in that final line it says, "I will keep you updated with this, so it will be easier for you to bill SNP"?---Do you have attachment, sir? Like, reasons like, "I will keep you updated with (not transcribable). Thank you."

40 There is no attachment to this email but are you able to explain what that final sentence of the email means?---If I can see attachment, sir, you're talking 2013 and, and what this could be, I will explain. There would be, bill SNP, I, I, I really cannot - - - I understand. - - - think., if I see attachment, sir, or like, if I put this time sheet, there should be attachment, usually.

So, you were working at SIG at this time?---Yeah. 2013.

And do you think that this is one of the first occasions where you messaged Lynn Li with a time sheet?---No, sir. I, I was, I was passing my time sheet when I was working for them on weekly, weekly, on weekly occurrence.

Okay. Can I ask you to turn to the second page of that email, so it's a turn back, and you'll see that there is a email down the bottom from you to Lynn, and you say, "I shouldn't send this to you as part of SNP policy, but don't tell anyone." - - - Yes. - - - Do you recall what that is in reference to?---"I shouldn't sent to you as part (not transcribable)" Time sheet. There was, okay, I can explain this. I, there was actually things in the past, just to explain, Lynn would be chasing some money or Lynn would be chasing some things and she would be actually going through me and I, and I would say, "Look, just tell them this, send them, send them discount of things."  
10 Like, "I can't chase money for you." If you, example, there was, I will just, in, as an example, there was actually a training course, Lynn saying to me, "Emir, can you, how can I claim this money?" And I says, explained it, "Say the guards did this and this and sent to SNP." And if they don't, then speak to Daryl.

So, could I ask that you have a moment to read the first page of the email and then the second two emails on the second page.

20 THE COMMISSIONER: Keep in mind when you answer the questions that follow that you have affirmed to tell the truth, and I've explained to you the serious consequences that follow if you don't.---Yeah, I understand, sir, but if I don't have attachment I can't much explain, you know what I mean, like.

That's all right. Yeah. Something six o'clock no probs ...

30 MR BAINE: Do you see in the email at the bottom of the first page that a guard named Salam came in at 10.00 as opposed to 6.00?---Hmm. Instead of 6.00. Okay. What - - -

Is, who was Ayla?---Ayla is the site manager.

Right.---At that time.

Site manager for SNP or for - - -?---Yes.

40 - - - the university? Okay. So do you have any recollection of what Ms Lynn Li might be referring to when she explained, when Tommy explained the emergency?---Ah, can you (not transcribable) up for me, sir, just put oh, this is with the guards. So with looking here he came 10 o'clock, but if Ayla wants to put in 6.00, Ayla can.

So is that an indication that Ayla was a participant in a misrepresentation of the hours that Salam worked on that day?---Well, what I can understand here, sir, Salam came at 10.00.

Yes.---And I says, I was running around, was busy, but if Ayla wants him to put him 6.00 it's up to Ayla. Is this, is this - - -

Yes.---Yeah.

And do you think that the conduct of individuals using other people's names to cover shifts was occurring in 2013?---2013, it's a really long time, sir. If I do see something probably, it did happen probably on a few occasions but not as it lately happened, sir.

10 I see. All right. I'll ask you to go to the next document which is a email. It's headed Time Sheet. You'll find it, it's the next document in that bundle, and it was sent on 26<sup>th</sup> May, 2014 by you to SIG and it attaches a time sheet.-  
--Yes, I can see it, sir.

Would you like to have a look at that time sheet for a moment. And you see that 101 hours and, and 30 minutes were claimed.---Yeah.

Even allowing for what you've described to the Commission about overtime, it's not possible that 101 hours were worked that week, is it?  
---It is possible, sir.

20

Could you explain how it could be possible?---I can, I don't know how many records you have, I used to, there was, I used to work 130 hours a week when I was working like, I'm not here, but even here I used to work this many hours. How is this possible I will explain. Ah, in this industry, sir, this place, if you're talking about corruption, whole industry it is.

THE COMMISSIONER: No, no, no. I think we can talk about that later, but - - -

30 THE WITNESS: 16 hours, I can't, I don't want to name the guards, but if you do, I have a guard here who's working actually five days, 24 hours.

MR BAINE: Mr Balicevac, we might just keep our answers more direct. I asked you whether or not it's possible for you to have worked 101 hours - - -?---It is.

- - - and 30 minutes and you were going to provide an explanation as to how that was possible.---Yeah. Work one day 15, 16 hours, 20 hours, work sometimes 24 hours. I used to work 36 hours.

40

But what about accounting for sleep and fatigue?---(No Audible Reply)

THE COMMISSIONER: How did you work 36 hours in a day?---Not in a day, sir, I mean continuously, sir. When I say, when I say 36 hours, 30 hours, I'm talking continuously, sir.

And, and you'll see on this one I think on the Saturday you didn't work at all. Is that right?---Just give me one sec. Saturday? No, I didn't work Saturday.

So that means that on average for working six days you worked on average 17 hours per day, every day.---Yeah. That's hundred per cent, I can confirm this.

10 MR BAINÉ: All right. Well - - -?---And there is the swipe cards at the uni, they can, I'm more than happy if they do the run, whenever I swipe, I don't know how many years they have our records, but I would have to use, and after hours I would have to use my swipe card.

THE COMMISSIONER: And what rate were you being paid for this 101.5 hours?---At that time Tommy was paying 20, 21, I'm not quite sure. This is 2013 is it, sir, or - - -

20 MR BAINÉ: This is 2014.---'14. I think he would be paying that time 21 I think, because when he, when he (not transcribable) in he was paying \$20 an hour, sir.

There are some comments I'd like to draw your attention to in the notes. ---Yeah.

30 The first one is the fifth item down. I beg your pardon, the first one is the fourth item down. It says, "Shift continues, Dennis was informed from SNP." Do you know, can you recall what comment you're making there? ---Okay. What it is, why shift continues, either someone didn't turn up, that's one of the, one of the option, I really don't know, I just reading as well the comments, could be one of the thing, or I would be asked, there was occasions when I was asked to go to Camden to put the signages on. Just for example, like. And this, this did happen on a few occasions.

And the next three comments I'd like to draw your attention to say, "A bus run," and it appears as though the names Said was used on the time sheet, S-a-i-d.---Yes, that's right.

40 And you indicated before that you might get in the bus and drive that for 30 minutes. Is that correct?---For 30 minutes? Sorry, what do you mean for 30 minutes, sir?

In an example like this where you're performing a bus run - - -?---Yes.

- - - how could you be performing your other functions as a guard simultaneously?---Okay. I will explain now. I'm just trying to figure this out what it is, but I believe this happened, when I went to Camden Campus to do the run to Camden and to put the signages, I would be let's say, okay, I pay you, I will pay you three hours, then there was a shift while I was

going over there, there was a bus run shift. I got there, I done my bus and I put the signages. So for signages I got, because I went from after 12 hours I went up and then I, in the same time I done my bus run there.

But you're still claiming for separate shifts, shouldn't they be all part of your standard responsibilities?---Look, I'm not really sure did he know I'm going up there or not, but he did ask me because the bus was getting to be bring as a service in, they brought bus on-site, and what did they do, they brought bus on-site and they needed the signs.

10

But the bus is a very specific role where a person is charged with driving the bus and you would likely be doing repeat routes between say - - -?---Yeah.

- - - the university and Redfern Station.---Absolutely.

And it would be impossible to be doing any other work at the same time that you were driving the bus. Is that correct?---To put the signage, can I explain sir, to put the signs on - - -

20 THE COMMISSIONER: No, no, can you please answer the question.

MR BAINE: Would you mind answering my question? Just that it's impossible to be doing any other work while you're driving the bus at the same time?---Well, other work, like, other shift you mean?

Correct.---No. If you're looking to do other shift while you're doing a bus, that's right, you can't.

It is impossible.---Yes.

30

But you'll see that on this shift there is, on the Tuesday there is 12 hours of work that has been performed in a patrol capacity - - -?---Yes.

- - - between 6.00pm and 6.00am, and then if we read the comment for the next shift between 6.00am and 9.00am - - -?---Yes.

- - - you were authorised to continue that shift from Dennis Smith and he informed SNP?---Yeah.

40 But there's a clash, because for two and a half hours of the extra work that you did, which was the bus run - - -?---Ah hmm.

- - - you were also at that same time performing patrol work.---Yes, that's right.

So can you explain that?---Okay. Signages will take you only five to ten minutes. Five minutes to put three signs on the, on the Camden Campus.

But is it reasonable to be claiming for a full hour of work for signage?  
---Why he paid me three hours, I will explain, because me to get to Camden,  
how long do I need from the Sydney Uni? Let's put reasonable one hour  
and a half. Am I right?

If you were to be driving to Camden it would be impossible for you to be  
driving a bus at the university at the same time.---Yeah, yeah, that's right,  
sir, but it's hard to explain. I've been tasked, you've get this signs up over  
there, to get there and go to, to the, to the home I will pay you three hours.  
10 Yes. Then to put for three signs takes me five minutes.

But there's a problem then with the allocation of three hours or the paid,  
being paid for three hours' work which actually only takes five minutes to  
perform. On one view that is unconscionable, would you agree?---In one  
view, yes, but in another view it's not. Can I explain why? Because if I, if I  
send you let's say to Blue Mountains I'm paying you travelling time. I was  
more here paid travelling time than actually than, than working, sir.

I understand but the situation that we're looking at here is not that you were  
20 utilising the travelling time to perform another task, is it that you were to be  
driving a bus at the same time as you were to be conducting patrols.---Yes.

And they are mutually exclusive. You cannot do those two things at the  
same time.---In the time sheet and in the logistical world, no. In, in the, in  
the way I was tasked, yes.

THE COMMISSIONER: How, how can you work two shifts at the same  
time?---Okay, sir, if, if Dennis said to me or X person said to me, "I need  
you to do this, how you want to do it, it's up to you. I need you to get this  
30 done, you, I will pay you three hours. I need you do drive all the way to  
Camden," or whatever location is, "set this up and you can go home and I  
will pay you these three hours." Some jobs, put this way, sir, I will explain,  
there is, I'm down at the uni and I actually sometimes sitting down at the uni  
and person come and say, "Go grab the bus," like, takes me thirty minutes  
or, or twenty minutes, it's a four hours minimum. This happens, sir. I am,  
I, I'm honest.

But this time sheet, this time sheet doesn't record it that way though, does  
it?---No, it's not, sir. - - - No. - - - And before - - -

40 So, the time sheet's inaccurate, isn't it?---No, no, no, time sheet, the, we can  
say in one way it's inaccurate, in other way it's accurate.

How is it accurate?---It's accurate because I made my way, went up there,  
set the signs, go three hours then bus, as in the comment says, Tommy says,  
"You sign this Sam Said," and I did the bus run. I, if I didn't do bus run, I  
would fail, sir.

MR BAINÉ: But then the patrol would also fail because you couldn't actually be performing the two things at the same time. Because then, Mr Balicevac, there is a difference between being assigned additional work and performing multiple tasks in multiple parts of the campus and claiming legitimately, three hours or four hours, however long it took to perform all of those tasks and then there is what's going on, on the face of this time sheet, where you're required to be in two places that are completely inconsistent with each other at the same time.---I don't know, sir. I can, I am giving my explanation what it is. I went up there. As I was doing bus run, I was placing signs.

But I would have thought perhaps, would you agree, that the conscionable thing to do would to only be to work the extra shift, and as part of the extra shift that Dennis Smith signed off on you doing, you at the same time performed the bus run and only worked for the additional three hours?---He, again, going back, sir, he gave me travelling time for these three hours to get to the, up there, to get these signs up. This was more travelling time than work. Secondly, they didn't have at the time bus driver. I'm just guessing what really probably happened. They didn't have bus driver, they say, "Put the," what's his name, Said, "down as a bus run and do this," and I'll put the signs under my name and I, and I done the bus run under, under, under Said.

THE COMMISSIONER: Why was it necessary to put it under Said's name?---Sorry, sir?

Why was it necessary to put it under Said's name?---Because I was, I was going up, I was working actually a night shift.

MR BAINÉ: It seems though that a bus shift is a very precise expectation that the students at the university would have and do you think that they would notice if the bus was not operating for the entirety of that four hour period?---I can confirm, hundred per cent, bus was operating this, this morning. I can confirm million per cent. That's no way on this world the bus driver is not taking the students, do you reckon there is no people, person, students is not going to make a phone call to say, "Oi, Emir," not Emir, like, they will make a phone call to uni saying, "I'm running out of bus. Where is bus driver?"

But I, I also imagine that SNP or SIG would rightfully be concerned about your fatigue levels to drive the bus, having just worked a 6.00pm 'til 6.00am shift and then to be driving a bus for the next four hours. Would you agree?---Yes, I would agree on that, yes. Fatigue, yes.

So, it's not just personal safety that's a concern, it's also safety to the university students. Would you agree?---Yes.

And were there occasions where the buses were not actually running, where they were claimed for in the time sheet under a name, for example Said, but

they were not actually performed?---Sir, for Camden Campus bus run, cannot not, not be running. I will be honest, it's impossible.- - - So. - - - If you're in Camden, because it, if you going 2014, if it was different run, still it had to, that, at that time, the run was Camden Campus, Camden like, CBD and the Campbelltown Station. You don't take these students to the Campbelltown Station, they will call, I guarantee you on this and I happy to attest this.

10 THE COMMISSIONER: This is your time sheet, correct?---Yeah, that's right, sir.

And it was prepared by you?---Yeah, yeah. That's right.

What were you, what did you mean by the entry, "Bus run under Said on time sheet"?---Said was actually, Said's ID was used.

20 Why?---Because I was, I was, I was, I was, when they called me at night, I says, "I'm already putting up signs," and, and they didn't have person to cover this shift and they says, "Okay, you put Said's ID down to actually, that you can actually get this and cover the bus, whole bus run."

Who told you to do that? Sorry.---Sorry, sir?

Who told you to do that?---Tommy. Tommy or Lynn, I can't really remember. One of them. It's SIG office.

Sorry, you go on.

30 MR BAINE: No. I was going to ask the same question, Commissioner. So, when you said before that you stand by the 101 hours that you worked here - - - Yes. - - - do you maintain that when you submitted a time sheet like this, that was an accurate reflection of the hours that you worked?---Yes.

40 And would you describe this is a personal time sheet, being different from a site time sheet?---Time, well, I think they send us the template, I can't really remember. We used to, we received the template of this and just follow the template. Basically fill I out, the, the details, fill it out the, your first name, last name, days, hours. I can actually, they didn't even have issues, I could even go on Microsoft Word, create time sheet.

I'll ask you some questions just related to rostering very briefly. - - -Yes. - - - Who was, when you were at SNP, who was responsible for rostering?--- Which year are we talking, sir?

When you were at SNP, so perhaps the last two years?---Okay. What it is, Frank Lu - - - YES. - - -used to be - - -

Between when?---Okay. When I came 2015, I think Lynn was running time sheet like, rostering. Lynn, Tommy, then they got the person called Sayed Ali. He used to run rostering maybe five-six months, sir. I can't remember how long exactly but I believe you have this in the record. Then Frank Lu, somewhere in 2016, he signed up as a, as a, as a rostering person, person with SIG. Like a, he was work, not working, he would be managing while he's at the uni or at home and all these things.

10 How long did he keep that role for?---Since end of 2016 'til actually this happened, sir.

So, would SIG or SNP issue to SIG requests for extra guards?---They would.

20 And how frequently would that happen?--- I'm not really sure. They, they all knew Frank is the rostering person. Like, when he's call in sick, maybe extra (not transcribable) come. Some days he is there, "Frank, this is what it is." Sometimes SNP will call him and say, "Okay, we need person, someone call in sick." It's, when we talking about frequency, probably there would, it's ongoing operation, sir.

If someone called in sick, how would that guard be replaced?---They would have to call Frank or SIG office.

And it was Frank or the SIG's office responsibility to find another guard?--- Absolutely.

30 And do you recall a man named Mark Gemmell?---Mark Gemmell? Mark Gemmell. Mark Gemmell. I can't remember this person, sir.

Do you know much about the contract between the University of Sydney and SNP?---Look, sir, I want to be honest, I wasn't a contract manager. Like, and I do understand, look, I do know there was a clause that SNP would have to be 70-80 per cent, 20 per cent subcontractor, which is SIG? I do know bits and pieces, I don't know everything, sir, but I, go ahead and ask me, sir. If I - - -

40 Other than you and Mr McCreadie - - - Yeah. - - - who were the other SNP guards at the University of Sydney?---To give the names of the guards?

Yes.---Peter Walsh, Amyna Huda, Vanessa Casely. Sorry, sir, little bit I'm blocked out, Megan Newham - - -

Approximately how many guards would you say? More than 10, less than 10?---I don't think so. Somewhere around there let's say, around 10, sir.

And how many SIG subcontractors were working at the university?---He had maybe, because unlock came, lockup and this, could be probably 40-50 guards.

So, do you think that the balance between SNP guards who were contracted to be there and subcontracted guards who were expected to be there was met?---No. Definitely not.

10 And which side of the scale, or which, which, was it SNP or SIG who was not meeting their obligations?---Look, SNP is the contract carrier, sir. This is the way I look, not, not just talking about SNP in general. If you are a contract carrier, you need to be actually, you need to make sure there is the governance done. Am I right?

Yes.---Yeah. So, I believe they should, in my personal opinion, they should be actually controlling this.

20 Do you know what the monthly KPIs were under the contract?---For whatever reason, they've got 100 per cent, sir.

Do you have any recollection of what they were?---Not really, sir. I never attended any meeting regarding KPIs.

Did anyone on the site ever talk about meeting this KPIs?---This was more actually Daryl's job. He used to be dealing with KPIs, would go, and with Dennis or with, or at that time it was Morgan and now Simon, they would go through KPIs breaches and all these things.

30 And your evidence is that you weren't privy to those conversations?---Not much, sir. If I, if I would say there is a pool? (not transcribable) area next to the office. And we're sitting there, they're talking about KPIs. I basically would go. I wouldn't sit with them and talking about much.

Do you recall what any of those were?---There is a list, there was a big maybe A5 format list, sir, and people would, I can't remember to be honest with you, sir. There, there was several question? things.

Could I ask you to turn to tab 2 in the bundle in front of you.

40 THE COMMISSIONER: Before we do, can we just go back to Mr Said. There are three entries, you'll see, it says, "Bus run under Said on time sheet," and then "Bus run under Said. Bus run under Said." Do you see that?---Just let me see, sir. Yes, that's right, sir. It was under his ID.

But the next one says, "Bus run," and it's not under Said. Why is that? ---This is what I'm trying to explain, why it was 100 hours accrued.

No, no, no, no. But why, why is there that difference, that on some occasions, you are telling Lynn to make a recording, I, I assume, in some record she's got in the time sheet that the bus was to be run under Said to, to incorrectly represent in her record that it was run under Said, correct?---But I say, just to explain this - - -

No, no, no, no, no. Let's go back to the facts. The fact is, on your evidence, Said didn't drive that run, did he?---No, no. He didn't. That was me, sir. - - -Yeah. - - - I was driving.

10

And next one, "Bus run under Said," you didn't do that, he didn't do that one either, did he?---No. It was done under my name. - - -Yeah. - - - I, I mean, it was done under his name but I performed the task.

Yes. But the next one, "Bus run," that's not under the name of Said. Why was that?---Okay. Because my, my real ID started from 8.30pm, 8.30pm and till 6.00, which actually I done as a patrol because the guard which was there, he was there waiting for 8.30. Now, if I, if I, under SNP, I work from 8.30, I can work 'til 10.30 because it's a 14 hour shift.

20

Yeah. But this is 6.30 to 10.30 bus run and Said's name doesn't appear there.---Yeah, that's right because I didn't have to use his name, sir.

Okay. Well, if you go a few entries up, 6.30 to 10.30, you did use his name. ---Yeah, that's right.

Why?---Because I worked, I explain here. Because I worked X amount of shifts and when I do X amount of shifts, I would have to use another ID to be able to run. If I took, if I use my other name, then SIG can get in trouble. They will say you have to use other ID because you've been working, let's say, six shifts continuously or seven shifts or eight shifts, and you have to use other ID to be able to continue. So, I used to work like, sometimes three weeks with one, with no days stop. I, I'm saying it, I - - -

30

MR BAINE: You worked three full weeks?---With no one day stop.

With no time off?---None.

What about sleep?---I mean, but I am talking with no days stop, sir. I would be working like, what I did here. From 6.30, then 16.00, I was basically working 20 hours, sir.

40

Commissioner, perhaps your maths is better than mine but 12, seven 12 hours shifts, though, doesn't equal 101 hours.---Yeah, I know, sir.

It's approximately 80.---Absolutely. But if you look here, from Wednesday, I had three shifts. If you look for Tuesday, I have three shifts. If you look Thursday, I had four shifts. - - -So, all right. - - - I do understand what

you're trying to say, sir and I'm, it, it's unfortunately it's hard to explain but  
- - -

THE COMMISSIONER: It's not hard to explain. It's not hard to explain.

MR BAINE: And it might become clearer to explain in some of the other documents- - -?---Okay, sir. Yeah.

10 - - - that we look at. Would you turn to the second tab, thank you. You'll see it's an email on 21 November, 2016 from Maggie at SIG. She emails you and she has identified that a double shift was performed on the Thursday and she requests that one of the name is changed and you respond and you say, "Can you please give me a name?" And then she replies at the very top with the name and a licence number. Do you see that?---Yes. What it is, sir - - -

THE COMMISSIONER: Just wait until you get the question, please.---Yes. But - - -

20 MR BAINE: Do you agree that this system is fraudulent where shifts are performed by guards who are not actually on-site at that time?---What the guard did - - -

THE COMMISSIONER: Answer the question, please.---Yeah. I agree. There is fraudulent, yes.

MR BAINE: So did you perform either of these two shifts or did you perform both of these two shifts?---(No Audible Reply)

30 THE COMMISSIONER: Why don't you put it to him, Mr Bain?

MR BAINE: Do you see, Mr Balicevac, that both of the shifts performed by Mustafa were worked between the hours of 6.00pm and at least 10.00pm?---(No Audible Reply)

And that there is a clash?---Okay. I'm just, just looking, so - - -

But it's plain, isn't it, that SIG have identified that a clash existed - - - ?---Yes.

40 - - - and they have provided you with a new name - - -?---Yes.

- - - to put in. And if they are providing you with a new name, then that guard cannot actually be performing that shift, can they?---I really – are they, are they tasks for both same tasks, sir, or they are tasks for different? They are tasks for both, for the same, same shift?

It's clear that this gentleman, Mustafa, has been listed on a time sheet performing two sifts for approximately four hours at the same time, which was identified by SIG and they provided an alternate name that could be used on the time sheet. That much is plain, isn't it?---Yes. Ah - - -

Thank you. And do you agree that it is likely as the recipient of this email that you are the person who was using those names?---Maybe, sir, yes.

And it certainly wasn't Samir who was performing that shift.---Not Samir.

10

And do you agree that the process involved here is that SIG or SNP would complete a site time sheet which would be sent to SIG admin staff for review, who would then identify that there were no errors, and if there were errors they would notify you of those errors?---They would, doesn't mean they will notify me on every occasion, sir.

But certainly on this occasion?---Yes.

20

All right. Thank you. Would you mind turning to the next document. Do you see this is similar? It was sent three days later and in fairness to you, Mr Balicevac, there is no response from you, but it is just emails directed to you from info@sigservices, and again Maggie has identified that there were two hours duplicate and she questions whether or not that's right, and then she sends a second email where she suggests that the name that has been highlighted in red in the document be changed, and she provides the alternative name and the relevant licence number. So do you agree that this practice is, was, was continuous and was very common?---To a certain extent, yes.

30

But to the extent that there is any ambiguity would you like to explain that? ---Well, what it is ah, SNP sometimes would call in, I mean, national operation would say, "We need time sheets right now," and we would send them straightway. They need sometimes time sheets right now. The, I wasn't actually contacted on daily basis, oh, Emir, fix this, fix this, fix this. The people, yes, it's true, they were um, they did sometimes say to me, oh, Emir, this guy worked here and here, we need to use his, he can't use his, when I say ID, his names.

40

Yeah.---And like some of them actually would make a mistake in this kind of writing things, like what's actually happened with Raed, probably he work in other site for SNP as well.

But it's certainly the case that there is a hour or hours of work that have been claimed that were not actually performed by the gentleman whose name has been highlighted in red and an alternative name has been provided to substitute for alleged performance of that work.---Yeah, look, I will, as I says again, I will agree to the some points there were claims, but like example, reading this as a film shoot could be a different name.

THE COMMISSIONER: But there were claims being made, weren't there, for work that wasn't being performed?---Like, yes, sir, but I, I, for this occasion, for film shoot H70. I will be honest with you, it's impossible, sir, for this, I'm talking for this occasion. O.K. But I will agree there was claims down the track, but not for something like that.

10 I'm going to, listen very carefully to the question I'm about to ask you and think very carefully about your answer. From time to time you made claims, didn't you, for hours that you had not worked?---From time to time.

Thank you. Yes, Mr Baine.

MR BAINE: Could we turn to the next document, Mr Balicevac. Do you see that it is a email from you on the top page to Lynn at SIG and again you are requesting a name for a approximately eight-hour shift on Saturday?---Yes.

20 And do you agree that you would only be requesting that to fraudulently list in the time sheet the performance of work which was not actually performed?---I'm just trying to think. I - - -

THE COMMISSIONER: Take your time and read the document.

THE WITNESS: Sir, I will, again saying, I will agree to the certain points like yes, there was, but I will also say I was working Saturdays and Sundays at the uni.

30 MR BAINE: I see. But if you were working Saturdays and Sundays, would you have been working those hours for SNP?---No.

So you were working them for SIG?---Yes.

But under assumed names?---Yes.

I see. But if you were doing that because SNP doesn't pay overtime, it would only be logical that you would be performing hours, standard hours in a 24-hour day. Would you agree?---Yes, yes.

40 Would you agree that if there were examples of conflicting shifts, it would not be possible for you to be working in two places at the same time?  
---Ab, absolutely, sir, but again, in saying this, while I'm sometimes on the duty, which I'm working for SNP from 8.00 to 4.00pm, there would be a bus run which will not take me that long, which is still chargeable four hours. I would jump in, do the bus run, drive people to Central or drive them down to Dulwich Hill, which will take you how long, half an hour, for let's say one, 50 minutes. Then this happened while I'm there, this did

happen. So I know it's hard to explain how come you've been here but you've been here, maybe won't make some sense, but this did happen, sir.

So - - -?---And they will charge uni four hours anyway, even if I brought the guard in it would be four hours anyway.

And if you turn the next page, do you see at the top there is an email – and please take your time to read the email below but, or emails below – but you say that you've worked 85 hours and then SIG emails you back and says,  
10 “We will give Frank \$500 from your pay,” and then you say, “Yes, 85 hours plus 400 then minus 500 from Frank's account.”---To Frank account.

THE COMMISSIONER: To Frank's account, yes.

MR BAINE: I beg your pardon, to Frank.---Yeah. I borrow, I, I borrow the \$500 like a, what was the reason, I really can't remember.

So, it was a loan?---Yes. I, I was owing him money and - - -

20 And that \$400, what's that?---Four, okay, this is the, what I'm talking \$400.

So, that is the - - -Yes. - - - fixed pay that you received from SIG, which at that time in 2017 was \$400 - - -Yes. - - - and it was increased to \$500?---  
Yes.

All right, thank you. Could I ask you to turn to tab 3 in the bundle of documents. This is some documents relating to an information week at the University of Sydney in August, 2016- - -Yes. - - - and you will see that you provide your time sheet to SIG and you will see on the time sheet that you  
30 have claimed 216 hours- - - Yes. - - - for the week. Do you have any comment about the legitimacy of that claim for 216 hours?---The legitimacy, to be quite honest - - -

THE COMMISSIONER: It's fraudulent, isn't it?---Yes, sir.

It's false?---Yes, sir.

Yes. Thank you.

40 MR BAINE: And you can see on the Saturday that there are a number of shifts that you have alleged to have claimed and they include a 25 hour shift and a four and a half hour shift, another four and a half hour shift, a two hour shift, a further four and half hour shift, a twelve hour shift, a 21 hour shift and then finally, a two hour shift. Now, Mr Balicevac, just take it from me that that adds up to 75.5 hours and it would be impossible for you to have worked 75 hours.---I agree.

Thank you.

THE COMMISSIONER: And indeed, call me old fashioned, but if we still have 24 hours in a day, this document represents that over a period of seven days you worked 31 hours a day.---No, no, no. Sir, I agree on this. - - - Yeah. - - - I am, I'm putting hand up for this.

Thank you.

10 MR BAINE: And I will just draw your attention to the names that have been used here very quickly. There is, I'll just use their Christian names, but for the 25 hours, there was a Lincoln, there was a, a Yahya, there was a Ashlee, a George and a Nader. Then for the four and a half hours, there was an Anthony and a Rob. Then for the next four and a half hours, there was a Mustafa. For the two hour entry below that, there was an Anthony and then for the four and a half hour entry below that, is a Milanka and then you will see that for the next two entries, you're not sure what names were used by Frank, but Frank had used some names, and then the final name that has been used is that of Kashif. Now, can I invite you to turn to the next page and you will see – is this a document that's referred to - - -

20

THE COMMISSIONER: Just before we get there. Daryl is Daryl McCreadie?---Yes, yes.

And Frank is Frank who?---Frank Lu.

They were both doing the same thing as you were doing, weren't they?  
---Yeah.

Thank you. Next page.

30

MR BAINE: This is a document, Mr Balicevac, that is referred to as the site time sheet, is that correct?---Yes, yes.

And if you turn to the third page of the site time sheet, do you see that there is yellow, ah some pink highlighting marked on the document?---Yes, I can see.

40 And you will see that the names that are appearing on this time sheet, and I invite you to also go to the next page that has yellow highlighting on it, but you are looking at the names of the guards who I just read out to you, would you agree?---Say again? Sorry, would, would the names look - - -

Would you agree that the names that are highlighted in yellow are the names that I just read out to you from your personal time sheet that was sent?  
---Yeah.

And the names that are not highlighted in yellow can't be identified because they were used by Frank and there's no record in your email of those names.---No.

Could I just ask you a question about the signatures that have been used? Do you see that there appears to be some similarity between the first three signatures on page 3 of the time sheet?---Yes.

10 And do you agree that those signatures are forgeries?---Yes.

And if you go to the fifth page of the document, again you will see that there appears to be further forgeries of the document, ah further forgeries of the signatures in the names highlighted in yellow, in that there is a large degree of similarity in those signatures?---Yeah, yes.

Did you sign these documents?---No. This is - - -

Do you know who did sign these documents?---More likely will be Frank.

20 All right, I'll then take you to the next page.

THE COMMISSIONER: I should just clarify something there - - -Yes Sir. - - - and I, I didn't want to cause any confusion, I said a little while ago that Daryl and Frank were doing the same thing as you and you said, "Yes," and what I was really suggesting to was that they were fraudulently claiming too, weren't they, for hours that weren't worked?---Yes.

30 Thank you.---But sir, just to clarify - - -Yeah. - - - it's not that I am defending myself. - - -No, no. - - - In this occasion, yes, but I, I, I also want to say this wasn't, it's not, you know what I mean like, this for every day, that's not what I'm trying to say, but yes.

Just keep, keep in mind what I said to you too, earlier in the hearing, and that is I, I told you that we executed search warrants - - - Yeah. - - -and we obtained evidence and we've got a lot of documents. So, just be careful about what you say- - -Hmm. - - - and don't assume that what's in those folder is all that we've got. - - - Yeah. - - -Do you understand?---I understand, sir.

40 Thank you.

MR BAINE: Can I invite you to turn to the next page, which is a SIG invoice, and about halfway down, you will see that for this week, there were \$40,000 of additional hours.---Sorry, again, you say halfway, halfway down, sir, what do you mean. Sorry. Again, oh, signature.

That's okay. Do you see that on the document on screen?---Yes.

Approximately \$40,000 of additional hours was performed - - -Yes. - - - by SIG this week. Would SNP send through individual requests for guards to perform shifts?---What happened in this is it was, at Kirkbride the students occupy the building. They actually took the dean's office and they locked themselves in. I, this, when we're talking about this amount, I believe this is what's happened at that time. So, yes, SNP definitely knew it. There is actually a guard request and they definitely knew it, there is actually, this is what's happening.

- 10 But do you have an answer for why SNP, who have a multimillion-dollar contract with the university to provide security services at the university - - - Hmm hmm. - - - would require so much of their work to be subcontracted to SIG?---That thing, sir, I really cannot explain because this is a management level, where is more I'm, I'm, I'm, not here to put things on Daryl, but he was account manager. He was also being spoken to SNP head office what he, what he need to be, to do. And why would they do this? I'm not really sure. I do understand like, if the, this is my belief, I know you, I know it makes sense, why would you do this is you having actually a big contract? I do understand. But if you have, if you actually have opportunity to make  
20 some money like, it's rather for me to pay someone \$24.80 and I don't have to worry about anything and I can make clearly, maybe 10-15 bucks an hour.

I understand, but the university's interest, of course, when you're paying a multimillion-dollar contract, would be to pay as little above that figure as possible? So, they would not be interested in continuing to pay invoices that run to \$80,000 for one week. Would you agree?---Who, who wouldn't be interested? SNP or - - -

- 30 The university.---I don't know the university even know about this, I want to be honest with you, sir.

So at SNP, if SNP received an invoice for \$80,000, would they then pass that on to the university or would SNP pay for that themselves?---No, no, no, no. They would charge university, sir.

- 40 Right. So the \$80,000 would be seen by the university?---Yeah, but they, \$80,000, this is SIG to, to, to the, to the SNP, but the SNP rate is different, sir. So probably they would see the bigger figure than this.

Which I'm sure would concern, would you agree that it might concern them, because when you're paying several million dollars a year for security services, to receive invoices in addition to what you're already paying would bring no joy to anyone in the accounts department?---I'm just trying to understand when you - - -

It's okay.

THE COMMISSIONER: They wouldn't be happy about it.

THE WITNESS: Sorry, sir, just like, who would be happy, SNP or uni, sir?

MR BAINE: The uni would not be happy to receive an invoice of approximately \$80,000.---But if they request, sir, people, if they request, okay, there is occupied building, if they, they probably knew it what's happening.

10 I see. So the chain of command was always the university would make the request for services.---Yeah.

That would go to SNP, then SNP would always subcontract that.---We would never be able to make a shift, like I would never be able to say, oh, I need here 10 guards and just, just let's happen, sir. That's, that's no way in the world, like, because we have account codes. If there, if I'm a customer, because they have so many departments and if you come across and say I need now 10 guards, just for example, sir, I need now 10 guards for this and this reason, then you say, okay, can I have account code, and that person  
20 would give you account code. Then you send the process through SNP. But if I now order 10 guards I need, I would be, or especially Daryl would be questioned, okay, we, we, we're claiming 10 guards, but university, it didn't request. So, so obviously SNP definitely will not pay from their pockets, sir.

So if you go to the sixth page of the document that is the invoice, you will see that there are a number of entries that have been highlighted in pink.  
---Sixth page, yes, sir.

30 That's right. And just let me know once you've found those names, Mr Balicevac.---Did you say in pink, sir, they are highlighted? Ah, yes.

They are highlighted.---Yeah, yeah, I can see it.

And again do you see that they are the same names that I read to you previously that were used in your time sheet, namely Lincoln, Yahiya, Ashlee, George, Nader, Anthony, Robert, Milanka, Mustafa, Anthony, and then if we turn over onto the next page, the name of Kashif appears?  
---Yeah.

40 So you can see that the hours that you claimed to have worked were, and submitted your time sheet to SIG, were then included in the work or the invoice that SIG sent to SNP?---Yeah.

So in relation to those 75 hours, how were they actually covered on the day?  
---No, no, no. On this one, sir, I, as I says from the, from the start of this interview, there were claims - - -

But if, if the university expected there to be approximately 10 guards attending these various sites on the university, but you were the only person who was actually attending those sites, patrolling and doing the rest of it, would the university have noticed the absence of these guards, particularly if it was the case that students have locked themselves into the dean's office or the chancellor's office, as you indicated?---I will be ah, I, I really don't know why did uni actually never checked this, and I will say straightforward, they never actually came on-site to check how many guards are there.

10

And that's a problem to student safety, isn't it?---Yes.

In that the university represents to the community that it will be providing security services - - -?---Yeah.

- - - and those services area not actually being provided.---Yeah, that's right.

THE COMMISSIONER: Mr Dennis Smith must have known though?  
---Well, sir, if he, if he, if he made his way over there, probably he would.

20

He knew, didn't he?---I don't think so, sir.

We might come back to that at some other point.---Yeah.

MR BAINE: So when guards arrived in the office each day or on-site each day, how did they sign in?---Time sheet, like, like, time sheet.

30

Were there other records of their attendance each day, for example swipe cards?---They've never been checked, sir. I don't have access to check, I mean us as SNP and the contractor, we don't have access to check these records.

But were you issued with a swipe card - - -?---Yes.

- - - that you would swipe into a secure location each day - - -?---Yeah.

40

- - - at the Services Building at the University of Sydney and you would then sign onto the time sheet, is that what was expected of guards, that they would pass through the security door and then sign their name onto a time sheet?---Put it this way, sir. Like, if is, if you're talking a core roster, normal roster, yes, that's the process, you have to sign, swipe in to be able to sign, otherwise you can say I forgot my card, which is happen maybe one per cent, you know what I mean.

And someone else might - - -?---But it can happen. But example, if there is, like what we mentioned about Kirkbride, Rozelle or we're talking about a big protest, sometimes they're saying we need 10, 20 guards to be on the, against some riots and all these things, then they would bring these guards

in which they've probably never been on the site. So you to have a swipe card, you need to be site inducted.

Right.---And when they ask for this volume of guards you, they don't, we use usually the regular guards but when we, we run out of that, then we're using anyone, just as long as have security licence.

Right. Okay. And for the regular guards, were they given a computer login?---No computer login, sir.

10

Email access?---They would have Sydney Uni email access if you become a control room operator or team leader, you would have like a Sydney Uni email account.

What about people who were not team leaders or control operators?  
---People who are not team leaders or control room operators?

Just patrol guards.---Look, usually they all should have email but the normal patrol officers, some of them they wouldn't even touch, they don't need it.

20

And what about access to something each morning like KeyWatcher for example?---Oh, that's on swipe, sir.

And were there any other mechanisms that guards would use to securely enter the university each day?---Sir, the swipe card is one of the most common thing, like ah, again, yeah, some guards would use someone else card, say I forgot my card, can I have your card for tonight.

And when - - ?---But again, this is little, sir.

30

And when a guard would leave the university at the end of each day, they would sign the time sheet, would they?---Yes, that's right.

And then the time sheet – where was the time sheet kept?---On, in the control room.

And how would guards who weren't site inducted and therefore did not have a security pass to get into that control room sign the time sheet?  
---He would come on the front counter, he would saying, I'm for this and this job, and control room operator would come and get him in.

40

Right. And the number of staff who were not accredited to be there would account for approximately how much of the SIG workforce at the university?---When you say not accredited - - -

Well, those who hadn't been, you mentioned a phrase before about who hadn't been inducted into the site.---Ah, yes, sir. Okay. Again in saying this, sir, this was a very limited numbers, like when I talk, like, if the person

there is an ongoing job, doesn't matter what position is, he would have to be site inducted, like doesn't matter what it is. It could be static looking after the doors for a month let's say or for, he will be there for a while, he would, it's, it's very easy, you go online, 40 minutes, you put your details in, get this done then your card, you can collect your card from the front counter in two days.

THE COMMISSIONER: It's an online induction, is it?---Yeah, yeah. Anyone can do it. But in, in the big thing, like a big massive lot, we would sometimes receive request tomorrow, sir, or in two days, "I need 30 guards to be at the vice chancellor's office." Then in that case they are not site inducted but they might come there and might not see them probably in a year, or never, sir.

MR BAINE: So, based on the time sheets that we have reviewed for this week of the information week in August, 2016, would you agree that guards at the University of Sydney fraudulently claimed time sheet hours for work that was not actually performed?---Yes.

20 And they would use the name of another person to put on the time sheet as cover for their own work?---Yes. Again, to a certain extent. If you talking just regarding these time sheets that you have shown me, yes, sir. But also I would say there is a lot of guards which work under, they still worked but under the different name.

And when they were working under the different name and you included both the name, a forged signature and an identifying number or a licence number for the guard - - -Yes. - - - how did you get access to that licence number?---SIG would supply to all guards this, and even, they would supply this to SNP guards too.

30 And for the fraudulently used names, does that person get logged in or swiped in to the security system at the university?---Look, sir, when you talk about swiping and all these things, I believe, like, if I now, let's say go to uni, swipe, no one will check my swipe.

But other than the name used on the time sheet, was any effort made, or do you know of any effort being made to manipulate security systems or IT so as to fraudulently represent that the guard, who was not actually on-site, was on-site for the purpose of time sheet fraud?---To the, in, in some areas, not, not constantly, sir.

40 So, an attempt would be made to manipulate swipe systems or IT access to show that that person was on-site when they actually weren't on-site?---Sir, when we're talking about swipe and manipulations. Like, there's never, I can't say there was manipulations because no one, IT or Sydney Uni, would never check who is in, who is out. - - -But um. - - - When we're talking about manipulation like, even if the guard, let's say, don't turn up, there is

no, I think that is not to say there is manipulation or not manipulation, sir. Sorry to say this but this is the way they, they, they do, sir. Like, they never, they, they, me coming in now in the uni and doing a shift, because if I, I have swiped, no one check this.

10 But notwithstanding the fact that you don't think that anyone could check it, were guards concerned to take that extra level – and when I say guards, I mean people who were participants in the time sheet fraud – were guards concerned to take that extra step to try and manipulate the digital presence of someone who was not actually on-site?---Sorry, sir, I don't understand the question, sir. I'm just - - -

Say, for example, Lincoln. ---Yes. - - -Say Lincoln, did he have a, a swipe card? - - -He. - - - Would he have been issued with a swipe card?---I think so, he has swipe card. I, I, for example, yes.

20 Would anyone have had access to Lincoln's swipe card, so as to swipe him in and swipe him out on days that he is alleged to have performed work but he did not actually perform work?---Unless he shared his swipe card with someone.

But, and, do you see that that would be a digital manipulation of that person's presence, of Lincoln's presence?---If he done this, I would say so, sir.

But you did not know - - -

30 THE COMMISSIONER: To your knowledge, to your knowledge did, from time to time, did these guards share their cards?---Look, I was witness where actually guard would turn up at work, "Oh my God, I left my card at home." Like, if you're talking this way.

No, I'm not talking that way. - - - But. - - - I'm talking about, say, a guard turning up with two cards, one his card and one somebody else's card.---No. I can't recall this, sir. To be honest, no. No one gave to me any card. I can confirm this. Like, that a guard came to me, "Oh, use my card for tomorrow," something. That's, that's 100 per cent, no.

40 MR BAINE: Typically, how many guards were on-site at any occasion? ---We have, look, there was occasions we had a full team, sir.

And how many, and how many people are in a full team?---Four, four plus team leaders. No, three, three guards, plus controller, plus team leader. That's if you're talking about core roster.

And how many were fraudulently claimed to be on-site?---Are you talking as a daily basis?

Yes.---Oh, I can't confirm there was actually constant claim on the daily basis, sir.

Do you think that there was constant claiming on a daily basis?---Not as a constant but I do, can say there, there were but not constant, sir.

THE COMMISSIONER: It was very common, though, wasn't it?---Look, the guards would sometimes call in sick 4.00 in the morning. - - -No, no, no.

- 10 MR BAINE: But that is a different scenario to what we're describing. There are, of course, reasonable, there are reasons why people would not be at work, and frequently having names of guards who are alleged to be performing work not actually performing work is outside of the category of sickness, isn't it?---Yeah, that's right, sir. There was guards actually calling in sick and still working under SIG and using other ID.

And how many guards do you think were actually required to monitor the University of Sydney on a normal day?---If you're talking core roster.

- 20 In a 12 hour shift.---Three guards, plus team leader and control room operator. If you're talking, there is, another second (not transcribable) operator which came as addition, we have Fisher Library guards, we have gatehouse guard. So, I can count you all this. The total in the team is five, the rest is like a, Fisher Library front counter, six, gatehouse, seven.

But for instance, a person assigned to the Fisher Library should be at the Fisher Library all the time?---Yeah, yeah, yeah. He, he had nothing with the cars.

- 30 And person assigned to the gatehouse should be at the gatehouse all the time?---Yes.

So, was there actually any need for all of this additional requests for services when there seems to be adequate security at the university in the first place?---Additional need, when you're saying additional need for Fisher Library, for example, you need to have a front counter person to be there. If you don't have a person at front counter, who going to check the books?

- 40 But that person should be a permanent appointed - - -?---Yeah. It's permanent roster.

Of course, of course. So, when guards that are not rostered on but appear as additional staff to perform functions like unlocking or attending other sites on the university, like the graffiti tunnel, was that request actually necessary or could it have been performed by the staff on-site at that time?

---If, you mean the services wasn't necessary, is that right, sir?

Yes.---Sir, I wasn't the one who requested this.- - -Okay. I wasn't the one who put the Fisher Library guards over there.

So, guards would often combine their lockup duties, for instance - - -Yeah. - - - with their normal rounds, would they?---Yeah.

10 And the number of guards who actually worked at the Fisher Library, was how many?---During the day, from 8.00 to 10.00, Monday to Friday, it would be one officer and from 10.00 'til 8.00 in the morning would be three officers.

One officer and one person in addition who was at the front desk as well, or did that person perform roving duties and the front desk?---No, no, no. That person Monday to Friday, which also that was Saturday/Sunday, when you are, if it's only one guard, sir, has to be only at the front counter.

20 Right.---And basically the job is customer service and checking the books like, when someone go out, beep beep, stop, open your bag and all these things.

Okay.---So that person really couldn't even, the, the position was, if the guard need to go for toilet, like toilet maybe like, when I say just toilet, quick toilet, probably could ask one of the librarian staff, but if the guard would go half an hour break he would have to send from the core roster just to be there for half an hour. Apparently you couldn't leave this place at all.

Okay. Thank you. Commissioner, I note the time. I still have some material to go through with Mr Balicevac.

30 THE COMMISSIONER: We're going to have to get you back unfortunately. I know, I'm sorry.---No, that's okay, sir.

You've been very helpful. You might be able to help me with this. ---Sir – yeah, of course, of course, I apologise.

You, you mentioned that Daryl and Frank were doing the same thing as you were doing from time to time.---Yeah.

40 Remember that evidence?---Yes.

They were putting in fraudulent claims. Who else was doing it?---Team leaders - - -

Who else was part of this, part of this scheme?---I don't want to, to put anyone in problem, sir, but I will say, I mean I - - -

You must answer the question.---Amyna Huda, which is a team leader.

Yeah.---Gol Amiri, he's a team leader, George Boutros, Mina Boutros, and who is another team leader, Frank Lu, George Boutros, Mina Boutros, Amyna Huda.

Kerem?---Kerem Akkan, sorry. Well, he, he left two months ago.

Okay. What about Ben?---And Ben Pfitzner, yes.

Ben who?---Ben Pfitzner.

10

Okay. And, and did any of the people within SIG such as Maggie and Lynn, did they get anything for doing this?---I will, look, sir, they always used to change these people. There was a Summer person then, whose name was Summer, then they got Maggie, then they got Linda, as far as I know, they got Amy.

Yeah.---At the end they just sort of, it was like a turnover, sir.

20

But to your knowledge were they being paid money for doing what they were doing?---I, I would agree so.

You think they were?---Yeah.

Do you know how much they were getting?---I don't know, sir. I don't want to say something if I don't know.

No, that's okay. But how do you know they were getting money?---'Cause they, for, for fraudulent thing or in general?

30

Yes, yes.---They basically told by Tommy you have to do this, this is what you need to supply the names and, and probably to not talk around, give you something. I did remember them saying, because they got a, I don't think so they have a right to work here, sir.

Ah, okay.---Okay. Then I don't think so Tommy used to pay them much, I'll be honest, because - - -

40

So they're on student visas and things like that?---Student visa or, I don't know, but they, they were not permanent residents or something, and I believe if you're talking about money, wasn't that big, sir.

Okay. All right. Well, I'm going to let you go but you are going to have to come back, so you're not discharged from your summons. That means your summons still binds you to return when we ask you to come back. We'll try and fit in with the witnesses' convenience of course.

MR BAINE: Of course, Commissioner.

THE COMMISSIONER: So that we don't put you out.

MR BAIN: We'll also have to deal with the phone of Mr Balicevac.

THE WITNESS: Sir, look, I'm - - -

THE COMMISSIONER: You need your phone, don't you?---I'm happy to just get everything, you know what I mean, but please give me phone, you know what I mean. I have, what, I will put my, my, my, I'm happy to cooperate with you guys but please, I need, the reason is I need phone and I'm not saying I'm upset but I ask university why you guys didn't get sample from my computer.

Ah [REDACTED] and I ask uni can I have this and no one actually was willing to help me with this, sir, and I had to send him there, he left 15 days ago.

20 Okay.---So taking phone from me, sir, it's - I'm happy to give you do backup, do everything. All that I'm saying, I'm admitting everything, sir.

All right. I thank you very much for that. Do we have any idea how long it would take?

MR BAIN: Commissioner, the position is that the forensic team are at home or they have left for the day.

30 THE COMMISSIONER: Have they.

MR BAIN: So it wouldn't be able to be performed.

THE WITNESS: If I knew it I would give, I would, when I talk to Leonie I could bring you the phone straightaway, sir, if I knew it like, when I received call, just - - -

THE COMMISSIONER: Yes. But you can understand from our point of view we have, have to be very careful.---Yeah.

40 So could the phone be returned on Monday?

MR BAIN: Perhaps, Commissioner, we'll, would it be best if we adjourned, had a discussion about what the best course is and then inform Mr Balicevac as to our decision?

THE COMMISSIONER: Yes, that's fine. And can you just let me know what, what it is, because I don't, I don't want to put him out, Mr Balicevac

out any further than we have to, he's been very helpful this afternoon, and -  
- -?---Please, sir, if I can have phone. I don't want to delete nothing.

Yeah, but you're not going to get it over the weekend. I'm sorry about that,  
but I can't allow that.---Okay.

But, because the staff who want to look at it aren't here this afternoon, but  
we'll try and get it back to you first thing. These two will make some  
inquiries and see how we can get it back to you at the earliest opportunity.  
10 Where do you live, by the way?---I live out west, sir, in [REDACTED] sir.

Yes, oh, do you.---I need one hour to come back here.

No, well, we may be able to make arrangements for it to be delivered to  
you, couriered out to you or something like that. But you work in the  
university, don't you?---Yeah, I'm here. I will, I will be here on Monday,  
sir.

Oh, okay.---Yeah.  
20

And when you say here, at the university?---I mean at Camperdown.  
Darlington, Darlington, sorry.

Okay.---If I knew I could bring you phone very earlier just do what you  
have to do, sir, like. I got my dad to speak with and I need Viber.

MR BAINE: We'll make inquiries with the forensics team as to an  
estimate, Commissioner.

30 THE COMMISSIONER: And we'll let you know. And can I see you both  
when you get a chance. Yes. Okay. Thank you.

I'll adjourn and we'll talk again soon. Thank you.

**THE WITNESS STOOD DOWN [4.48pm]**

40 **AT 4.48PM THE MATTER WAS ADJOURNED ACCORDINGLY [4.48pm]**