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COMPULSORY  
EXAMINATION

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INDEPENDENT COMMISSION AGAINST CORRUPTION

STEPHEN RUSHTON SC  
COMMISSIONER

COMPULSORY EXAMINATION

OPERATION GERDA

Reference: Operation Gerda E17/0445

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 20 JUNE, 2018

AT 10.30AM

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

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

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THE COMMISSIONER: Mr Balicevac, I'm proposing to make some directions as I did on the last occasion and I'm also going to make the declaration I made on the last occasion under section 38 to give you some protection. That is, you might recall that the effect of me making that declaration will be that you must still answer the questions or produce any item I ask you to produce but your answer or the item produced can't be used against you in any civil or criminal proceedings subject to the exception I explained to you on the last occasion that if you tell us untruths, that is, you give false or misleading evidence - - -

10

MR BALICEVAC: I understand.

THE COMMISSIONER: - - - then that evidence can be used against you in a prosecution and the penalty as I said on the last occasion is severe. It can be a penalty of imprisonment for up to five years. Now, perhaps we can have the witness sworn now if that's suitable. I think you took an affirmation on the last occasion so we'll get you to do that again.

MR BALICEVAC: Okay, sir.

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<EMIR BALICEVAC, affirmed

[10.37am]

10 THE COMMISSIONER: Pursuant to section 31A of the Independent  
Commission Against Corruption Act 1988, I direct that the following  
persons may be present at this compulsory examination, that is, Commission  
officers, including transcription staff, and the witness. I also propose to make  
a further direction under section 112 of the Independent Commission  
Against Corruption Act 1988 restricting the publication of information with  
respect to this compulsory examination. The direction will prevent those  
present today, including the witness, other than Commission officers from  
publishing or communicating information relevant to this compulsory  
examination. It will permit Commission officers to publish or communicate  
information for statutory purposes or pursuant to any further order made by  
the Commission. The direction may be varied or lifted by the Commission  
without notification if the Commission is satisfied that it is necessary or  
desirable to do so in the public interest. It is a criminal offence for any  
person to contravene a section 112 direction, and I think I explained to you  
on the last occasion that what occurs here stays here, that is, you don't go  
20 and discuss your evidence with anyone. Do you understand that?---Yes, sir.

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

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

THE COMMISSIONER: I also declare pursuant to section 38 of the  
Independent Commission Against Corruption Act 1988 that all answers  
given by this witness and all documents and things produced by him during

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the course of his evidence at this compulsory examination are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

**I ALSO DECLARE PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT 1988 THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY HIM DURING THE COURSE OF HIS EVIDENCE AT THIS COMPULSORY EXAMINATION ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

THE COMMISSIONER: Just excuse me for one moment. Sir, it has been brought to my attention that somebody outside the Commission restored your phone, the one that you provided to us on the last occasion, to its factory settings, that is, somebody used your Apple credentials, your user name and password to in effect delete material from the phone. In a moment I am going to direct you to provide your Apple credentials to me. And that will have three benefits. First, it will enable your phone to be restored to the condition it was in before someone used your Apple credentials to wipe it; second, it will enable the Commission to find out who used your Apple credentials to wipe the phone and why; and third, it will allow Commission officers to view material on your phone which had not been reviewed when somebody outside this Commission decided to delete the material on your phone. Associate, could you give the witness a piece of paper and a pen and I want you to write on that your Apple credentials, please. In fact, I direct you to do so pursuant to section 35(2) and section 19 of the Independent Commission Against Corruption Act 1988. There is no need to ten – there is no need to tender that as an exhibit. What we do is just make some inquiries using those details and then the bit of paper can be, can be given back to the witness. So can we provide that to you now?

MR BAINE: Thank you, Commissioner. If I could take that information.

THE COMMISSIONER: Thank you. For the purpose of the record, could you please state your full name and occupation.---Emir Balicevac. Security officer, team leader at Sydney Uni.

Thank you very much. Yes, Mr Baine.

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MR BAINE: Thank you, Commissioner. And just for the record the position is that the phone was produced to the Commission on Friday afternoon under a section 35 order and Mr Balicevac was told that the phone would be ready on Monday but owing to the large amount of data that was on the phone, the phone was unable to be produced on the Monday - - -

10 THE COMMISSIONER: Right. - - -and the phone was completing its download over on Monday night and when Commission officers arrived on Tuesday morning the download was complete; however, there were some items that had to be accessed. I failed to mention that while the phone was being downloaded it was in aeroplane mode - - -

Right. - - - so it didn't have access to any Internet and once the phone had completed its download the Commission officers activated the aeroplane mode and in doing so activated the Internet. It was at that point that it became apparent that data had been lost from the phone and it underwent what has been described as the factory reset process.

20 THE COMMISSIONER: That was done remotely if I understand it.

MR BAINE: I understand that to be the case, Commissioner, yes. So we were very concerned about that but as far as all of the data that was on Mr Balicevac phone it has been preserved and it's all on the system but for those few emails that we had to download using the Internet - - -

THE COMMISSIONER: Yep. - - - and were unable to do so, but all other data has been preserved and is in the Commission's possession.

30 : All right. Do you currently have a phone that you're using?---No, sir, I don't have any phone. I don't have, since you confiscated my phone I don't have any.

I didn't confiscate it, sir. I directed you to produce it.---Well - - -

It's not, it's not confiscated. You'll get it back. Are you, are you telling me that you do not have a phone?---No, sir. I definitely don't. You can do a search.

40 Okay. We will um, if you can just give me some indication at some point how long it will take, I assume it won't take that long. No.

MR BAINE: I, I understand that it won't take that long.

THE WITNESS: If all data is taken what's the reason I can't have my phone?

THE COMMISSIONER: For the very reason I just explained to you, sir - - -Yeah. - - - That somebody remotely tried to delete material on it. We want

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to find out who that was, why it was and what material that hasn't been reviewed may be relevant that can be restored.---Okay.

Thank you.

MR BAINE: Mr Balicevac, did you remotely access your iTunes account over the weekend?---I don't have, remotely? No.

10 Do you know if anyone interfered with your - - -?---I can ask my wife because if she was calling me on the Friday, usually always my phone is on. I can ask her if she did. I didn't.

Thank you. Mr Balicevac, you will recall we were looking at some documents on Friday. Could I ask that the bundle of material be provided to the witness. Thank you very much. And would you mind opening to tab 4. ---Yes.

20 Thank you. Now, I would like to ask you some questions about the hours that were claimed at points over the last two years. You will see that the first document is dated 11 September, 2016 and it's an email from you to lyn@sinternationalgroup. That's the covering page. You'll see that the second page of the email is the time sheet. Do you recognise the format of this document?---Yes.

And is this what you would describe as a personal time sheet?---Well, this time sheet is not as, as the other ones like usually they are now but yes, this is for me a time sheet. I'm not saying it's from someone else.

30 No, no, no, I understand but would, do you understand that administrative staff at SIG might refer to this document as a personal time sheet because it has been sent by you personally?---Yeah.

And you will see that in this week it is claimed by you that 241 hours of work were performed.---Yes.

Do you believe that to be an accurate reflection of the work that you performed that week?---No.

40 And can you explain to the Commission how it is that 241 hours were performed by you on this week?---Okay. There is, how to explain is I will definitely, you say there was no, they, look, when they say three guards probably there was not three guards but am I was there? I will agree I was there, there's let's say talking 17 to 7 .This is, this is to do with Kirkbride, Rozelle, in Balmain campus when I mentioned last time when the, what do you call, when the students occupied the dean's office. Yes, this, I can't say there was no guards because, how to say, I might be crazy but I have some common sense too, so the guard to not be there and just leave whole place unattended I'm sorry ,I, I have to disagree. But if, if I - - -

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THE COMMISSIONER: But you'd, you'd agree with this wouldn't you that - -?---If I was there, I was there but still I'm saying yes, it's true, three guards wasn't there.

And, and you certainly didn't work 241.75 hours did you?---No. The reason is if I was there let's say and Frank was there, sir, just for example - - -Yep. - - - so obviously one guard was down. - - - Yep.

10 MR BAINE: So on the Saturday, and I have some questions about the Saturday for you - - - Yes. - - - you will see that four and a half hours were worked between 6.00am and 3.00pm and then 24 hours were worked between 6.00am and 6.00pm, then four hours were worked between 9.00am and 5.00pm, 21 hours were worked between 5.00pm and 7.00am, two hours were worked between 5.00pm and 7.00, I beg your pardon, 9.00pm and between 6.30pm and 5.00am five and a half hours or five and a quarter hours were worked for a total of 60.75 hours on that Saturday. So ordinarily, Mr Balicevac, which of these hours would you have actually performed?---One of them is Kirkbride.

20

Now, you've indicated that that was the Rozelle Campus of the University of Sydney.---Yes.

So, if you were at the Rozelle Campus of the University of Sydney, it would not be possible for you to be performing, for example, the H10 power shutdown, if that was at the University of Sydney, most certainly the Fisher Library hours because that is at the University of Sydney main campus. The, I'm not, where is Mallet Street?---It, it's on the campus but not, I would say it's down the road towards Annandale.

30

So, is Mallet Street actually in, near the Rozelle Campus as opposed to the Sydney University main campus?---Look, Rozelle Campus is one which is more out than all of, than the main campus which is, it's more out than other, other campuses but what I would say to you is this is not achievable. It's, it's clear it is, I cannot do on my own. That's impossible. I agree with this but to get this H10 power shutdown, obviously one of the guards will go and do it.

40 At what campus was the H10 power shutdown performed?---It's an institute building. It's next to the Darlington Campus.

Okay. So, if you were at Kirkbride, being the Rozelle Campus, all of these other shifts that were claimed for could not have been performed, could they because you were located at Rozelle on that day?---That's right, sir. But to give some explanation about this, there is some jobs and even today happening, like on the uni. They just sometimes need, I will explain few things. There is few jobs, like a campus assist. Campus assist charging \$86 an hour, okay? What they do, they just need to open up the building and

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close the building at the end of the day and they are paid these hours like, doesn't, doesn't matter what they didn't do nothing, they are still paid 10 hours. Like, like a lecture rooms, that is other times sheets, you might find a lecture rooms, just open up three doors and whatever reason, they says, "Oh, this is \$86. Security is charging us \$35." And uni would say they need someone to work, we rather give someone \$35 than \$86. And this is happen on many occasions, sir. This is not one, one-off. Like, there is, in each precinct, we have five precinct on campus. I could go, let's say, go open up two buildings in my precinct, go on precinct three, open up two buildings, create 20 hours. If you, look, I'm not trying to, don't get me wrong, I'm trying to hide things, I'm trying to say things truly what it is. Like, Campus Assist like, why they cut down Campus Assist. There was Campus Assist officers.

What is Campus Assist?---Campus Assist, they are, they used to be called building attendant thenthey changed into the Campus Assist. So, there is like, five-six person over the campus.

Were they employed by the university?---Yeah, yeah, yeah. Like, university staff but they would deliver mails, open up lecture rooms, like small bits and pieces. They don't have, they don't open like, PABX rooms and roofs and all that things but, and walking around let's say student ask them, "Oh, where is this building?" as they walking, assisting and what they used to do, they would do let's say, they will come and open up two, three lecture rooms. Like, there is five persons, I can say, let's say there is H69, which is economics building and they would organise one Campus Assist and that Campus Assist would work twelve hours. Second Campus Assist, which is, I'm talking like, three, 400 metres down the road, opening up another building. What's, what's the opening, it's only three-four doors - - -

THE COMMISSIONER: Hmm, hmm. - - - and open three or four doors, you are free for a day. I can go now, go have a coffee, go have a lunch, go basically anything. Come back 6.00pm, lock up and do this and how many times they actually use us as a security. They probably wouldn't come back, security go lock it up for us. Then they realise \$86 is overkill, how about we use now security, \$33, they can go open up the doors, two-three doors. If we have to pay \$86 anyway, why we can't use security on \$34?

MR BAINE: But did they, sorry Commissioner.

THE COMMISSIONER: But if you look at the entries for that Saturday, on that sheet, you're not suggesting there's a Campus Assist in there, are you? ---Oh, no, no, no, no. This is not Campus Assist, sir, but I am giving, sir, example.

Yeah. - - - How things are run at the Sydney Uni

Okay. - - -and I, I, I am happy to prove this.

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Yeah, that's okay.---I'm not saying that this is, this is right, it's not right. I know this.

MR BAINE: All right, I'll ask you some questions about this Saturday though. - - - Yes sir.

10 So, the first one is that you're seeing this time sheet and I will show you some further timesheets that Saturday and Sunday are days where there is an extraordinary amount of hours that have been claimed. - - -Yes.

20 Why was the weekend such a fruitful time to make these claims?---Okay, I will explain. During the, the week, obviously it's less than during the weekend, sir. The reason is, on the weekend there is a lot of work happening. There is a lot of lectures happening like, classes. Contractors cannot do jobs during the week, due to disturbance, making a noise all those sort of things. So, during the week is limited. During weekend, a lot of works happening, like, when I say from the contractors, from the contractors, from the like a, lectures, events as well. I, that, how do, all, all, all the types.

30 So, if we went through each of these shifts, this H10 power shutdown, in your experience, if you were at the university performing that task, how long, approximately, would that actually take to complete?---Depends. As I say, I cannot remember about particular what was power shutdown. There is power shutdown and the whole building is down and there is a power shutdown when they say power shutdown as they doing RCD testings. RCD testings, you basically just open, open them up two-three doors and you are done.

Right. So, a nine hour shift for power shutdown was able to be claimed, why? How was it that the university approved the payment of nine hour shifts for work that would take possibly as little as half an hour?---As I explained before, sir, Campus Assist, like for example, they been doing this for years. They been doing this for years. They, they come, open up two-three doors and sit, go wander around, do whatever you want.

40 THE COMMISSIONER: They're university employees, are they?---Yes, sir.

But what's been claimed here is not amounts by university employees, this is - - -?---Yeah, yeah. Honour, I agree, it's not done by university but I'm, he trying to explain, he asking me why this was done from 6.00am to 1500 - - - Yeah. - - - and I am trying to explain what it is. You go sometimes, open up two, two-three doors, you are done.

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But this, this doesn't refer to Campus Assist. This is mainly claimed by you and Ben.---But it's not refer to Campus Assist but I am trying, I am saying this is how at university things running.

10 MR BAINE: I see. But if Campus Assist was performing this task at the same time, there'd be duplication of that work, wouldn't there?---Yeah, yeah, yeah, that's right but this is the reason they moved the Campus Assist because the cost of \$86 compare \$33 that's, yes, that's why Campus Assist hours in the last maybe a year, because we doing unlock and lockup for them, has decreased.

So the Campus, Campus Assist still functions at the university?---Yes, that's right but with, with very limited overtime. Like, if you have a look in some time sheets or, or, or things, I don't know what you have as a documentation, 6.00am, to 10.00am, which is a four hours, they are not doing this anymore. They used to do this, they used to come 5.00-6.00 in the morning and they will be on some astronomical penalty rates.

20 So do you think that in the last few years, particularly the last year, there are less security guards patrolling the university than when you go back to say 2015?---Comparing 2015 and 2018, probably so-so, yes.

And has the reduction in the work that Campus Assist has been allocated to corresponded with an increase in SIG employees or is it just that more claiming for hours has taken place as the staff have been reduced?---If you do talk let's say unlock guards, which is six plus one, we have to use this, this amount of guards on, for, to unlock, to unlock the university. If there is no guards you can't unlock – I'm saying, saying in certain areas, yes, in certain areas, no.

30 So how many buildings would one guard be allocated to unlock each day? ---It's, it's divided in precinct areas.

Yes.---Probably five, seven buildings, but again that was a five plus one which was SIG guards and comparing 13, 14 which was Campus Assist in the past. So this is huge difference. They had 14 people to unlock this uni and we had six people to unlock the uni.

40 How long would it actually take to unlock the university?---Two, two hours.

Both in the morning and in the evening?---In the evening lockup would take two, two, two and a half hours, depends how you want to go. If you get trained and you want to pick up the speed you can, you can lock up in really short period.

Do you know why these hours were not part of the SNP University of Sydney contract?---This came, sir, this came as the, after the contract got signed, this lockup and unlock. This didn't come before the contract got

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signed. Whatever reason, I don't know, like why. There, there was Campus Assist many times complaining about this, what do you call, expenses, university, because if you ask university there is at least seven, eight Campus Assist officers were over 200,000 a year. And that's why they were looking to actually put this down. One of them I can say, Dennis Huang, he was apparently on 240,000 a year, as a Campus Assist.

What was his name?---Dennis Huang.

10 H-u-a-n-g?---Something like this, sir, or H-a, something, I'm not sure. Then when the hours got down, I don't know, he ended up calling Industrial Relations, or I'm not really sure what was, sir, but university have, should have the story what's happened to him, and a lot of other Campus Assist officers, they, they complain, youse guys taking the jobs, 'cause I can say, I will agree, sir, there was faults with us, but also university were in some faults too. I can say they are victim, yes, I will agree, but in other hand they had like, it's not my fault they were paying the guards, they were paying their staff this much.

20 THE COMMISSIONER: Can I ask you this. These Campus Assist guards, were they required to fill out time sheets, do you know?---It's a, it's a uni, sir, I really don't know.

You don't know.---Don't know.

MR BAINE: And were there requests for services that were issued in relation to these unlocking guards?---Sorry, again, what, Campus Assist?

30 Did the university issue requests for services documentation to SNP to perform tasks like unlocking?---Yes. We, when we got the guards in they obviously had to do some training. Campus Assist refused a lot of training to give to us because in one hand I understand, you're taking my job, why I have to train you, but yes, they send us, they gave us what Campus Assist was doing, this is five precincts. Precincts one, they've been doing this, precinct two, they've been doing this, and this is the documentation.

Have you seen the request for services document that I'm referring to?  
---For lockup you mean and unlock?

40 Any request that was issued by the university would typically go through a paper process and one of those documents was called a Request for Services. Are you familiar with that document?---Request for Services. For, are you talking in general, sir?

Yes.---If you're talking general there is a, I'm happy to provide you on the online thing what uni used to do. Like example, there is a wedding going on, just for example, they would put service request through – I apologise. They would put service request through, like put on, what do you call, on

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the Campus Assist which is a service request website on Sydney Uni. We'd receive this. Depends what it is. They will come, example, say Great Hall for wedding preparation, I need someone to open up the door, be with them 10, 15 minutes, it's a minimum four hours. This happened, sir.

I understand. So through that portal all additional requests were - - -?---And you - - -

- - - identified.---Yes.

10

And then SNP would then request from SIG additional guards. Is that correct?---Yes.

And - - -?---There is RFS, called RFS. Myself or Daryl or even one of the team leaders, because sometimes if I'm not there or something they had access. So Kerem had the access on the service request website, he would go in, oh, yeah, fill out the RFS thing, send to SNP.

20

And once – do you mean SIG or - - -?---No, no, SNP.

Okay. And once SNP had received the RFS document - - -?---Ah hmm.

- - - Daryl or you would then contact SIG?---In some occasions, in some occasions where SNP contacting them direct. What was, one stage I was putting this RFS and SNP actually called me in in the office because they were paying – in RFS you have to put hour, rate, date, time, request, like it's a basically a small notebook.

30

I understand.---Fill these things, and I used to send all of them in one and they basically called me in, they're saying, you cannot do this, you first send to us, then you can send them just description, you don't send them what we get paid, that's totally our business. Then I says, "Okay." And I would send to SNP first, email, then take this RF, then resend to these people to be able, let's say there is a graduation, there is like a, like a big thing, senate meeting, then I would send to both bodies, then what SNP would do, they would still make a contact with them, we need to cover this, we need to cover this, and whatever is required on the, on the, on the RFS.

40

Would those RFS doc, would those request for additional services be performed by you and Frank and Aamir and others who were claiming under assumed names or would they actually be performed by legitimate guards?---Again, sir, I will say on and off. Like on some occasions, depends what it is. Say I need 20, there is protest, 20 guards. I can't copy myself in 20 bodies, you know what I mean, but like in 20 guards, when I actually, when we have like information day, because as I mentioned before, we couldn't, myself and Daryl and all SNP guards, they had to, they've been forced to do overtime through SIG. You don't want overtime for SIG,

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look somewhere else. So we would, we would use different name to be, to cover these shifts.

Thank you.---Put, put this way, Anthony, again, I'm not escaping the, the, the, the guilt, you know, I'm not running away from this, but if I was working, put it, if SNP was doing right with us, we would, I would be on 35, \$40 an hour on my overtime, so I need to do two shifts for SIG to be able to catch up what I would get in one shift through, through SNP. If you put in the, in the logistical way. And you go now to SNP, ask how many people done overtime through, through SNP. I can say in two years maybe 2 per cent was overtime through SNP. Rest everything SIG. And how many guards come to, to, to us, "I don't know what do to, I want overtime." Okay, speak to SIG, Tommy. Tommy used to get from us, you can ask even Frank, \$300. I only made mistake by actually allowing him to, he could take, I should say, take from my money but what he was, what I now worked out, he was getting \$300 because apparently he saying I am underpaid with \$24.80, I am underpaid, can you, "I need you guys work, make sure there is no complaints. Cover everything, run everything." \$300 plus how many hours, if I work let's say 50 hours, let's say, or 100 hours, I will have to give him plus \$100, \$100. And he would say, "Oh, I will come every month and pick it up." I said, "Tommy, your girls can do it." "No, no, no. I will do it." And now I am realising, this whole now looking, I actually took whole bits of me? (not transcribable). They were saying I can't, I can't run and if I did, and I'm looking, if you don't give him, we won't have a job, he won't be able to run either. So, it's, it's that much complicated. University knew that he is getting actually this money. What university will say, we, we have nothing to do with this. In my personal belief they still should have some say, say, "Hey, this is not right."

30 I'll return to Mr Sirour shortly.---Oh, sorry, sir. Yeah.

That's fine. I just want to ask you some final questions about this personal time sheet. - - - Yes.

Do you see on the Monday, between 6.00pm and 10.00pm, there is a lockup shift that was allegedly performed by Yahiya - - -Yeah

Where you claimed two hours and Daryl claimed two hours - - - Yes.

40 And then on Tuesday there is a four hour shift between 7.00am and 11.00am, where AV access was provided and you claimed for four hours of that shift. - - - Hmm, hmm.

And then there's another two/two division between you and Daryl on Tuesday. - - -Hmm, hmm.

Then you'll see on the Wednesday, there's something similar and again - - - ?---Thursday.

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I beg your pardon, on both Wednesday but also Thursday too - - -Yes.

There is this two/two division. So, these lockup shifts, were they always four hour shifts?---Yes. And they could be performed in, depends of your speed, Anthony. I can say, I've been 10 years at the Sydney Uni. I can speed up in, ask me about one precinct, if I am rest, in half an hour, forty five minutes, I can close one precinct. But I have to, not going as a snail, I'm talking running.

10

And never in your experience, I withdraw that. In your experience, would lockup functions actually fail to be performed?---I, it never failed.

So, you always locked up the university?---Hundred per cent. Compared, I will com, when we talking about this, we can compare what's happened now, Multiworks came and we can happen to look, how many complaints, various complaints, and they were on-site all the time, how many complaints they receive in this two months, how long this happened, and how many complaints happen in this two years. Because these complaints, usually, I cannot say, "Oh, please, don't make complaint," I can't do it because professor come, if he find actually his lab is unlocked, obviously he going to lose the plot and in this two months period, comparing two years, there is more complaints have arrived in last two months than in two years and I can confirm this.

20

So, when we look at this shift, this two hours performed by you, two hours performed by Daryl for unlocking, you actually performed approximately 45 minutes of work and claimed for two hours? Is that correct?---What, it's true. What it is - - -

30

And did Daryl also perform the work when his name is listed, for example, here on the time sheet or did someone else perform that work but Daryl claimed for the work?---In some occasions, sir, he would maybe work. He, he would, example working Wednesday, for this one, I believe Daryl was the one who was covering. Like, some areas his, let's say, he was more stuck into the meetings, okay? Or he is more stuck into the computers and dealing a lot of things. I would sometimes saying like, this AV for Tuesday, I run down, open up to two doors, four hours, and he would say sometimes, "Oh, Emir, you help me here. You, you cover me on this occasions. It's your four hours." He would say something but sometimes, yes, I sometimes cover something and he doesn't perform, he would get four hours. Like, I mean, sorry, his share.

40

So, you've identified what lockup work was. When we look at descriptions on this time sheet and we see, for example, "Access AV," that's also a lockup or unlocking task, is it?---Open two doors, sir.

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Okay, thank you. And when we look on Monday and we see, "Accesses," what does that work typically involve, considering that it's a 10 hour shift?--  
--Accesses, I would like to think, to be honest with you, sir, I would love to think which building we talking in general, and if say, "Accesses," what I could see, what, I'm just trying to determine what possibly happen. Kerem that would be working at night, he would open up the buildings, let's say open up for whatever this accesses was, and he would go home which takes him probably open up ten doors or fifteen doors, for example. How long will take you, let's say 45 minutes.

10

So, it's also an unlocking description possibly?---But - this is something else. Like, I don't know what it is but it's definitely not as regular unlocking the campus. This is maybe, "I am a contractor, I need someone to open up all floor for me."

And when you have a description on Sunday of, "Patrol work," what would that typically involve?---Patrol work.

20

Did you use a vehicle for patrol work?---I, you, you have to but you don't have to because we sometimes have the guards smash the car. We sometimes stay without the car for six weeks and you would be on the foot. I'm trying to think what this could be. Patrol team (not transcribable) not quite sure, Anthony. And other thing also, when we talking about Kirkbride, we always had one guard down, down there all the time. And I'm talking not as this, as a core roster, weekends at Kirkbride, the always was 24 hours unless like this was, this was occasion which happened and like, all guards had to like, they required so many guards. But in the core roster, in the contract it's always one guard over there.

■

[REDACTED]

40

[REDACTED]

[REDACTED]

[REDACTED]

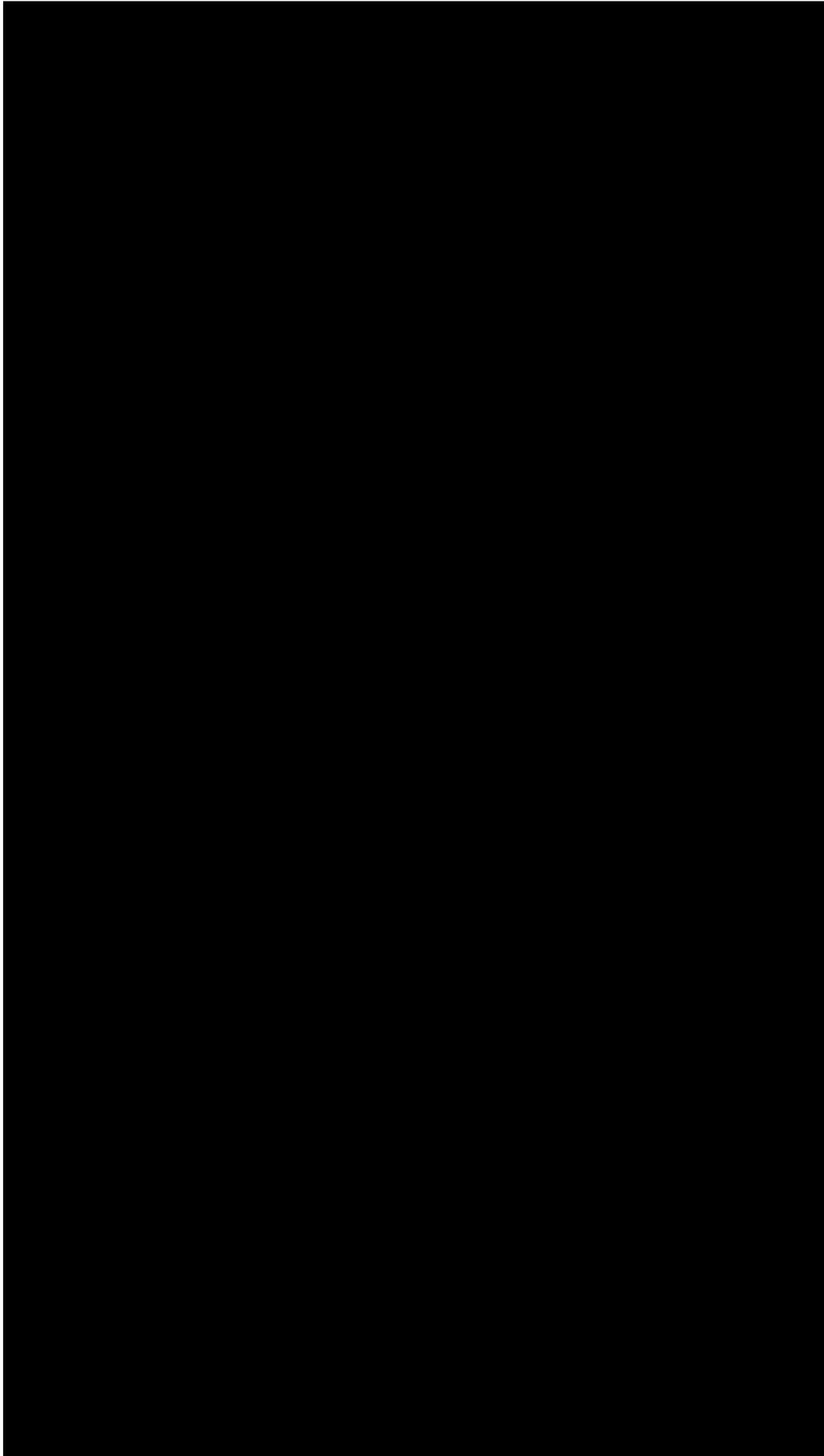
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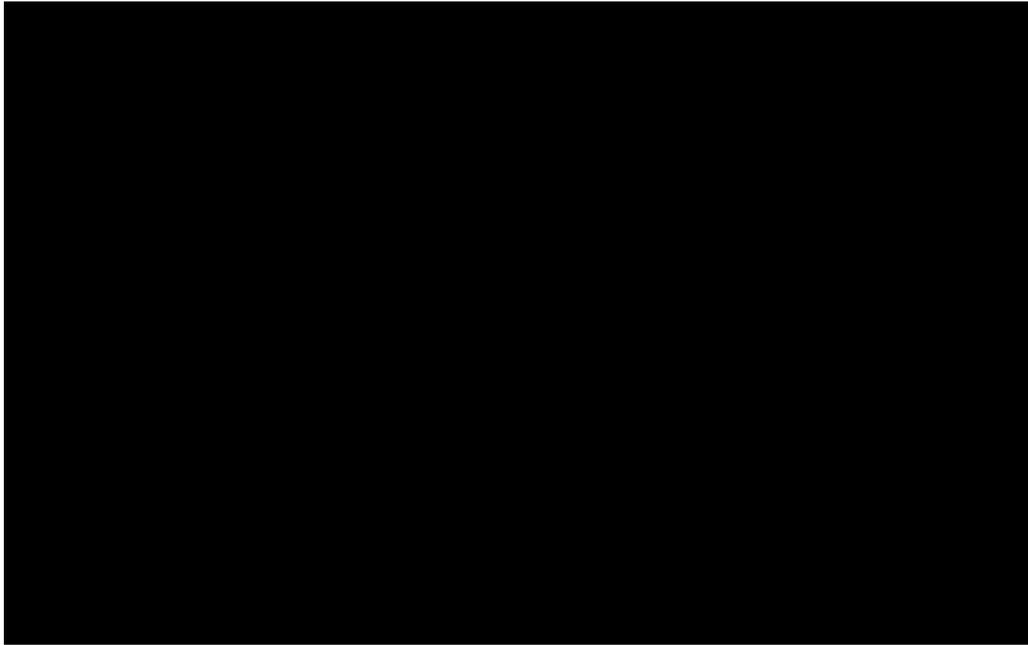
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The performance of tasks like unlocking and locking, were they performed by team leaders and people who were usually working 12-hour shifts?  
---In particular if you do talk let's say 18 to 22, sort of there was like a, where Daryl is mentioned here on these time sheets, like I would be going to let's say Kirkbride, he would do the lockup or unlock. So this what usually happen.

30

All right.---That's why he got his share, to be honest, and again there, in, in other maybe time sheets what you have I would be maybe covering these two, it's not, it was only this, as I says, occasion, but down the track there is, there is sometimes I would, I would doing this lockup, is not, is not only Daryl. As I says, you can't be in one place in five different locations.

40

That's right. So let's have a look at some of these other documents briefly.

THE COMMISSIONER: Before, before we do, this was a time sheet that was sent on 12 September, 2016. Just remind me, who, who was your employer then?

---(No Audible Reply)

Was it SIG or SNP, I just can't remember?---Which date, sorry, again sir?

This, this time sheet that we've just been looking at - - -?---Ah hmm.

- - - was created around the 11th of September, 2016. Who employed you at that point in time?---Ah - - -

Was it SIG or SNP?---2016, I'm just trying to think, sir, 2016, either I was SIG or SNP, I'm not hundred per cent sure to be honest. I would be probably - in December I'm not really sure, in December I signed up, no, December 2016 I signed up with SNP, 15<sup>th</sup> of December.

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Okay. Well - - -?---So I was SIG.

MR BAINE: SNP I think, Mr Balicevac.---Two thousand, two thousand, in December, sir, middle of December I - - -

Was it 15December, 2015 that you commenced at SNP?---Yeah, could be, sir, yes, yes.

10 And so on the 16<sup>th</sup>, sorry on 11<sup>t</sup> September, 2016 you're in all likelihood at SNP.---Yes, yes.

THE COMMISSIONER: And so you, you were submitting your personal time sheet to SNP, I think you were. Is that right?---To SNP?

No, to - - -

MR BAINE: To SIG.

20 THE COMMISSIONER: To SIG, yeah.---Yeah, could be SIG, sir, yes.

And was Daryl employed by SNP at that stage? I think he was, wasn't he? ---Oh, yeah, he'd been working for SNP 13 years.

Yes. And what about Kerem?---Kerem was SNP.

And Ben?---Look, I will be quite honest with you, Ben failed medical and he had to do, re, redo again.

30 Yeah.---So what he became then I really don't know, sir.

What I'm interested in is that you were required to submit a time sheet every week?---To who?

To SIG?---If I have hours, yes, sir.

Well, that's one, that's one of them, isn't it?---Yes.

40 Was Daryl also required to submit a time sheet every week?---Well, yeah, I believe so, yes, sir.

And same for Kerem and Ben?---Yeah, yeah. Every, every, look, sir, I will say maybe 30, 40 guards are in, in, into this.

Into the scheme over over-claiming?---When I say over-claim, look, regarding this, this was over-claiming, sir.

Yes. I'm not saying on all occasions.---Yeah, but yes.

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And you say there were 30 or 40 guards doing the same thing?---Oh, not for over-claiming, sir, not for over-claim, but using different ID.

And why would they be using different ID?---Because there was guards, as I mentioned to you, sir, they would work let's say five days

10 Yep. - - - and six day they would do in case, oh, it's a fatigue management or if I worked seven days, like, you would be super-surprised, there was a guard working 36 hours in one go, and I know this for you will be really hard to think this is impossible, how can you do this. There would be a guard, let's say working 12-hour shift, start at night-shift, work till 12.00 midnight, maybe go for two hours' break, three hours' break, have a rest, continue, or four hours' break, just for example, and continue again next day. This, this happened.

What I'm interested to know though is that if - - -?---Yes.

20 - - - Daryl, Kerem and Ben were required to put in their own time sheets, why do they appear on yours?---I used to, the reason is, like, this is what I knew and what they did, they would plus add their stuff.

So this is - - -?---I definitely never, never claimed theirs hours, this never happened.

30 No, but why do you include Daryl on your time sheet, because, is it because he was going to be paid for eight hours that he didn't do, if you look at the entry?---Sorry, sir. He sometimes say, yeah, put things for me add? up things. I says, "Okay."

Yeah.---And what he did send to them I don't know.

No. But you, you thought you were, you, you understood that you were claiming eight hours for, for Daryl that Daryl hadn't worked. That must be right?---Yeah.

40 Yeah. And then at the bottom you'll see, "Frank will send his time sheet with these hours above."---And plus what he did what I probably don't even know.

But when it says, "frank will send his time sheet with these hours above," were you suggesting that he would send in a time sheet the same as the one that's in front of you?---Frank will send what he got and plus, plus when I say above, plus his additional what he did, like, which I don't know. Like there was some hours they used to work and I don't know because it's impossible to track everything.

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MR BAINÉ: But would you speak to Frank about the hours that he claimed?---I would pass this to, to, to SIG and let's say - - -

But I mean socially or at work would you say to Frank oh, or would he say to you, I had a really busy week this week, I claimed in excess of 100 hours?---He basically didn't want to, he was keep, keeping things down, you know, like.

10 So you don't have much - - -?---Oh, you work 200 hours, 100 hours, 50 hours, we didn't, how do you explain, is not much that we discussed about this, you know, like, he would, oh, I worked this many hours, you know, like I could, like, looking into this table I, I had a rough idea what he did, but what he did additional then I really even didn't care, to be honest.

THE COMMISSIONER: But what do you mean, additional?---When I say additional, about plus his additional hours what he did. Like um, like, I meant what he did that I don't know. If this makes sense, like.

20 What seems to make sense it that this document records in a number of entries work that Frank didn't do. Is that right?---Look, this, as I said, 17 to 7, we, I want to be honest, there was like some, I've got to say we didn't. In this occasion, we had to be there. You, you, you can't just go home, sleep and get 12 hours for nothing.

No, no, but whatever way we look at it, there's no way in the world you could have worked 241.75 hours.---Yes, that's right, but I would say Monday, Tuesday, let's say Wednesday, Thursday, all this, like 17 to 7, we would have to be there, but like because it's a three guards, definitely there was no three guards.

30 I may be wrong in this, but I think when you, you add up all the hours, including the hours worked by Frank, or sorry, the hours that are recorded against Frank's name, all the hours on this page add up to 241.75. Why were you claiming hours that were attributed to Frank?---No, I didn't claim his hours, sir.

Okay.---I def-., I definitely, like, I'm happy call him and have a think, if I would, I can say to you he wouldn't be happy.

40 No, no.---If you say I am there and you want to take my hours, like, obviously he won't, he won't let me happen, do this.

MR BAINÉ: Well, I might ask you to just have a look at the following documents. I'll rush through them. This next one was sent on the 18<sup>th</sup> of September, 2016. That mobile telephone number down the bottom I think you have confirmed is your own. You can turn to the next page and you can see that 241 hours and 75, or three-quarters were claimed, however there's a follow-up email on the next page where you say, "Please disregard the

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previous email, it was a mistake.” And on that same day, being the 18<sup>th</sup> of September, 2016, you then send your actual time sheet for that week and you will see that 222 hours were claimed.---Ah hmm.

And once again, Saturday and Sunday were the most active. On Saturday there were 51 hours that were claimed. Do you see that?---Saturday and Sunday, yes, sir.

10 And take it from me that if you add up Sunday you’ll get to 41 hours. And then I’ll ask you to turn to the next document which is 25September, 2016.--  
-Ah hmm.

And then if you turn to the next page and turn to the page that follows you’ll see that 209 hours were claimed during that week.---Yes.

Do you agree with that?---Yes.

20 And if you turn to the next document, on 21 November, 2016 - - -?  
---218.

I, yes, that’s right, you see 218. I’m sure you might appreciate the irony, Mr Balicevac, in the comment, “I think the hours are correct,” on the email on 21 November, 2016.---Yeah.

But 218 hours were claimed there. And this is obviously 218 hours on top of the hours that you legitimately worked for SNP. Is that correct?---For SNP?

30 Yes.---No, on SNP I was only done eight hours, sir.

But you were working. How many hours would you typically work for SNP?---Eight hours.

Eight hours.---Yes, during the day.

And how many shifts per week would you approximately have, five?  
---Oh, look, I will say this was occasion what’s have happened in this time.  
I was doing - - -

40 Do you think it happened more frequently though than occasions?---This was a big thing, this was, at that time was big.

THE COMMISSIONER: It was common, wasn’t it?---Yeah. Well, it was – I will be honest with you, sir, this was 60-something days occupation of the, of the whole area, and - - -

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MR BAINE: What does that mean?---Of the Kirkbride Campus. Not whole campus but I'm saying this building, this was 60-something days occupation of the, of the, of the, of this dean's office.

Do you mean to say students occupied the dean's office - - -?---Yes.

- - - for 60 days?---60-something or 66 days.

Right.---I'm not, uni should have this quite right figures.

10

Yeah. But in any event, you were working how many days for SNP per week approximately at this time, or how many shifts for SNP?---No, it's, I, I can't, I can't remember that I worked for, for SNP as, do you mean all that time or you're talking as regular?

I mean regular.---It's 40 hours regular, sir.

40 hours regular. So you - - -?---Or 38, whatever they call it.

20 So on that mathematics you would be working 40 hours for SNP each week - - -?---Ah hmm.

- - - and then you would be on top of that claiming for example 218 hours. ---Yes, sir.

For a total of approximately 260 hours.---Yeah.

THE COMMISSIONER: What rate were you on at that time?---I think he used to pay us \$20, sir.

30

\$20 an hour?---Yeah.

MR BAINE: So can I just - - -

THE COMMISSIONER: Just hang on a sec.

MR BAINE: Of course.

40 THE COMMISSIONER: That means in that particular week you were paid \$5,360. Yes?---Something around that, sir.

Okay. Just one other question on this too. You'll see that Daryl's name is mentioned on a number of occasions, but he's not recorded down the bottom of the page as he was in that earlier document. Why is that?---Which one is this, sir?

The one that's on the screen.---Yes.

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You'll see references to Daryl?---Yeah.

“Daryl, two hours, Daryl, two point five hours,” and all that, but his name is not down the bottom of your time sheet as it was in that earlier one. Is there a reason for that?---Not really, sir, to be honest, like. Scroll down, maybe there is a second page. There is no, definitely there is, I just put him - - -

Yeah.---?- - - and they would sort it out with him.

10 Okay.---And whatever hours he had, he would be talking to them.

Okay.

MR BAINE: So, Mr Balicevac, who would email the site time sheet to SIG each week?---It would be me, it would be Frank, it would be Daryl. Us three, one of us.

And what would happen with the original site time sheet?---Original?

20 Yes, the hard copy, the original copy.---They were placed on the shelf, sir.

So they would be at the university?---Look, sir, I really don't know what happened with the time sheet. I came back, there was definitely from January to, from January, definitely from January last year there was all time sheets on this shelf. How they disappeared, I don't know. When I, I was on holiday when you, when you, when you attended the Sydney Uni.

THE COMMISSIONER: Okay.---I wasn't there.

30 But you found out about it.---When I, when I came back. Yes, I came, I firstly didn't know who's ICAC, I says, they explained to me, I says, “What they do,” I says, “They are independent government body.” But I thought youse guys took these time sheets. Did you?

I don't know the answer to that.

MR BAINE: Yes, I don't know the answer to that, Commissioner. The instruction is we do have them.---Oh, okay, it's with you then.

40 But they would be, but the, the question is more directed to on a weekly practice the time sheets would be stored at the university after you had sent them to SIG electronically.---Yeah, they were on the shelf, yes.

On the shelf. And in relation to the personal time sheets, being these time sheets that we've been looking at here - - -?---Ah hmm.

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- - - you would either email them to SNG [sic] or would you SMS them to SIG from time to time?---It was all sort of difference, Anthony. There would be SMS, there would be email.

What about social media, would you use Viber or WhatsApp or WeChat?  
---I don't think, I don't think so I use Viber and WhatsApp as the time sheet to send. To be honest I can't recall. It's more, I could say message I think than, or email.

10 All right. And once SIG had your personal time sheet and the site time sheet, SIG admin staff would then review those time sheets to make sure that there was no conflicts. True or false?---Truth.

And SIG would then send the finalised time sheet to SNP. Correct?  
---No, no, no, no, no. No. SIG would say it's okay and we would send to SNP, myself, Daryl, Frank, Kerem, whoever is at the desk.

So once SIG had confirmed that the - - -?---They are good to go.

20 - - - there were no errors - - -?---Yes.

- - - what would happen?---Then - - -

What was the next step?--- - - - one of us would send them to SNP.

Okay. So how is that time sheet sent to SNP, by fax or email?---On the printer, we have a printer which is in the office there, you can just plug it in, put the SNP email in, just send it through, scans everything through.

30 And for clarity, the document that you were sending was the site time sheet. Is that correct?---Yeah, yeah, that's, we had to send anyway, Anthony.

And did you ever yourself accept any site time sheets or personal time sheets for review, did you ever perform any of the reviewing functions that SIG staff would typically perform?---Typically perform ah - - -

Were you ever responsible for identifying conflicts in people's shifts - - -?  
---No.

40 - - - in the time sheet?---They were, okay, what Tommy got them, he always used to change these girls in the office, like a couple of months, six months, eight months, one year, gone, next time, next one, and he would actually get, get one of them to look into this, conflicts, making sure the time sheets are right, all, all these things, then they would send, send it back. As I says, is it me, is it to Frank, is it to, to Daryl or whoever is there.

All right. Did Tommy ever tell you to stop claiming the amount of hours that were being claimed?---He, he mentioned a couple of times, Anthony, I

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will be quite honest with you. I said, look, but in this, in this sense as well, in this, this amount of hours which has occurred, Tommy did claim the money too, it's not just I was getting, like, well, let's say he would pass me, like, let's say 200 hours, I would get 200 hours, but I would have to pay him maybe because it's a high amount, I would have to pay him 50 hours, 60 hours for this.

How would you pay Tommy those 50 or 60 hours?---When I get the money, because as Commissioner knows, I used to, he used to deposit the money.  
10 In the normal sense and scope, let's say I was working 40 hours, it was I was working Monday to Friday, like a four hours unlock, four hours lock, adds up 40 hours, plus in between, as I mentioned, AV, this, all this hours, then he would say, this was, in this case he would say, "I need 300 hours plus \$1 per hour." Like, if it was 60 hours, \$60, so 300 plus \$60 and he would come a month or maybe month and a half, he wasn't fussed, he would come, get his 360 hours. Secondly, \$360 I mean. Like, depends on hours. If it's 80 hours it's \$80 plus \$300.

20 THE COMMISSIONER: So on the one we've been looking at, which was, actually, which one is it? How many hours, Mr - - -

MR BAINE: 218.

THE COMMISSIONER: So with 218 hours - - -?---He was, he was getting around \$1,800 for this, 1,800 to 2,000, sir.

And you had the, you kept the rest.---Yes.

30 Thank you.

MR BAINE: And was that money paid to him in cash or was it deposited to him?---Cash, he used to transfer on my card. I used to say to him many times, even for this \$300, I said, "Tommy, you can take this off," because he was paying me \$500, like as a, in his belief that I'm looking after his contract. He used to, I used to say, "Take the difference." He says, "No, no, no, this is too much confusing. When I am there you just give it to us." And Frank had to do the same.

40 THE COMMISSIONER: To Tommy?---Yeah.

MR BAINE: And did Tommy ever put his name on time sheets? But of course not actually using his name?---No, no, no, no.

Using an assumed name?---Tommy never worked.

So instead of using assumed names on the time sheets, Tommy would just take a cut of what you and Frank were claiming.---Yes.

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What about someone like Daryl, did he take a cut of what Daryl was claiming?---Look, that part I – Daryl basically was very disclosed giving much information, what he and Tommy does.

What about someone like Kerem?---No, I don't think, ah, I don't know, to be honest with you. With me he did.

10 And what about someone like Dennis Smith?---Regarding Dennis Smith, I will say few, few lines down, this is really, and with all my heart and honesty, very straightforward man. Tommy always was trying to be in contact with Dennis for X amount for years, like I need to be with him, and Dennis used to say, Tommy, Tommy used to come on-site, like, how is the guards like, even Dennis cannot say, I don't know Tommy, he knows Tommy, you know, like, and Tommy always had a fear, oh, I might lose contract, I might lose hours, I might lose this, I might lose this, and Dennis always says to me, "Tell Tommy do his job and no need to worry about. Why are you so worried SNP will get rid of you?" In many occasions SNP, especially from 2015/16 SNP managers started randomly changing and as I mentioned this before, all these managers and all this industry is corrupted. Like when I say it's corrupted, it's true. Every manager come, take over, 20 run the site, let's say having 10, 15 sites. You want actually job, you want 50 guards, you're going to give me a cut. [REDACTED]

[REDACTED]. Dennis always used to say, "Tommy, do your job and that's it. Why you are so panicking?" Craig Miller came on as a national manager, he wanted to get rid of Tommy, then other people come, they want to get rid of Tommy, and Tommy always had this fear someone want to actually put me out.

Well, I, I imagine part of that fear was based on the fact that it was so profitable for him to be involved at the university.---But see listen to me, he always used to cry to us how he doesn't make money.

40 Do you accept that he was not actually making money?---I will say to you one thing. Where all my respect has been lost over him is, before I went on holiday, SIG office sent us an email, Tommy Sirour's mum passed away. I felt for him, even if I don't know him, any of youse here, you have something in the family happen, as a, as a human being I will feel sorry, I will say, oh, I apologise, you know. I felt bad for him. And I said, "Tommy, what I can see, jump on the plane and go." He went there. I went on my holiday, like I went to like up to what do you call it, Moreton Island,

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I went with a camper trailer so it's not that he was paying me in the resort, I was camping for a week there on the sand. So this happened. He called me telling me about nothing to do with me, I'm not the owner of the company, and I says, "How come you're not the owner of the company, Tommy, you always used to say to us," and I didn't know who is this ICAC and Lynn called me as well when I was there, so says, "I don't know, just tell them to, to leave the place." But they are government, they are this, they are this. I says, well, then George Boutros, which he knows him from Egypt, like coincidentally or neighbours or they know each other, he's saying to me,  
10 "Emir, his mum passed away 15 years ago, what's wrong with you?" And I says, "Really? What was the reason you had to tell me this?" And I'm thinking in my head and I'm, he could say I'm going to go overseas, you go overseas, you don't need to make up this excuse. So there is other things. Like before he left he was showing some accounts of \$1 million in accounts, and I said, "Tommy, how come you don't have money and you have money? I don't understand anymore." And he said to me, "Oh, shut up, don't, don't talk this to no one," and blah, blah, blah. Then before he's using his Mercedes, completely devastated his vehicle, got paid out and gone. Some people saying he received a call from, is it ICAC or from  
20 someone which costed him \$100,000 to leave the country. If you leave the country you won't get, you, you won't, you, this will cost you but you won't be caught. Then we've been talking. I says, "If you have nothing to worry about, why don't you come?" He's saying, "Oh, did you run away?" I'm saying, "I'm not running away, I have family. If I have to go in gaol, I go in gaol, but I'm not actually, where I going to run?" And I actually put on Facebook, if you guys investigate, I'm going to Russia few days before and everyone calling me, oh, you're escaping. I'm not escaping, I'm just, it was, it was a prank. And, and this is actually where I actually lost all my belief to him. He had no need to lie to me his mum is dead, like George saying to  
30 me his mum passed away 15 years ago. I really don't know what's true, what's not. And he was always complaining on the start I know him \$24.80, I'm underpay, I have no money, I have no this, I have no this, that's why we had to give him as a support. I says, oh, I have to have two guards to help me out. Then he was once actually asking to have an ongoing guard seven days a week, and I said to him, "This is impossible, Tommy. I can't do it. It's ah, ask Daryl if he can or whoever can help you with this. It's impossible." We had, at the end of the day when you're covering something, person need to be on-site, you can't go home, sleep and money comes. Maybe sometimes you can play there is two guards, three guards,  
40 one guard, you can play on this, but completely to leave the site, it's no chance in the world.

All right. Commissioner, I note the time. Would it be your preference to continue or should we take a small break?

THE COMMISSIONER: I'm happy either way. Would you like to take a break?--I'll just continue. I'm just in speed.

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What about others, are you okay?

MR BAINE: Okay, all right, we might continue.

THE COMMISSIONER: Just continue.

MR BAINE: Mr Balicevac, can I ask you to turn to the next tab, which is tab 5.---Tab 5, yes.

10 You'll see that this is an email on 26 August, 2016. This is the information week, we've looked at some previous documentation relating to this week.--  
-Yep.

And in this email you say to Lynn SIG that, "Here is your time sheet for Monday to Thursday." You've only included you, Frank, Daryl and Ben, and you want this email to be kept, be kept between - - -?---Yeah. Ah, what it is, is, this week, I'm in particular talking in this week, me and Frank been working whole week and I don't know is, but if I put this through Daryl will actually say I want cut.

20

So you say in the final line, "I'll be sending a new time sheet including Daryl." And when we turn over we see that you have claimed 100 hours and Daryl has been allocated 52 hours.---Yes.

And then if we turn to the next document, which was sent approximately 20 minutes after the email we just looked at on 26 August, 2016, Daryl has now been included in this email, and if we turn to the next page we'll see that Daryl's hours are the same, but your hours have been reduced by approximately a half.---To be honest with you, sir, regarding this, as I  
30 mentioned, either I work extra where he wasn't much involved, compare, compare me and I would send this to Lynn, look, this is how much he work, because at one stage things started to be not even. I can actually be there five days covering things and Daryl would basically do maybe one shift, or Frank would do one shift.

30

So you were working more than Daryl. Is that correct?---In, yes, as, as I was more on the field than him.

So when you claimed 100 hours - - -?---Ah hmm.

40

- - - which you then reduced to 50 hours, why did you not just keep it at 100 hours if you had legitimately worked more than Daryl?---This is, when I send, when I send, when I send time sheet, "Lynn keep this email between me and you and Frank."

Yes.---So I sent this, I sent this - - -

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So my question is - - -?---I sent only to Lynn, I didn't send to Daryl, Daryl wasn't cc in this.

But my question is, if you had worked more than Daryl legitimately - - -?  
---Yeah.

- - - why would you not let him see the hours that you were claiming, which were 100 hours?---Because he would say I want cut.

10 Even though he was not working those hours himself?---Yeah, that's right.

THE COMMISSIONER: I think we see that in other time sheets too, don't we?

MR BAINE: We do, Commissioner. Would you like to turn to the next document, Mr Balicevac.---Yeah.

20 Which is 31 October, 2016 between you and Lynn Li and down the bottom is quite an extraordinary amount of hours, it's 505 hours.---Yes.

And take it from me that if we broke down the hours that were worked on both Saturday and Sunday - - -?---Yeah.

- - - that would involve approximately 141 hours per day. Now, those hours weren't worked, were they?---Look, what's actually happened, Lendlease the? (not transcribable) university gave to Lendlease all the guards, do whatever you want basically. And I was, I was actually, there was guy called Daniel Livings, he was SNP, not SNP, Lendlease foreman. I will, this was shut down but only probably could cover let's say three guards maximum, this could be covered with three officers. He said to me, "I don't care put 30 guards." And I did mention, speak to Daryl about this. I said, "Daryl, this guy looks like he's not, he's not right." Daryl says, "How come?" I says, "He's saying he wants, he doesn't care 30 guards put it on," he's saying, "I can't (not transcribable) uni paying." Daryl says, "Okay, put 12." And I spoke to Daniel Livings and I says, "We will put 12 guards." We had a meeting about this what's actually, because this Anthony, what's the name, Anthony Murphy, he was, he made complain about this. And I said to Daryl, "There is 12 guards, you want to come and work?" He said, "Ah, no." , "So what do you want to do?" He say, "I will stay home." But he, I think he I think took two hours, two guards, I think he took two guards, he claimed two guards.

Well, it looks like he might have claimed more than two guards because - - - ?---Maybe more, maybe three, I'm not 100 per cent sure, Anthony, but I was there from Friday afternoon, which is 6.00pm, to Monday morning. I didn't go home at all. I slept even in the car.

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THE COMMISSIONER: But even, even so, that doesn't get you anywhere near 505 hours, does it?---No, no, no, no, Commissioner - - -

Do you agree?---Definitely this was, this was like claimed more, more guards than one.

Yes.---I agree with this. But I'm saying he could have something of this if he worked, if he was with me on the weekend, but he wasn't with me. I was on the whole weekend there, he was at home.

10

So he got 77 hours for doing nothing?---Yes.

MR BAINE: So how many guards actually worked on this Saturday?---I'll just have a look, sir. Daryl got two or three if you're talking, and I got four. So five was working, five or six was working, six wasn't working.

Right. So the fact that only six guards have been accounted for in your personal time sheet means that the other six were actually working. Is that correct?---I put here Daryl 14, so two, four, six, yeah, six were working, six not working, sir.

20

And if we go back to the week of 26 August, 2016, which was the information week, I think you identified that as being one of the weeks where there was a protest and the students had locked themselves in the dean's office.---That's previous what we spoke.

Yes.---Yeah, that was, that was the, they occupied, there was occupation of, of premises.

30

So, Mr Balicevac, if you go back to the second document behind tab – just give me a moment. We might go back to tab 4.---Tab 4.

And would you have a look, okay, I don't have it for that week, but instead if we looked at the first document behind tab 4, 12 September, 2016, where approximately 241 hours were worked.---Yes.

In this list, how many guards were actually at the campus when the protest was occurring, how many guards were patrolling?---On the night, as I mentioned earlier, myself and Frank would be on-site, so I can't – at one stage when this first day happened it was I think around 10 guards and myself and Daryl were there, this is I think first night. Then people started sort of camping on campus, not on whole campus, I'm talking for Kirkbride in particular. So we used to have, when started it was around 10 guards, when started, and this was decreased. But I can go and find exactly how many in one of the RFSs, how many guards were requested.

40

Okay.

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THE COMMISSIONER: Those guards would have been putting in their own time sheets, wouldn't they?---Sorry, Commissioner, I didn't get the - - -

The guards that actually worked would be putting in their own time sheets, wouldn't they?---Yeah, yeah. They, the, the guards which working for own hours, yes, they have, would have own time sheets and send to SIG office.

MR BAINE: And if we return to tab 5 and the document which is the fourth page or the fourth document behind tab 5 where you have worked 505  
10 hours, you've said that you were on-site consecutively for a very long time.  
---No, this was only weekend work, sir, this wasn't - - -

Friday night till - - -?---Friday 8.00pm, 6.00pm started till Monday I think 10.00am or 8.00am, I can't remember.

And if, if you were to accurately reflect the hours that you worked during that period, it would have to include a deduction for any time that you were sleeping. Is that correct?---It would have to include?

20 A deduction for any time that you were sleeping.---Well - - -

Even if you were on-site working - - -?---Ah hmm.

- - - for say 36 hours or, or 48 hours or more - - -?---Yeah.

- - - you would have to account for sleeping time, wouldn't you?---Well, you should, yes.

30 You should, yes. Okay. Now, keeping in mind this 505 hours, if we turn to the next document which relates to the very same week and was sent approximately 40 minutes later, on this email Daryl was included and Daryl's hours worked are exactly the same, which is 77 hours. Have you got the document in front of you?---Ah, sorry, I'm looking, okay, yeah, this is what, yes, I put 77 because if I put that I was there for all the time he would say I want, I want another 200, whatever the difference is.

THE COMMISSIONER: So he'd want a cut.---Yeah. - - -Yeah.

40 MR BAINE: So how many, can you confirm how many hours Daryl approximately worked that weekend?---No, he wasn't.

THE COMMISSIONER: He wasn't working.

MR BAINE: Thank you.---He wasn't, Anthony, at the uni at all.

Thank you. Now, would you turn to the next document, Mr Balicevac, and we'll see something similar again. On 5 December, 2016 you send an email

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to SIG and you claim 261 hours and Daryl claims approximately 50 hours.--  
-Yeah, that's, that's the one I mentioned, sir.

And then if we turn to the next document which was sent approximately 15  
minutes later, you will see that Daryl's hours are the same but your hours  
have been reduced.---Yeah.

10 Why were you sending Daryl's hours to SIG?---Daryl didn't want, whatever  
reason, he was always saying, "I'm busy, I got," whatever, his accounting  
commitments, "Send my hours on, on your behalf."

So with perhaps some limited exceptions you took responsibility for  
emailing SIG Daryl's hours?---Yeah.

20 And you consulted each other about the hours that you would claim?---Oh,  
yeah, he, only where we didn't consult each other in a few, at one point was,  
are you go kill yourself for seven days, I won't kill myself, and obviously I  
would say, you know, sorry to say, F you basically. I was, I was killing  
myself for seven days and he wasn't there. These things did happen, yes. I  
used to say, okay, I will send, and he would ask me and I said (not  
transcribable) how much I send, and in couple of occasions, I don't know do  
you have the, the paperwork, he used to like work, like, 100 hours and I  
would put him like how much he's really and he would say, no, 20, you  
need to give me another 25 and we even it. I says, well, I was, I was  
working, but at the end he was my boss, he, he would say, no, this is what it  
is and - - -

30 THE COMMISSIONER: And presumably he got paid by SNP for 40 hours  
a week as well?---Yeah, yeah.

Yes.---He was, he was account manager.

Yes.---And I believe so he was paid. He definitely was as a full-time. - - -  
Hmm.

MR BAINE: But if we look at one of those weeks, turning back say three  
documents in your page, in your hard copy.---On 6 or 5?

40 This is the 5<sup>th</sup>, where 261 hours have been claimed, 261 and a quarter, and  
Daryl has only claimed 49.---Yeah.

How do you think Daryl would have reacted if he had have seen that you'd  
claimed 261 hours?---He would cut me down completely.

When you say, "cut me down," what do you mean?---First of all he  
wouldn't be happy, he would say, I am here, I want, I want, you have to  
give me half, and that's it.

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So he would want a cut?---Yeah.

Would he have raised any concerns with you about the hours that you were claiming?---I don't think so.

Would he have taken any action like reporting the hours that you were claiming?---No.

10 So you, did you have any suspicion that Daryl might report if he had seen the hours that you were claiming?---I don't think so Anthony he would. He would more like say - - -

THE COMMISSIONER: It would have been very difficult, wouldn't it, because if he was claiming hours as well?

MR BAINE: Correct, Commissioner.

THE COMMISSIONER: Yes, whatever the amount was.

20 MR BAINE: But there's no doubt that there's a very large discrepancy between the two of you, and - - -?---Well, put it this way, Anthony, I never wanted to, to upset him, okay. Like, I always thought myself, if I can be on-site 24 hours, spending my time over there, what's the reason why I have to now give to someone like basically sitting and having a cut? This was, and this is not, in general, he sometimes would come and cover it, I'm not saying he wouldn't, there was occasions he would, but very limited.

30 THE COMMISSIONER: Ah hmm.---And, and other thing is, we had more fear from him to be honest and at the end of the day he was our boss. And if you don't say there was guards on-site working 24 hours, if he would say he doesn't know about that, then it's not true. There was like a, like Tommy called me once, Salama was working five days, 24 hours, which is, and he said to me to stop him and, and I sort of, I talked to him, he said, "Oh, I need money, I need this, I need this."

Okay.---This did happen and, and I'm sure Daryl knows this and all this other timings and overtimes he's aware of this.

40 MR BAINE: And, Mr Balicevac, if you turn, sir, to the next document on 26 May, 2017, in this document the time sheet indicates that only 62 hours were claimed by you.---62, sorry, which, which one is that?

On the 27<sup>th</sup>, 26<sup>th</sup>, I beg your pardon, of May, 2017.---Still under the 5?

Still under tab 5, that's right.---Okay. Ah, sorry. Yes, I can see this one.

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And do, do you see, I'm just grabbing my glasses, do you see in the hard copy version of this document, that that document should be the very last document in tab 5.---Sorry, yes. 62 and, yeah.

Sorry, just remain on the 62 hours.---Yeah.

Do you have any comment about the claim here of 62 hours as opposed to the 200 and 500 hour claims that we've been seeing previously?---Again, can you confirm, sir?

10

Can you explain why this is so much less than the previous weeks?---No jobs, sir. This, as I mentioned, university authorised Lendlease to order the guards. They gave them access to the service request. For you to get access to service request, university signatory need to give you this approval, so university gave to Lendlease go ahead, basically I don't need to work. And I will explain, in 2014-15 when is high amount of guards which is required to come on-site, university managers would be talking about this and they would be actually asking SNP how much this going to be cost on the front. When Lendlease came they didn't care about this topic. Throw things on and keep, keep going. How many guards you need? I don't care, I'm not paying, put 10. How many guards do you need? I don't care, put 20.

20

All right. Well, if you look at the next document - - -?---Yeah.

- - - which is on screen and relates to the same week, it's an email from you to SIG sent five minutes later, Daryl has been copied in and on this occasion you have claimed 22 hours and 30 minutes and Daryl has claimed the same. ---10, yes.

30

So - - -?---This is, only reason, sir, is I would be around running and he didn't.

So, Mr Balicevac, other than the cut that Daryl would take for the hours performed - - -?---Ah hmm.

- - - are you aware of any other benefit that Daryl was receiving?---He said to me he did.

40

What did he say?---He was, his, this is his side of story and Tommy said to me he has paid him for, since when SIG commenced on the uni, 2012 or 13, he was paying him since then onwards, 4, \$500 a week plus some travel flights and all these things.

What were those travel and flights?---When I say travel, holidays or something.

And do you recall where they were to?---He say, look, this is from Tommy, again I don't have evidence of this and I'm not actually putting allegation or

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something, Tommy did say he sent him to New Zealand, to Hawaii once and to, what was the other call, is it Fiji or something?

Now, you will recall that you - - -?---This is what Tommy said.

But you told the Commission on Friday you had a holiday in New Zealand with Daryl.---Yeah, yeah, yeah. This was, no, no, no, when I say New Zealand, Daryl, Daryl went before to New Zealand. This is not his - - -

10 So Daryl had a trip to New Zealand that was paid for by Tommy?---This is what Tommy said, yes.

So Tommy said that and then your evidence is that you and Daryl had a trip to New Zealand together?---Yes.

Approximately when was that?---15<sup>th</sup> of February to 20, it was 15, let's say, of February 'til the 25<sup>th</sup> of February.

20 Of what year?---No, this year.

This year.---This year, sir.

30 And who paid for that trip?---For Daryl, I don't know because what I, Tommy, I can confirm million percent, didn't give me like, a, like, "Here, \$300 for holiday." He didn't. With my works, I will confirm, yes, I cover myself. He didn't pay for me the, the, the New Zealand, any, like, activity. Even I went to snow every year. I camp under minus-10 degrees in the tent with my family. So, I can confirm, he didn't pay me a holiday thing. To me, I don't know for Daryl, but again I will say how this actually New Zealand came, we booked it last year somewhere, 15<sup>th</sup> of June or July, I can't remember. So, it was paid this a bit, pay this a bit, pay this a bit. You know, it was like as an instalment thing.

Now, we'd seen some documents over the last two tabs, Mr Balicevac, where very large amounts of hours have been claimed. - - - Yes.

40 Do you think that anyone at SNP other than you and Daryl was aware that this conduct was occurring?---Oh, that I know, I, I cannot confirm. Can I say one thing?

THE COMMISSIONER: What about Ben and - - -?---Ben Pfitzner, no, he was a team leader. He, he is stationed at the uni. - - -Okay. - - - Then Kerem, Kerem is now is SNP head office but he was a team leader too.

MR BAINE: So, if he's in SNP head office, he would know of what's occurring?---Well, no, no, no. He is now working in SNP head office. Two months ago, he left uni and he is working over there as a, is it rostering or, I, I don't know what he does over there. But he is over there. Put this way,

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there was like maybe, let's say two times or three times a week, SNP would send patrols. Like, to check on-site, like call in, but I don't think so they were doing this job really well because they would have to see you, are you shaven, are you in uniform, they would tick, tick, they would get your licence, all these things, and they would leave. I, I can't, I, I, I don't know that anyone in SNP knows this. In my belief, probably like - - -

10 Who do you think might have known?---These, these people which are the nightshift supervisor, they, they would see it. If they have to come and count or see the guards and all these things, I will be honest with you, Anthony, I don't, I think they very as well careless. Like, come in, tuck, tuck, tuck, I'm going. What they should do, they should, as their part of the role, they should be actually checking the post guards, guards are there, they should be checking on, but they didn't do it.

All right. We might turn to the next tab, tab 6. This first document in tab 6, is an email from you to Lynn at SIG on 21 February, 2014. If you turn to the next page on the timesheet you will see approximately six rows down, that there is a comment that says, can you see that, Mr Balicevac, it says,  
20 "Team leader rates Sierra 2 (Dennis Smith) requested to be paid full 12 hours as me."---Could have been taken off out normal sheet. Okay,

Why do you think Dennis Smith would be requesting to be paid a full 12 hours?---Okay, Anthony, I will explain this and probably for you people this is bit, will be looking bit funny and whatever it is. Well, I mean, doesn't make sense. Example, many times, "Paid full hours for my and Amyna has been taken off," there is a senate, but I will come back on this. Senate meeting is eight hours. University call me when I was ground guard and, and the team leader and Lina Chami. They always right hours. Uni saying,  
30 "No, we pay him 12 hours." And this is, this is not one off. This is hundreds off. I mean, examples. So, what I believe, on this date, I, because Amyna, Amyna was sick, is it? Like, been taken off normal shift, Amyna Huda, she was sick or, or I came late. Then me to be helping to cover this shift, like, I was, example to cover to you because you going home and I actually waking up from the bed, being advised in the last minute, been saying, "Oh, Emir, you have to go, we need you." My, maybe my commitments and my plans been probably twisted around and I will be actually paid 12 hours, 12 hours because I agreed to come in. As well occasions as at Camden Campus. I will explain as well, I, I, I am HR  
40 licence, I can drive a big-seater busses. I was there working 12 hours. At university, because I was planning to, as I mentioned in past, my hobby is hunting, sir. I went to, my plan was to go for seven days in the bush and university got this, I said, "Look, I have to go," but they have a fire, fire things on campus in case the fire take over the campus, we put the kids in the bus and drive them off-site. Uni saying because you cancelling your plan, we pay 16 hours a day and you can ask Daryl to confirm this. But I was working 12 hours and this happened for two weeks.

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Are you aware of Dennis Smith receiving any payments from SIG?---I, I can confirm, he doesn't receive any payments from Tommy.

Have you ever know Dennis Smith to claim for hours?---No. Not that I'm aware, I will be honest with you, that he, look again, Anthony, how much you, I might know you here but what you doing when I, when I don't see you, how I know, Anthony, what you doing?

10 I see. So, do you have an suspicion that Dennis Smith knew that this conduct was occurring?---I can confirm, he didn't know. I can confirm this. He, if he - - -

And how do you know that?---I know this, can I say one thing? There was cases like, at Camden, when you, when you gave me last time, Camden you know, I, I got three hours and I was working the bus and I put the signs on. He doesn't know about this. He definitely don't know about this.

20 But that, surely, is one minor example. I mean, broadly, does he know that this conduct is occurring?---No. He, he won't know, Anthony.

Would he have heard from scuttlebutt or any other rumours that the conduct was occurring?---Well, he has heard now. He, he is like, because I am still working at the uni, whoever said to him about this, I don't know who is talking. He, he, might be talking to other side of the, of the university. Probably they told him the, "Claims are this, claims are this. What's the claims?"

30 Would Dennis Smith ever arrive on-site?---At Kirkbride during the day, not at night.

And when he arrived on-site during the day, what would he do?---What he would do. To be honest with you, Anthony, I don't know.

40 Would he make enquiries enquires of the work that you were performing? Would he supervise the work that you were performing?---Oh, yeah. Well he's a, he's a client and he would say, "Okay, come have a look, there is actually campus assist." Look, when this happen, I was at Kirkbride. He wasn't only one who would come over there or not. Even the managing director was coming there. Can I say to you one thing, Anthony, I was there at night and managing director, he knows that I am there during, that I working during the day on main campus. He would see me there, "Oh, everything okay? Everything okay?" Jump in the car, go. This happened.

All right. But Dennis Smith would arrive on-site from time to time and he would make some observations about how things were going operationally, would he?---Yeah, but again, Anthony, during the day obviously you can't, Monday to Friday, you can't actually put there is, there is actually, me as a guard and I am actually working on the main campus. During day, he can't

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actually make this call. How, during day, it was covered, it was complete covered, the guards are there and you can't actually, he can turn up, oh your guards, they are gone.

10 But no doubt he would have built a relationship independent with other guards like he had built with you?---Look, look, Anthony, the relationship between me and Dennis I will clearly explain as, me and Dennis, we been working as, since like, 2010, like I started working as a patrol officer, this and this, I started building up myself. Where I respect this man, he actually stood up in two occasions for me. There was a discrimination happen on the university between the guards. People, I was removed by Aaron Lucas, actually I was removed completely from site and I was there for a couple of months in Camden Campus. I just said to Aaron, "This is not right how people actually saying, oh, you came on the boat in the country," to one of the guards and I brought this up. I said, "Look, this is not right what's going on." That was actually, a university representative, Colin Bowman, he came to me, "Hey, mate, what's happening?" I says, "Look, it shouldn't actually fire all this up, but, you know, this is the thing, don't accuse someone, oh you are migrant, you are this, at the end of the day, we are all migrants, just in generations." And Aaron found this out and he stood me down, then 20 Dennis put me back. Then again, 2015-16, I just trying to remember, 2015, I attended suicidal mission. The guy he wanted with to kill himself or he wanted to kill other people, like with, not to kill, to stab. He had the kitchen knife.

30 This was incident you spoke about on Friday?---Yes. Then, I, I was, I couldn't go on this meeting because I wasn't SNP direct. And that's, Dennis says, "This is not on. If they are going to Canberra for this medal, Emir is going. If not, none of you is going." And SNP, at the end, had to agree, we can't actually take him out. So, this is a massive respect between me and him and I will either, if I never see him again, he is to me, has shown as a man, proven himself. A lot of thing, I would, he would ask me, "Emir, can you help me with this," and like, it's all managed time. I had no issues to help him. I looked at, I looked at him more as a, as a, my parent, Anthony, to be honest with you.

40 Well, if you turn to the next document in your bundle, you will see that it's an email from Dennis to you with a subject header that says, "There's an envelope on my desk and it's your cash (eBay). Thank you." What is this email about?---eBay, sorry, just - - -

It's sent on 3December, 2014 and it's onscreen.---Okay, there was, in many occasions, Anthony, I, Dennis doesn't, in the real honest, his, his technical skill is very limited and eBay he doesn't know. He, he doesn't know how to use eBay. I have eBay account. He would say, "Oh, Emir, can you buy me this?" and he would pay me money. He, like, \$50 something, \$30 something, \$100, whatever. He would give me money. If not there like, tomorrow he would leave envelope for me saying, "Emir, \$100 for you."

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Like, what, whatever I spent for him. Like, a lot of things, he would go here to the shops. I use, I use myself eBay, he would go into shops like, there is something like \$200, on eBay you can get for \$80.

Well, if you then go to the next document, which is an email on 16April, 2018. It's an email that you forwarded to SIG and I'll just give you an opportunity to have a look at that second page.---Yeah, I know this email, sir, yep.

10 So, is there anything you'd like to tell the Commission about why you've forwarded this email to SIG?---Okay, I, I, I will, I will explain, sir. Tommy, in all his time, had issues with SNP since Laurie Bewes had left. Then, then Laurie Bewes left SNP. Laurie Bewes is the one who brought Tommy to the union, all SNP sites. Laurie Bewes probably, he done whatever he had to do, took off. From 2015 to 2018, to present, a lot of managers have changed in the, in the SNP and whenever they come like, Craig Miller, from 2015, he wanted Tommy out, for no reasons. Not because he's i not performing, he in not this, that, he is, there is a, let's say, complaint from the university or there is a major complaints coming across, he would never  
20 bring this up. Then, he's just saying, "I want to change," and whatever it is, whatever it is. We will fight on this and that time, there was actually issues with me too because SNP wanted to pay me \$46,000 a year to force me out, to not be in this chair, because Craig Miller had a person to bring to this position but not me, and that person to actually be his player. Like, whatever you need to, do this, do this. Tommy called me in, and when they called him in the office, they were actually hitting him something to do with fatigue, two fatigues. One guard was working seven-eight shifts, other one was working twelve days but, but another one was working eight days and this came to the alarm which came as an excuse, "You going." And I  
30 actually came to Dennis, as Dennis is actually planning to leave university like, he was planning for last year because he moved in Gerringong down there and his now, mother-in-law, passed away, kids sold the unit. I think, I don't know when his handover, is it this Friday or next Friday, he has not stay here, so he is probably living here. Then, I said Dennis, if he can somehow save Tommy. He did this for me. He says, "Look, Emir, I will do it, but it's, it's a business between SIG and SNP." And he still did this for me. He did not have to, he could say, "I don't care, not my issues." And not because, why he probably did it, as a respect, I was always there, he asked me, "I need you this, Emir, I need you for a protest, I need you to do  
40 anything." I was there for him. In many for protest, I was, it was Julie Bishop, I was injured, SNP didn't care about me. Dennis would text me two-three times a day, "Are you okay? Are you okay?" because I had twisted my elbow and my jaw. And this was it, I, I didn't take, they were thinking, oh, is Emir going to go on compensation, is he going to go this, I didn't do nothing of this and I'm not interested to do these things. Just keep moving.

Those issues though are perhaps separate to this particular email. - - -Yeah.

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So, I want to draw your attention to a few things in the email.--- I was sitting next to him when he was writing this email.

So, why do you think that he wrote the email? He clearly wants to, I withdraw that. In the email, he identifies that for operational reasons, it is imperative that SIG remain the subcontractor and he goes on to explain why he thinks that - - -Yep.

10 That should be the case. Then he identifies why this is a risk to him.---Yes.

In one of those bullet points he says he does not know personally Tommy. Is that correct?---Well, when I say personally, when, look, how deep can we talk, Anthony, personally. Personally I think – do I know you personally, Dennis, Dennis seen him on, like, he come, but personally, like, if you're talking, like, going out after work or having a few drinks or go to each other house, I can confirm Dennis never done this with Tommy, I can confirm this, Anthony.

20 And did - - -?---But does he know him, he saw him on campus.

When you were sitting with him drafting – I withdraw that. When you sat with him - - -?---Yeah.

- - - were you helping him draft this email?---Well, his writing, Anthony, is completely better than mine, if you, if you got my point. I, to me it took me time to understand, reason also, okay - - -

30 Did you help him draft the email, did you discuss the issues in this email with him?---He would be, he would sit and write and I'm just actually sitting next to him and read what he's writing.

And so you consulted one another in relation to the drafting of this email? ---Yeah, I would say there is a, what he basically wrote in email, he wrote some true things, like six buildings, four buildings, six buildings coming online. It will be impact bringing new people on.

40 Do you think there are untrue things in this email?---Well, if he say he doesn't know Tommy, well, that's not true, that's it, because he saw him on-site. Tommy would come at the pool over there, Dennis, is everything, okay, this and this, and he would just come, have a few words and go.

So did you bring this matter to Dennis's attention?---Yes.

And Dennis then - - -?---And Daryl did.

And Daryl did.---No, this, okay, this is real true, Anthony. Daryl was involved with SNP about this changeover and Daryl once was, actually

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before this email was there, Daryl was called in, in the SNP head office and talked this and this and we want to change Tommy, there is two breaches he made fatigue, this and blah, blah, blah, push it through. Then what actually happened, about, help me to say about Daryl, Daryl was really upset about these things which will occur by SNP and Dennis again, comparing since Multiwork and since SNP now doing a job, which I'm more excluded than included, I'm just coming on-site and do a few service request, whatever needed, go home. There is hundreds more complain than in all this four years' time. And Dennis, what he's saying, there was no complaints, he's true saying, it was no complaints. Like maybe sometimes oh, guard untucked shirt, looking unprofessional and all this. This is, these complaints you will receive it every day. Like a guard smoking in a non-designated area, these kind of things, yes.

You'll see that the date of this email is 16 April, 2018.---That's before I left. I went to, to, to this holiday thing.

And it's two days before the Commission executed search warrants at the university and at SIG's business premises.---I thought - - -

I beg your pardon, two, yeah, two days before. So on 18April, 2018, take it from me that the Commission executed search warrants at those three locations.---No, no, no, Anthony, there is, you can search Dennis email, he has sent this – I was at the uni when this – I definitely wasn't there, hundred per cent.

You're correct that this was sent on 15 April, so that is three days before ICAC executed the search warrants. So what I'm saying is, on I think Sunday, the 15<sup>th</sup>, Dennis wrote this email and you were – I beg your pardon, I've made another mistake

THE COMMISSIONER: 12 April.

MR BAINE: This email was sent on the 12 April.

THE COMMISSIONER: Yes.

MR BAINE: So say that was sent on a Thursday or a Wednesday, approximately - - -?---Before ICAC was sent for sure.

Approximately a week before.---Because I would be there, I would know, I was, that week it was sent and Friday was my last day.

Yes.---And ICAC definitely wasn't on-site.

Yes, yes, yes. Now, your evidence has been that Tommy was concerned that he would lose his subcontract with University of Sydney. Is that correct?---No, no, with SNP.

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With SNP. Is that correct?---Yes. Not concerned, he was hundred per cent sure he's, he's going.

And he had been paying you and Daryl - - -?---Yes.

- - - a minimum cash payment - - -?---For me it was \$500, yeah.

10 - - - every week for a number of years.---No, no, no. For me since I actually signed up with SNP.

Since you signed up with SNP, which is - - -?---He, he didn't pay me before.

But approximately two and a half years.---Yeah, from December, yeah.

20 And no doubt what he had in mind was that that payment would secure some degree of loyalty for the promotion of SIG's interests at the University of Sydney. Would you agree?---Yeah. Tommy was always thinking he will get the university as a direct supplier, he, he always had this belief.

And so when you sat down with Dennis Smith to draft this email on 12 April, 2016 - - -?---Yeah.

- - - you were promoting SIG's interests, weren't you?---To save them, yes.

30 Yes. And Tommy no doubt had hoped, we can assume, that is the degree of loyalty that you would give him over several years of cash payments.---Not several years, from two, two and a half years, sir.

Two and a half, still more than a year, several years.---Yeah. Oh, yeah, yeah. Look, but also this email was, Daryl was at Wollongong University and this email was sent to Daryl to clarify if this is okay, because what Dennis also says, I don't want to send email to put myself in trouble, this is his response, Dennis saying, I really can't afford, like, sending something like this and comes from me. And Daryl, Daryl received this email then he called, he's saying this email is okay, Dennis this is not going to impact you, this is more you're telling Tom don't do this.

40 But of course the information that Dennis was getting from both you and Daryl was conflicted because your interests were aligned with SIG, right? ---Yeah, with, well, that's true, and my and Daryl's too.

And Dennis himself had an interest in maintaining SIG at the university, didn't he?---Well, his main interest was, if he remove let's say now SIG, four buildings coming across, what will have impact on him. At the end of the day this was happened six, eight weeks ago, and this unit was sold, Dennis was saying I'm leaving anyway, but in the same time he wanted to

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do smooth transition whoever new person is coming and this was it. What was his interest to keep SIG really, what did Tommy, he just actually wanted to keep a workflow, keep going, and there is no issues. If he let's say, put it this way, if he removed SIG for instance, maybe 70, 80 per cent guards will leave, what he has to do, train them. Each core roster guard need to be trained two weeks, which hasn't been ever followed, they always wanted four days, it's, it's enough. In contract it's two weeks. But again, bringing the right candidate. To become a control room operator, Anthony, you need to be working at the uni six months, then I would be issuing a ticket to person in USA to do the video conference, bring the six guards in and they would be doing a training report (not transcribable) training, then they get qualified to be same as operator, then they get started to be able to train with the team leader. So you now pull all these guys down, what are you going to stay with, who going to run the CCTV, who going to run this?

But as far as your interest goes and as far as Mr McCreadie's interest goes - - -?---Yeah.

- - - it was in your best interests that SIG remains as the subcontractor at the University of Sydney.---Anthony, I admit it, that's true.

And the basis for that was to continue receiving cash payments?---Well, sir, yes.

All right. I will turn to, very briefly, just Frank Lu, so Frank was receiving cash out of this arrangement. Is there anything else that Frank was receiving that you know of?---Frank was, look, Anthony, this is, where I got amazed, when Frank Lu was appointed as a rostering person for SIG, the SNP apparently was, this was for them something new when this happened, ICAC came on, on-site, which is totally, sorry to say, a lie. SNP was aware from the day one, Frank is doing the rostering for SI – for SIG and other thing, if they do say they don't know, they, they call him 12.00 at night, they call him 1.00 in the morning, they call him, “Oh, a guard call in sick, I need, I need guard 3 o'clock.” And when this Linda Willard called me, “Oh my God, I didn't know he was getting money.” I says, “Linda, would you, would you pay someone rostering person 24 hours for free, to have a phone and answering phones?”

But did he receive more than cash? Do you know if he received any flights?---Flights, I don't know.

Holidays?---No. I don't think so.

Accommodation?---I, I don't. to be honest with you, Anthony, I don't know about this.

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All right. - - - Look, he, he did fly to Macao, look, Frank Lu, I don't want to, I'm not talking and about him, he is addicted gambler and he gambling and - - -

Do you think he's a successful gambler?---Anthony - - -

THE COMMISSIONER: There aren't too many of those around.

10 THE WITNESS: There is no successful gamblers in this world. If is successful gambler, I would be going and gambling same.

MR BAINE: Thank you.---I do say it the way it is, you know?

Could you please turn to tab 7 in the bundle. - - - Ah hmm.

I want to ask you some questions about line marking. You will see there's an email on 20 January, 2017, that's on the second page.---Oh, second page.

20 From Linda Willard, who I think you just mentioned.---Yeah, yeah.

To you and Emir. Do you remember this email?---Okay, can, I will just go through and I will let you know.

Of course.---Yeah. I didn't read whole lot but I know what we, what, what is about.

30 Okay. So, what is this about?---Okay, there is a traffic officer which is at no longer the university, by the name, John Dirienzo. He is qualified as a painter, trade, trade to paint and he has his accreditations and licence. Daryl came to me, he says, Oh, Emir, we've got this line marking contract through the uni and it's, it's in the paperwork." I says, "Oh, okay. What about?" "Oh, I think there, there is some, some possibility we can do some work." I said, "Oh, okay. If we can do some work, we can do some work." Then, I don't know how I can, I will bring this with SNP, bring him on, send his details, send him this, send him this. He was, he done all this stuff. He send accreditations from John and everything. Then what it is, there was agreement, complete line marking and there is another company (not transcribable) something like this (not transcribable) More Signs, something, they got appointed as a contract and Daryl says, "Oh, we'll bring this John through SNP, we set him and we do work for John." And we did work for John. I said, "Okay," I says, "Do you know the people in SNP?" I don't know many people over there. Okay, go through SNP, done all this clauses and SNP, Daryl actually, I think gave, I think comparing Complete Linemarking and SN, to SNP and John, it was something I think around 40 SNP would increase from five per cent margin to, I think 20 or 25 per cent margin if we do for, for, through John. So, John work, John get paid, he would pay us because John had his machines, he had all this equipments. He would be us I think 25-30 per cent, and John, before he left, he didn't

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give, he meant to give to Daryl some money but he refused. He left and he then - - -

When, when did he leave?---It's a good question. John, it's last year sometimes. Is it last year or year before? It's, I can't, I can give you accurate date exactly when he left but probably year ago or something.

10 So, did John actually perform any of the line marking work?---Yeah, yeah, yeah. It has to be John, Anthony. Because we would have to take, we would measure it, take some photos, send it through.

And you and Daryl helped him?---Yes.

So, if you turn to the next page, sorry the next document, which was, begins on the fourth page. You'll see that it's an email chain on 21 March, 2017, between you and Daryl and I'll just give you a moment to review that. ---This is after the copies from John, yeah?

20 Yes.---Yeah. Okay, "(not transcribable) going to stretch hard but we'll make margin, yeah. This is going to be massive, bro." Yeah. Anthony, this started actually more, when me and Daryl started to do this painting, our focus was more less the, with the guarding team. Not less with the guarding covering and all these things. So, in this painting business, whoever made this contract, I don't know, but it's you can make ridiculous money, Anthony. Like, when I say ridiculous - - -

30 Well, have you provided an indication in this email, so your email to Daryl 1.38pm, are you suggesting that for spending a 100, oh sorry for spending \$30,000, there was - - -?---\$140,000, yes.

40 Right. - - -Okay, what Michael Mola, he came to us. University decided to put, promise put like, all over the campus like a sort of green points like, and apparently worked out about 5,000 square metres. And me and Daryl we been calculating how much we will need to the money material paint, because this John Dirienzo, when he left, okay, just to give you some background, then Daryl was talking to person called Phil Tansey, it's a, he was SNP branch manager. Then me and Daryl open up ABN number and we started working as a ABN like, a contractor to SNP but we do not have any qualifications. He just told us, "Give us your public liability and ABN number." Like, public liability insurance. And they, SNP gave us those work after John left. John went to work to Harbour Bridge. So, this is not, John left ages back and we started working, working through Tommy, through SNP, as a subcontractors and this came and Daryl says, "Oh my god," you know like, "\$140,000." We started calculating how much material do we need, what we need, our plans where to sleep on the uni. Like, not on the uni but get somemotel, hire it for maybe three, three-four weeks, get the money and uni didn't have issues with this. They didn't say oh this or this, this was our problem how much will cost us, this was, this is

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the budget, if you can hit with \$5,000, \$5,000 and you can ask Mike Mola, he, he came as approach but he says, "This is not confirmed." And this job didn't go ahead, hundred per cent didn't. I, no, it didn't, it's, there is no problem green, green painting on the campus at all.

So, who at the university knew about this arrangement?---Argh about?

The line marking?---Who would know? When you say who would - - -

10 Who was responsible for authorising the, the line marking?---Daryl. When we got the contract, what I said to Daryl when, "What is about the line marking?" he saying, "Our job is to do refreshments." Lets say, "Pedestrian crossing started fading," he would go there, he would take the photo and save it on the file and we would go at night and do painting.

20 So, did Daryl identify the opportunity and then did Daryl present the business case to SNP?---Yeah, SNP was making 39 per cent margin on it because me and Daryl were working. What was, John Dirienzo was making 39 per cent and me and Daryl was, were on 29-30 per cent and we were working for John. We would be helping him whatever he needed. Then Daryl went to SNP saying, "This what John was charging youse, youse guys can have it and we will be charging you," I can actually provide you invoices compare us and John, it's magnificent difference but again, Anthony, I will say in this business you will make a good money, as a, as a line marker. Like, we had, uni has stencils like, a loading zone, just be quite honest, you put a stencil on, get a white spray can, spray it, \$70. How long will take you? Two-three minutes, but this is not stealing, Commissioner, like that was -----

30 THE COMMISSIONER: No, no, no. --- but I'm saying, I, if I have a job tomorrow, I would actually, if someone offer me five days contract, I would leave security straightaway.

MR BAINE: And did anyone at the university know that you were doing this line marking work?---At least, look, I can't say 50 per cent people knew it. Dennis knew it, Simon knew it, ground people knew it, Brookfield people knew it, security guards knew it.

40 And do you know if, can you recall if you were claiming hours for, on the time sheets at the same time that you were performing line marking services?---On some occasions, on some occasions.

All right. And if you turn to the next page, sorry, the page after that, there's an email on the 8<sup>th</sup> of February, 2017. - - -Yeah

I'll just give you an opportunity to review that.---Yeah.

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And it looks like you've identified another lucrative opportunity for some line marking.---Yep.

Do you have any qualifications to perform the line marking?---No, I don't, that's what I - - -

Are there any qualifications necessary?---For line marking you talking, sir, or in general?

10 For line marking?---No, I don't have any qualifications.

Do you know if the university conducted any due diligence on the people who were performing the line marking services?---What does mean, due diligence?

Background research on the companies and the individuals.---They, I don't, they didn't to me to be honest.

20 And how many line marking jobs in total do you think that you did?---Oh, Anthony, it's a good question, you know what I mean? Like, I, it's not like, I want to make up things or lie, you know like, but it was many. Are you talking only me and Daryl or when, with John?

Just at the university, you were involved in a number of jobs, is that correct?---Yeah, yeah.

30 And your evidence is that that was lucrative but also legitimate work?---Oh, you have to make legitimate work. If you don't work, how you going to say there was painting done?

I see.---So, regarding this job with line marking, is, is, how to say, you can't escape to not get the job done and claim. That's, this is what I can recall. Like, you can't say there is a, because what usually Daryl used to do, he would take pedestrian crossings, take the photos before that it's done, second one, send it through and he would send to SNP, he would send to Simon, to Dennis and he used to work sometimes all night and just start in the morning and we, they would see us putting paint in the shed.

40 All right. I just want to ask you some final questions about the documents behind tab 8. To do so, I'll just hand you another document and I'll hand one up to the Commissioner as well.---Thank you.

You'll see, Mr Balicevac, the first document is a spreadsheet and it's titled, "Balicevac SNP salary payments." I beg your pardon, would you turn to tab 8 of - - -?---Oh, sorry, sorry.

This might get a bit tricky. There's a few documents but I'll try and walk you through it. You'll see that it's a Excel spreadsheet and it's listing the

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deposits that were fortnightly deposits that were going into your bank account from SNP. - - - Ah, hmm.

And then if we turn to the next page, you will see that this is a document called, "Balicevac cash deposits," and it's your wife's account, [REDACTED] - Yeah, I mentioned, I mentioned John, sorry, Anthony before, Tommy always used to deposit into my account. I did, I can confirm that I didn't go or collect any cash from him.

10 I want to just show you a document. It's a Excel spreadsheet - - -Ah, hmm.

And it's a SIG document so, in fairness to you, you won't have seen that, Mr Balicevac.---Yeah, yeah.

I might just take a moment. In the interim, while that document is coming up, oh sorry, just while that document is coming up, Mr Balicevac, I'll just explain it to you. It's a document that you won't have seen previously. It's an SIG internal document and it records all of the deposits that SIG have made for approximately the last three to four years and the document that I  
20 have provided to you, which has the green highlighting in one column and then the yellow highlighting in the final column. This document is an extract of the document that's currently on screen. So, if we go to, I'll just put my glasses on. If we go to that tab that's called, "History deposit," the spreadsheet that we're currently looking at, you can see, Mr Balicevac, that the dates at the top of each of those rows extend back some years and it's just an SIG administrative financial document and, and I've, we've extracted some of those deposits in the document that's in front of you. So, I just want you to have a look at, this is where it gets a bit tricky, but I want you to look at two documents at the same time. The first one is called the  
30 cash deposits in your wife's account - - - Yeah. - - -And that is, if you could go to the third page of that document. You'll see that the bottom entry on that is 7September, 2016.---On, on this one?

It'll be this one here.---7December.

7September.---Two thousand and which one, sir?

'16.---Oh, '16.

40 THE COMMISSIONER: 4,301?

MR BAINE: That's correct, Commissioner. ----Yeah.

So - - -?---I can't see it, but yeah, I have the - - -

Okay, you'll see it on the screen in front of you and just let me know once you've seen it. It's on screen at the moment, Mr Balicevac, and you'll see that the bottom entry is for 7 September, 2016.---Yes, yes, I can see.

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And the one above it is 31 August, 2016.---Yeah.

Now, I won't take you through all of these, but I just want you to look at this document which is also in front of you.---Ah hmm.

And you'll see that on the week between the 28<sup>th</sup>, sorry 22 August, 2016 to 28 August, 2016 - - -?---Ah hmm.

10 - - - \$5,207 - - -?---Yeah.

- - - according to this SIG administrative ----Ah hmm. - - -And financial time sheet or spreadsheet was deposited into your wife's account.---Yeah.

And you can see the bank account details and the BSB and her name.---Yes.

And then if you look at this list you'll see that 500, \$5,207 appears - - -?---Yeah.

20 - - - on the 31<sup>st</sup> of August.---This is what was to do with Kirkbride, sir, if you do remember, yeah.

And I could run you through a series of other transactions that complement if you'd like me to, but the, the point of this document is that what SIG are paying out of their accounts is being received into your wife's account. ---Yeah.

And you've accepted that you know that hours that were worked by you would be paid into your wife's account.---Yeah.

30 THE COMMISSIONER: Does that include hours that weren't worked by you, that is - - -?---Everything, sir.

Everything.---Everything. - - -Ah hmm.

Yes, it's, it's not just what was claimed and, and there is extra thing (not transcribable). It's all together, sir.

40 MR BAINE: And can you explain to the Commission why you nominated your wife's account?---Look, to be quite honest with you, when this was actually made up to go through like between me and – because Tommy used to call us in the office, come get your envelopes, come get your envelopes. I didn't, I says, okay, and this become inconvenient, sir. I says, "Put in my account." And in that time I had handled my wife's account and I gave her, I gave his details. There's nothing to be hidden or anything like this, he, he has the details. What, what I going to hide? Either is it my account or hers account.

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Well, if we look at the bottom two entries for example - - -?---Yeah.

- - - of \$5,000 and - - -?---And 4,000, yeah.

- - - \$4,000, approximately how much of that money would you then have to give back to Tommy?---On \$4,000 roughly two, two and a half thousand I would have to give him.

And on \$5,000?---Two and a half to three.

10

Right. And were there any other payments that you had to make to Tommy?---300, sir, as I mentioned, it was ongoing, it was, I would have to pay him. If I pass let's say 55 hours I'd say, when me and Tommy disagreed because I was working Monday to Friday 40 hours, he wouldn't touch this. If I would work more than 60 hours or 55 plus, we would have to give him \$300.

20

Right.---And plus one, if its like 60 hours it's a \$60 and it's 360, the total. And I said to him many times, "When you're doing this banking and when you go do this, take this off." "Oh, this is complicated, confusing." I says, "Okay." And he would, he didn't collect every week, he would come a month, I would either grab from here or from my other, like, when I get pay, put in envelope and he come, I give to him.

But this was a very lucrative arrangement for Mr Sirour, wasn't it?---When you say lu-- - -

30

Lucrative. He made a lot of money out of it.---Yeah, but sir he was always complaining how he's underpay. This was all the time he's saying, "I'm underpay. I have, I need to make guards running, I have to do this." And Frank gave him another \$300 then I don't think, I don't, I don't think so Daryl was, was giving him any money, I don't think so.

Okay. Just one moment. Just generally, Mr Balicevac, in relation to the time sheets that we have gone through today and Friday - - -?---Ah hmm.

- - - did any of those guards know that you were using their names?---They, they, they used my names sometimes.

40

So for example the name Lincoln Jay Nock, would he have known that you were using his name on the time sheet?---I don't think so he would know, to be honest with you, I don't think so for him.

And what about, so how about I run through some names.---Yeah.

Yahiya, do you think he would have known?---Yeah, he would know, because he was working down there all the time with us.

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Someone Ashlee Parker?---Yes, she would know. She, she was, okay, when we're talking about Ashlee Parker, she was SNP but she used to go with Aaron Lucas to get the envelopes from SIG, so she was using, on, she was working Monday to Friday at one stage then her girlfriend, she's in police, and they, she had to come back in the team but she was working every Sunday and she would be using someone else details.

And George and Mina Boutros, they would know?---Yes, they definitely know everything, sir.

10

Nader Gad, he would know?---Yes.

What about Anthony Chan?---I don't think so Anthony Chan, to be honest with you, sir.

What about Rob Basilic?---Yes, Rob Basilic, yes.

20

What about Kashif?---Yes. Kashif, put this way, with Kashif and we're talking he's – there is two Kashif, is it the one which was working as a unlock team leader or the, or the - - -

Ali Khan Kashif Mohammad.---Yeah, yeah.

Who was performing lockup services.---5.00 to 1.00.

5.00 till 9.00pm actually. But, I'm sure it's very frequently.---Yeah.

30

Aaron Lucas?---Aaron Lucas, he is the ex-site manager and he was the one who actually went to – what happened between Aaron Lucas and Tommy I really don't know. I remember, because I was at that time ground guard, I wasn't in the, in the position. He, Aaron Lucas and Tommy had a massive fight at one stage. What was about, Tommy never told me. But Aaron Lucas I remember with Ashlee Parker, they used to go on a regular basis to Tommy's office, and what did they do, that's a question mark. So Aaron Lucas at one stage, when he, when he removed me from site he was, what do you call it, he was with Nik, Nikita Bukelic and Jason Bataineh, they used to be best friends at one stage. Then when I came back from Camden, things, everything blown up between them three. Then Nikita Bukelic called him out, outside, and Aaron, Aaron had a really high temper, it was really easy to, to make him crazy, and he came with his finger in front of the face on the camera and Nik used this as a threat and that's how he lost the job.

40

So did Aaron Lucas know that you were using the names of guards?  
---I never use Aaron Lucas. I'm wanna be honest with you, Anthony.

But did Aaron Lucas know that the use of assumed names was occurring on time sheets?---Did he know that his name was used or - - -

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No. You've identified that his name wasn't used by you.---No.

Did he know that the conduct that we've been speaking about was occurring?---I don't think so. I don't. Because if he, when he was working for SNP, you know, someone used his details, you know what I mean, unless he, when he left, I don't think so he knows, unless Tommy advised him. Look, for the names, like I seen actually in the summons where people saying guards used the names, like I will say while they're overseas. Well,  
10 Tommy was the one who was supplying names.

Right.---So if they were overseas, maybe they were overseas.

So a name like Ali Atif, would he have known?---Atif Ali.

Thank you. Atif Ali, correct.---Yeah, he definitely would know.

Or Salam Al Zayadi?---Salam is the, he's a working machine, he works 24/7, so yeah.  
20

He would have known?---He should know, he would know definitely.

Magdy Aly?---Yes. Magdy Aly is the, Tommy's assistant and Magdy Aly actually bought his own business now, so Magdy is running a business called KOR, so they replace SIG just as a, as a name but it's the same company.

And what about Bernadette El-Cheikh?---Yeah, she would know.

30 On one of the documents that we looked at previously, I can take you to the document if you'd like, but Bernadette El-Cheikh worked a six hour shift during the info week in 2016 on the graffiti tunnel at the University of Sydney.---Yeah, that's right.

What would a six hour shift at a graffiti tunnel involve?---Graffiti tunnel, what's actually happened, at the uni there is a graffiti tunnel, where you can bring your spray cans and spray everything.

40 So, guards would monitor the spraying?---Just to, to, fume and the smell and dust.

Okay. All right. All right, Thank you Mr Balicevac.

THE COMMISSIONER: Did you want to tender that spreadsheet?

MR BAINE: I do, yes, yes, I do and then there's a short housekeeping matter. So, could I please tender that exhibit, or that - - -

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THE COMMISSIONER: Which is that one?

MR BAINE: I beg your pardon, could I please tender the folder which I haven't yet done.

THE COMMISSIONER: Oh okay. The folder, which is marked Operation Gerda, Compulsory Examination 15 June, 2018. I think we used some of the documents on the last occasion, correct?

10 MR BAINE: Only one I think, Commissioner.

THE COMMISSIONER: Only one, was it? That will be marked Exhibit 13.

**#EXH-013 – BUNDLE OF DOCUMENTS TITLED COMPULSORY EXAMINATION 15 JUNE 2018**

20 And the spreadsheet that you took the witness to a little while ago will be marked Exhibit 14.

**#EXH-014 - EXTRACT OF DEPOSITS INTO [REDACTED] BANK ACCOUNT**

MR BAINE: Thank you very much. And, Commissioner, could we take a short adjournment just so that we're able to provide Mr Balicevac with a  
30 update about his phone?

THE COMMISSIONER: Please do, and let me know when that's been done and I'll come back. Is there any reason why he shouldn't be released from his summons at this stage?

MR BAINE: I don't think so. No. That would be appropriate.

THE WITNESS: I have to be here still?

40 THE COMMISSIONER: Just wait until they talk to you about your phone, then I'll come back on and just discharge you from your summons, which means your free to go.---I can go overseas?

I don't know, that's up to you.---Sorry, Commissioner. I would, I have got to go.

You certainly won't be required to come back on that summons. It may be at a later stage, we want to talk to you some more but we'll just wait and

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see.---Other thing is, SNP will lose the contract at the uni but what's going to happen, what's, so it looks like I won't be at the Sydney Uni much longer and that's reason as I mentioning this, in case you need me and you might actually look for, to chase me up around, you know, so - - -

But I think you told me last time, you live out at - - [REDACTED]

[REDACTED] that's right. Do you own your own home?---It's under mortgage, \$550,000.

10

Yes, okay. I think we all have that problem. Okay, I'll adjourn and if you can just let me know when things have been sorted out and I'll come back and formally discharge the witness.---Thank you, Commissioner.

Thank you.

**SHORT ADJOURNMENT**

**[1.24pm]**

20

THE COMMISSIONER: Now, Mr Balicevac, I understand they've spoken to you about your telephone?---Yes.

And that's in the process of being sorted out?---Yes.

Good. Is there anything else you think you can tell us that might be of assistance to our investigation?---The documentations I gave you to - - -

30

Yes.--- - - - if I can show you a few things I have with that. I'm happy to show you, but again I'm not accountant, sir.

Yes.---I'm not saying this is right. I don't want to mislead you in the wrong direction either.

No, that's okay.---That's one thing. Second thing also there is an email I probably have on my uni account where SNP saying to the Multiworks guard, oh, yeah, sign off 18.00, 22.00 as a creating shift. Again, I don't know is this helpful or not, but - - -

40

What do you mean by that?---The guard turn up and he says, oh, just sign off 18.00 to 22.00 and go home.

Right.---But there was no shift.

Okay.---I can forward this to Leonie.

Yes.---I don't have it here, sir.

**PROTECTED**

That's okay. If you do that, that would be useful. And I think what we'll do with the documents you provided, we'll have a look at them first - - -?---Ah hmm.

- - - then we might speak to you a little later, if that's okay. I'm going to release you from your summons.---Thank you, sir.

But if we require an explanation at some stage we might get you in at a time that suits you.---This is just two thing.

10

Yeah, okay.---It's not, we need to go through the calculators and everything. Just two thing and this is it.

Do you want to be shown that before you leave?---Yeah. I gave you, I don't have the - - -

No, no, no, that's okay. Yes or no?

MR BAINE: Sure, yeah.

20

THE COMMISSIONER: Okay.

MR BAINE: Thank you.

THE COMMISSIONER: And I think you mentioned you were going on holiday to Russia. Is that - - -?---No, no, no, this was a prank on my Facebook.

30

Oh, I see what you're saying.---People calling, oh, you're going somewhere. I'm not going nowhere. Where I going to go, sir?

Fair enough. Fair enough. All right.

MR BAINE: Commissioner, just might I ask one final question of Mr Balicevac.

THE COMMISSIONER: Of course, of course.

40

MR BAINE: Mr Balicevac, I just wanted to ask you about the cash portion of the money that you would pay to Tommy Sirour.---Ah hmm.

You'll recall there were some questions about the say \$4,000 that you would have paid into your wife's account.---Yeah.

And then you said approximately two to two and a half thousand dollars of that money would - - -?---Yes.

- - - be paid in cash to Tommy.---Yeah.

**PROTECTED**

How did you withdraw that money?---Sometimes I would, look, as I mentioned, I wouldn't withdraw. I would sometimes transfer from her account to my account and get this money or sometimes my wife would get this money. Like when was \$10,000 she went and took the money and next day I paid him, or if it's a big amount, but I'm saying if it's like 300 plus hours, then it could wait for a month.

10 So you would access the money either by cash deposits or you would transfer the money between your and your wife's accounts.---My account, not, not Tommy's account, my account.

Yes.---He never, he never wanted for some reason to provide his account. I was asking, give me your account and I just send it there, so save us not catching up or seeing each other.

20 And were there ever occasions where Tommy would or SIG would withhold a portion of the money that was to be paid to you?---Ah, there was on a few occasions because Tommy started actually asking for more money in the, and I actually says, "Look, Tommy, I'm doing things, I'm covering, I'm working, I can't just you sit at home and get like, whatever money you want." He wanted like, I think once said 700 a week, this is what he want, and I says, "I'm not going to waste my weekend and plus give you, give you, give you money."

All right. So - - -?---But 300 was mandatory, I, it was basically I had to.

And you would pay that in cash?---Everything is in envelope.

30 And did you ever receive any cash from SIG?---Cash, when we say cash, physical cash or a deposit?

Like an envelope of cash or - - -?---When I got this Medal of Valour, sir, Tommy gave me \$150 as a congratulations.

Okay. All right.---This I will admit, as a cash but in the hand.

40 And your evidence is that that's the only cash that you received from SIG? ---And two or three gift cards.

Okay. All right.---This is it.

Okay.---Rest everything in account.

Thank you, Commissioner.

**PROTECTED**

THE COMMISSIONER: Well, thank you very much for your assistance and I'm going to discharge you from your summons which means you're free to go.---Thank you Commissioner, appreciate.

And if we need to speak to you again we'll let you know, but make sure that we fit in with your convenience.---Thank you.

Thank you. We'll adjourn.

10

**THE WITNESS EXCUSED**

**[1.54pm]**

**AT 1.54PM THE MATTER WAS ADJOURNED ACCORDINGLY**

**[1.54pm]**

**PROTECTED**