

PARAGONPUB01374
01/06/2021

PARAGON
pp 01374-01404

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION PARAGON

Reference: Operation E18/0736

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 1 JUNE, 2021

AT 2.15PM

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

THE COMMISSIONER: Mr Downing.

MR DOWNING: Thank you, Commissioner. Mr Dubois, I now want to take you to Mr Sangari and his company, GEC, and by way of background again, you've given evidence about this, but your connection to Mr Sangari was through your cousin, Nabil Habbouche. Correct?---Correct.

10

And is it correct also that Nabil's cousin, Ahmad Wehbe, worked with Mr Sangari at GEC?---That's right.

So that again you have a, perhaps a distant, but you have a family relationship through Nabil actually to Ghazi Sangari?---That's right.

Now, can you recall the circumstances in which you first met Ghazi, whether that was in a work context or perhaps a social context?---No, I don't remember.

20

But you do recall, don't you, that between, I'm going to suggest, mid-2011 and late 2014, that you awarded a number of contracts to GEC?---That's right.

And I'm going to suggest that the value of those contracts was \$472,582, that is in respect of work that the RTA and then RMS awarded to Mr Sangari's company.---Okay.

30

Now, first of all, can you recall in order jobs that Mr Sangari was involved in for the RTA?---In order?

Can you remember perhaps the first one?---The first one, I think it was, I think I mentioned it previously, it was a Kankool, and there was a design at Condobolin, a bay.

Just on Kankool, I'm going to suggest to you that that was the first job in time, and do you recall that that involved an upgrade of the particular facility that was at the Kankool heavy vehicle checking station.---The, the, the, correct, that was the office space.

40

And can we go, please, to volume 9.1, page 49, and do you see that on 25 January, 2011, you send an email to Mr Sangari and copy to Ahmad Wehbe, both at GEC, the request for quote in respect of the Kankool design? ---Yeah.

And if you go then, please, to page 51, you'll see that there's some detail there in terms of the scope of works.---Yeah.

And if you go ahead, please, to page 55, you'll see there is a photograph of part of the request for quote and the contract details showing the building.
---Yeah.

So was it plans for the upgrade of that facility next to the heavy vehicle checking station?---That is a heavy vehicle checking station.

I'm sorry, the building that constitutes it?---That's correct.

10 Thank you. Now, can you recall what it was that led to you to send Mr Sangari and Mr Wehbe the request for quote in this job?---Sorry, can you just repeat that?

What was it that led to you, for the first time, offering some work to them, that is, in this instance it was to do some plans and drawings in respect of the upgrade.---That's right.

You hadn't used GEC before.---No.

20 Can you recall what it was that led to you offering some work to GEC at about this time?---It's hard to put myself back 10 years, but I can just assume what was, I was thinking.

And what do you believe it was?---I think through my, through maybe meeting or maybe going to their office, I knew they do, they did similar plans too for residential properties and designs and certifications and the likes, so I thought this is kind of something that they can do.

30 So in a sense was it to perhaps provide some benefit to Mr Sangari and Mr Wehbe through the work?---Correct, yeah.

But I take it with a view that you would ultimately obtain some benefit yourself through the work that they would do.---Ah, yes.

And just in terms of their quote, if I could take you, please, to page 65. You'll see that on 31 January, 2011, there is a quote submitted or a fee submission submitted by Mr Sangari.---Yeah.

40 And if you go, please, to page 67, you'll see that it's a 28 January, 2011 quote in order to do the drawings and documentation for the Kankool upgrade and the price quoted was \$26,000 ex-GST.---Yeah.

You'll also see that in that letter there is a reference to a joint site inspection on 13 January, 2011.---Yep.

Which is before the RFQ was sent out. Just pausing there, do you recall there being a joint site meeting at the time?---It's hard to say. It's a long time ago.

Any idea of who was present?---As I said, I, I, it's hard to, I'm trying to remember but I just can't recall.

But in terms of the likelihood, I take it's likely that you've had some discussion with Mr Sangari before the request for quote came out to indicate to him that this was a job that you were proposing that he do?---I would have probably had discussions with him, yes.

10 Now, as far as the price is concerned, are you able to assist us as to whether that \$26,000 price was genuinely a price that Mr Sangari had come up with or a price that he had discussed with you before the quote was submitted? ---I don't recall. I, I, I'm, yeah, more, leaning more towards the price that they came up with but I don't recall.

20 So, is it the case that you can't assist us now as to whether there might have been some discussion from the outset about building in a cut or part of the price that would ultimately be paid back to you, you can't recall?---I've said previously that they provided kickbacks so, you know, I'm not denying that but I just can't recall the conversations you're referring to.

Can we go, please, then to page 68? And you'll see that after you get the fee submission on 31 January, 2011, on 1 February, you email back to Mr Sangari and ask to provide a review of the quote and possible breakdown so that you could proceed?---Okay.

Do you recall now, and I accept again it's a decade, but what it was that led to that request?---I don't know if it, I actually don't remember.

30 In any event, you'll see at the top of the page, 1 February, 2011, at 12.11, Mr Sangari does what you asked and comes back with a revised fee proposal with breakdown.---Ah hmm.

40 And if we go then, please, to page 70, you'll see that it's dated 28 January, 2011, but now the fee proposal for this work has been made somewhat cheaper. So it went from 26,000 plus GST to 21,200 plus GST. Looking at that, does that trigger any recollection at all as to whether you might have gone to him perhaps and said, "I need you to come down with the price but ultimately there will be some extra on top of it that will be paid back to me"?---I don't recall that.

I take it you recall though that GEC got the job?---Yeah.

And did the drawings?---Yes.

And if we go, please, to page 72, you'll see that the purchase order was created, dated 8 February, 2011, and confirms that GEC gets the job at that revised quote price of \$21,200?---Yeah.

And if we go then, please, same volume but to page 148. You'll see that on 1 April, 2011, Mr Sangari sends you his invoice. And if you go to the next page, it's the GEC invoice in respect of the Kankool works and at the revised quoted price, so twenty three thousand – I'm sorry – 21,200 plus GST, so all up 23,320?---Yep.

10 Now, are you able to assist us as to whether, at that point, and that is April 2011, whether you had – I withdraw that. Once that had been approved and the invoice had been paid, can you recall whether there was some request for a kickback from Mr Sangari?---I recall there was multiple kickbacks. I can't remember if it was, it was for this first one. Could have been for the others. I, I can't recall.

Is it the case that you can recall there was more than one but you don't remember specific times now?---Yeah, I, I, I, well, it's over 10 years ago, so ---

20 I understand. What's your recollection as to the form in which the kickbacks were received?---As I said previously, they were in cash.

And can you recall the sums that he gave you on each occasion?---From memory, I remember it was \$5,000.

And on how many occasions?---As I said previously, maybe two or three times. Three times maybe.

30 Is it the case that you asked for them or he simply volunteered cash to you? ---Again I don't recall a conversation but it would have been something maybe he's suggested. Craig was getting designs from, from Mr Sangari - - -

Well, I'm going to suggest that at least at this point in 2011, that's before Craig gets any work - - -?---That's what I'm saying, this was the first time, and I mentioned this earlier, that I, he did the Kankool design and I mentioned that to Craig, so maybe it was after that where Craig was receiving benefits, he'd mention something to me, I can't recall, it's, it was a long time ago.

40 But perhaps you can assist or perhaps not, you believe it was you though that raised with him that you wanted some form of payment from him? ---If that's what he's claiming. I can't recall. If his memory's better than mine, yeah.

I'm not suggesting what Mr Sangari says, but I'm really asking your recollection, and you don't have to agree with what other say, it's entirely up to you.---Yeah. My recollection is that I don't recall whether I asked

him first or he, he, he proposed to me, but it could have been a mutual thing. I could have maybe initiated it, I just don't remember.

All right.---But obviously if he didn't agree he wouldn't provide the kickbacks.

But you do have a clear recollection that he did - - -?---Correct, yeah.

10 - - - make the payments in cash. Now, thinking then about later jobs that he did, can you recall him doing works again involving creating drawings and plans - - -?---Design works, yeah.

- - - in respect of Mount White?---Mount White. I remember a Condobolin, a Bulli point-to-point, I remember Eastern Creek. Mount White I don't remember.

Galston Gorge?---Galston Gorge was the, the special bay length design.

20 And I showed you some documents - - -?---Correct, yeah.

- - - in respect of the plans he drew up there before.---Yeah.

Twelve Mile Creek?---Twelve Mile Creek, Twelve Mile Creek, that's the thing northbound maybe, northbound site perhaps.

So you have some recollection of that?---I don't remember. If you show me the drawings I'll remember potentially what it was.

30 You mentioned a point-to-point location and it was, I think was it Bulli you said?---Bulli. I remember, I remember there was one at Bulli.

Do you recall some point-to-point drawings or plans also at other locations, Urunga and Mount Ousley?---Mount Ousley, Mount Ousley, Mount Ousley, potentially, maybe. I'd have to see the drawings, sorry.

40 What about heavy vehicle inspection sites at Picton Road. Do you recall him doing some drawings, plans in respect of that location?---Picton Road. Oh, I remember Condobolin, I remember maybe Boggabilla, Eastern Creek, they're the ones I remember. So Picton Road I don't remember.

Well, then finally, do you have any recollection of him doing some, that is Mr Sangari doing some work involving design or drawings for the heavy vehicle inspection station at Bathurst?---No, I don't remember that one.

Do you recall though that over time, that in the period that GEC did some work, the contract work it was allocated moved beyond just doing design and drawings?---Beyond design and drawings?

Well, do you have a recollection that late in the piece, GEC ultimately obtained contract work which actually involved it doing physical works?
---Actually I don't remember that, yeah, but it's a possibility now that you're refreshing my memory.

Well, I'm going to suggest that involved the Mount White location.---Mount White, it could have been the Mount White, okay.

10 Can I take you, please, to volume 9.2, page 126. And do you see this is – unfortunately it seems to have bounced back because of the size of the attachments involved, but do you see it was an email that was sent to GEC? It shows, demonstrates it was to Ghazi Sangari at GEC, and it's Mount White civil lane works request for quote.---Okay. No, I forgot about that one.

20 And if you go to the next page, please, sorry, keep going, and again, you'll see it's a request for tender for minor physical works and services. I can take you through the detail of it, but can you recall that there was that work that was involved at Mount White that actually involved - - -?---No, I actually don't remember the job, to be honest. I believe you, but it's, it's, it was a long time ago. This is, when was this dated, this email?

The email was 26 October, 2011.---2011, okay.

Can I, in any event, take you, please, to page 264 in the same volume. And you'll see that on 10 November, 2011, Mr Sangari apologises for the late response but sends through a fee proposal and inquires whether the job is effectively still open.---Okay.

30 And if we go then, please, to the next page, you'll see it's a 10 November, 2011 quote for entry lane widening of the Mount White northbound heavy vehicle checking station.---Okay.

And if you look through the detail of it, in this instance it's actually involving things like removal of trees, widening of the lane, excavation, then asphaltting and then ultimately marking of the new lane and providing documentation at the end.---Did he do the design work for this as well?

40 Well, just perhaps focus on the document itself.---Mmm.

You'll see also that the price is 144,000 plus GST.---Ah hmm.

Now, this stands in contrast to the type of work that GEC typically did for the RMS, doesn't it?---Design work, yes.

They were engineers. They weren't a company that actually performed any excavation on roadworks themselves.---No, they were just a contractor (not transcribable) and manage it, yes.

So does this now assist your recollection, that as at November 2011 that you were, in effect, widening the range of jobs that you were having GEC quote for?---Yes.

And do you accept that the reason for, in effect, getting GEC to now take on contracts for physical works, rather than drawings and plans, was that you wanted to be able to use them as a means of getting kickbacks on a larger scale?---Yes.

10

So that in this instance, the price of \$144,000, that would have been arrived at by you after doing some estimations about what that type of excavation and paving work would cost?---I mean, based on the previous contractors, but I think they arrived at this number, to be honest. I, I don't recall ever sitting down with them and working out prices.

Would you not have – you say you don't recall ever sitting down.---Yeah.

20

But do you have any recollection of a discussion, consistent with the practice you'd adopted with other contractors, of coming up with your own estimation and suggesting a price that you knew would have sufficient buffer in it for you to obtain a kickback later?---Maybe they came up with some estimates because they were much more experienced in this sort of field than myself in terms of the design work. But I don't recall. Sorry, I can't make up an answer if I can't remember conversations.

30

Now, in terms of the time frame, the first job that I took you to in respect of Mr Sangari was the Kankool facility, and that was in January 2011.---That's right.

This is now November 2011. Is it your recollection that, by this point, you were receiving kickbacks?---Yeah. I mean, it's hard to remember when, but I do remember receiving kickbacks multiple times, so I mean - - -

Looking at the size of this job, you accept that it's likely that this was a job where, once it was paid, you'd sought something from Mr Sangari?---Yes.

40

And it's the case, isn't it, that you would have expected that they were going to have to subcontract the actual excavation or paving work rather than doing it themselves?---That's right.

Now, can I take you to the same volume, 9.2, at page 269. And do you see that this is a 18 November, 2011 quote from Ozpave to Mr Sangari at GEC, and it's for the asphalt works at the Mount White facility?---Yep.

With a price of 61,575 plus GST.---Ah hmm.

Do you have a recollection, first of all, whether you had suggested to Mr Sangari particular subcontractors that could do the paving work?---I actually don't recall. I mean, I've, I've mentioned that I, I've made recommendations to other contractors. I don't recall that conversation with Ghazi. But - - -

But Ozpave was a company you're familiar with.---That's 2011. Yeah, it would have been, yes.

10 So do you say you just can't remember whether it was you suggested Ozpave or whether Mr Sangari independently sought a quote?---I mean, the likelihood, sorry, the likelihood of me suggesting it, knowing that they would have done work for, previously on the, on the exit lane is, is, is - - -

It's high, isn't it?---Yes, correct.

And if we go then, please – so bearing in mind that that initial quote is for 61,575. If we could go, please, to same volume, page 287. You'll see now on 23 November, 2011, so five days after the last quote, there's now a
20 revised quote for the Mount White work and on this occasion the price is 50,600 plus GST.---Yeah.

Now, do you recall being aware at the time of what dealings Mr Sangari was having with Ozpave?---No.

Do you recall whether there may have been some discussion with him about perhaps going back to Ozpave and seeing if he could bring them down on the price with a view to perhaps increasing the margin that GEC would obtain on the job?---I don't recall, no.

30 In any event you know that GEC ultimately obtained this job?---Yep,

And if we go, please, to page 283. You'll see it's the purchase order for this job, the Mount White civil works for GEC in the sum of \$144,000 plus GST.---Yep.

So that's the sum that was quoted.---Yeah.

40 Now, let's make the assumption – I withdraw that. Can you recall that this job also involved your cousin, Nabil, having some role?---No. As I said, I don't remember the whole job.

Can I take you, please, back to page 80 of the same volume. And you'll see that this is the GEC site-specific safety management plan, policy and procedure manual for this particular job.---Ah hmm.

And you'll see it's prepared by Ahmad Wehbe.---Yeah.

And if we go, please – I withdraw that. Can we go, please, to page 81? You'll see that on that, about five lines down, that Mr Sangari has appointed Mr Nabil Habbouche as a project manager for the works?---Ah hmm.

Now, first of all, were you aware that that was occurring?---I would have had to have been. I would have seen him but I, I don't, don't recall this, to be honest.

10 Can you recall whether you might have been the person that suggested that Mr Sangari use Mr Habbouche and Mr Wehbe or whether perhaps that was Mr Sangari's idea?---I, I, I mean, they were, they were friends from prior, so I, I don't know.

Can't recall?---No.

Can we go, please, to page 83? You'll see that Mr Sangari is the first point of contact according to this document but the backup for the project director is Ahmad Wehbe.---Yeah.

20 And if we go, please, then to page 88. This is a breakdown of the resources and you'll see that, according to this, that it identifies the subcontractor to be Ozpave and it identifies the managing director as Mr Sangari.---Yep.

With the project manager below, even though the name's not there, consistent with what I've already shown you, was Nabil Habbouche.---Yep.

30 And can we go, please, to page 90? And have a look down through this table headed Responsibilities which identifies the roles that Mr Habbouche was to have in respect of the job.---Okay.

Does seeing that make any difference in your recollection as to how it was that Mr Wehbe and Mr Habbouche became involved in the particular job? ---No.

Now, it's the case, isn't it, that during the period that GEC was doing work, you were having that work allocated to the company?---Sorry?

40 In the period that GEC was doing RMS work, you were having that work allocated to the company?---Yes.

And at least some of the jobs weren't really within his area of expertise as an engineer, correct?---Yes.

And I take it that over the period that he did the work, that what you were seeking to do was, in part, benefit him through the provision of work, correct?---Yes, yes.

But in part benefit yourself through the receipt of kickbacks.---That's right.

And you've already confirmed that you believe two or perhaps three payments in cash were made over the course of the work.---From what I recall. Again, it was a long time ago.

Can you recall what it was that led to you not allocating any further work to GEC?---I think in terms of the design work, trying to remember, because that, after that period I think I had moved to a different part of the RMS, but
- - -

10

So is that from ITSP into the Compliance Enforcement Branch?---Yeah, maybe it was around that period or just after or just before, but then also I remember Nabil started to do some construction work, so essentially he took over some of the construction work that maybe GEC had done at Mount White. And I don't remember having much design works at the time, so - -
-

20

That is in the Compliance Enforcement Branch?---Like, I mean, I had, I had design works later on which I had basically sought consultants from different companies to provide. But at the time I don't recall any other design works. Yeah, that's, I mean, I don't recall any other reason.

Did you ever have any awareness that GEC and BMN had some connection together? That is, those businesses were in some way connected?---No.

Were you aware that, at least for some period, that those companies had the same registered office address?---No.

30

And that also Sydney Metro Building Services, which I'm going to come to shortly, but your cousin Nabil's business, also had the same registered office address?---No. I don't recall that.

But is this the case, that you were aware of a connection from Nabil Habbouche to Ahmad Wehbe and then on to Ghazi Sangari?---Yeah, they all knew each other, yeah.

40

But as far as the connection between them and Bilal Najjarin, were you aware of a connection?---Well, Ahmed and Bilal were cousins, so, I mean, that's the connection I know of. But other than the connection you've just suggested, I didn't know of, no.

Now, separate to the cash payments that Mr Sangari made to you, you've alluded to this already and you've given some evidence already about it, but you asked him to assist Mr Steyn in respect of work for his house in [REDACTED].---That's right.

I'm going to suggest from 2013 onwards. Actually, I withdraw that, 2012 onwards.---2012, yeah, sounds about right.

And do you recall that the initial request for assistance related to some work proposed as regards the relocation of the driveway?---Driveway? Was that the first thing? I mean, it could be.

But then later there was work related to the pool, the pool house and the actual residence itself.---The main house, correct, yes.

10 And you attended meetings with Mr - - -?---Steyn.

- - - Mr Steyn, Mr Sangari and Mr Wehbe in relation to that?---That's right, yes.

And it's the case, isn't it, that you, in effect, asked Mr Sangari to do this as a favour for Mr Steyn?---Yeah, upon Craig's request as well, yeah.

But you never suggested to Mr Sangari that any payment was going to be made for it?---Sorry, can you repeat that?

20 You never suggested to Mr Sangari that he would get any payment for work he was doing in respect of Mr Steyn's residence?---No.

And you never made any payment.---No.

Can I take you then to Sydney Metro Building Services. Now, that's your cousin Nabil's company.---Yes.

30 And it's correct that he has been educated to high school level in Sydney. ---Yes.

And then done university in Sydney.---Yes.

But then moved to Dubai for some years.---Correct.

And worked over there.---Yes.

And is it correct he moved back to Sydney in about August 2011?---Yep, some time, yeah.

40 And asked for your help in obtaining some work.---That's what I recall, yeah. After conversations with him, yeah.

And you helped him organise some RTA and RMS work, I'm going to suggest, from about mid-2012 to mid-2013.---Okay.

And I'm going to suggest that over that period – well, first of all, you're aware, aren't you, that the company traded through was Sydney Metro Building Services Pty Ltd?---That's right.

And I'm going to suggest that it received contracts to the value of \$752,430.03 over that period. So roughly three-quarters of a million. ---Yeah, three contracts, from what I, from what I recall. There may be more.

Now, can I take you to the search for Sydney Metro, which is at volume 7.1, page 16, and you'll see that it has a registration date of 17 November, 2011. ---Yeah.

10

Can you recall whether you suggested to Nabil that he needed to incorporate a company if he wanted to be putting himself forward to do RMS work?---I don't recall. We saw each other quite often so I don't recall.

In any event, can I take you, please, to volume 7.1, page 26, which you'll see is a list of RMS work that Sydney Metro did, and also payments received for it. So you'll see that it lists, so starting in June 2012, Boggabilla heavy vehicle inspection station construction work.---Ah hmm.

20

Do you recall that job that Sydney Metro did?---Yeah, Boggabilla, Bulli, Condobolin. They're the three that I remember.

And you'll see that they are all listed there.---Yeah.

So that the initial job, the Boggabilla job, involved payment of \$143,000. ---Yeah.

30

Although there's then further Boggabilla works involving survey and line marking, involving \$18,082.35 and then \$292,380.---292,000, where is that?

It's in the entry for 25 October, 2012. I might -- no, that's correct, so 292,380. So that across the Boggabilla works involving both the construction of the facility and then survey and line marking, that all up the payments came to - - -?---It doesn't add up.

Well, I'm going to suggest that on those, that there were payments ultimately made of about \$450,000, roughly.---No, I, I, I, I don't know. I don't remember the individual sums.

40

All right.---All I know there's three, there were three jobs that he did, that's what I recall.

But do you have a recollection if there were multiple parts of the Boggabilla works?---No, I don't recall.

In any event, with Bulli you'll see that there's reference to site construction, a retaining wall and then further site construction with a variation.---Yeah.

And then finally you've indicated you remember Condobolin and you'll see that with the Condobolin works there are payments of 96,000 and then 173,500.---Okay.

Do you remember first of all with Condobolin, what that work involved?
---It was building the, the inspection site there, a new inspection site.

Do you recall that - - -?---Or bay or whatever.

10 - - - it actually involved a road upgrade to the inspection bay, so that the works involved excavation and asphaltting?---That's what is it, so all building the brand-new bay there.

And can we go, please, to volume 7.2, page 225. And you'll see this is the purchase order request for Sydney Metro Building Services in respect of the Condobolin construction works?---Yep.

20 And you'll see from the description below that it's involving doing asphaltting.---Excavation, new road base, asphaltting. Yeah, correct.

And the total price is \$245,000 plus GST.---Yep.

And if we go, please, to page 282, same volume, you'll see that on 13 May, 2013, Nabil sends you an email with the tax invoice for the Condobolin Road Pass HVIS works.---Yeah.

30 And if we go to the next page, please, you'll see that the invoice that's number 130513 but it's for that sum reflected in the purchase order, that's \$245,000.---Yep.

Plus GST, so 269,500.---Yep.

And you'll see that there's a breakdown there of the works that seem to be involved.---Yep.

Now, just looking at that invoice. First of all, do you recognise the style of it and the template?---I, I, I recall the document. I don't recall the, the details of the document but I remember the logo.

40 Did you set the logo up for - - -?---No.

As far as the items making up, it's evident again that this involves excavation and roadworks, so that is asphaltting.---Asphaltting, there's carnage there, there's signage removal, there's survey, there's a number of things, utilities search, yeah.

Was your understanding that Nabil, through Sydney Metro, had to subcontract out the asphaltting?---Yeah. That's how most contracts were done.

And in this instance, looking at the price, it's likely, isn't it, that this reflected a price you had estimated based on your knowledge of what that sort of work would involve first of all?---Correct. Correct, yep.

And to involve a sufficient margin for you to receive a cut?---Correct.

10

Given that Nabil was your first cousin, I take it that there was no doubt in your mind that you could trust him?---Correct.

And is it the case that where it involved the work that he did, you told him from the outset that it would involve him paying a cut for you?---As I mentioned previously though, he, he'd, he'd, he'd come across previous contractors. He, he had met other contractors that I had worked with on numerous occasions and I, he, I think he understood that the, what was going on.

20

That that's the way you operate?---That's correct, yeah.

But in terms of the contractors, are you referring to people like Mr Hadid and Mr Chahine?---That's correct, yep.

Mr Alameddine?---Correct, yeah.

Any of the others, Mr Taha perhaps, Mr Goldberg?---No, not them, no. I don't recall them. No.

30

But are you saying that, in effect, that you had assumed that amongst Mr Chahine, Mr Hadid and Mr Alameddine, they would have informed him of the way you were operating?---Correct. I mean, I remember him meeting them or seeing them in, on, on more than one occasion.

Now, can you recall the form in which you got kickbacks from Nabil?---Cash.

And what's your estimate, given that the overall value of the works that he did is \$752,430, can you recall how much you got from him in kickbacks? ---In total?

40

Roughly?---I think it was, like 80 or 90,000.

And in one go or in increments over time?---I remember, I think it was one go. Towards, I think after he had completed multiple projects. That's what I recall. You know, it could be, it was a long time ago.

And what was it a case of him bringing a bag or a box of cash to you?
---Correct. I can't remember if it was a bag or a box but - - -

And do you recall that after he did the Condobolin works that there were some issues raised about the standard of them?---Yeah. He hadn't completed the works. Just the regions, they were making a fuss about, again, it's their region, they want to basically, they've got something going on there themselves, so but they, they had made some complaints because they were obviously, they don't know who the contractor was. They have
10 normally their own guys do the work so there was some issues raised about a drainage and maybe the, the asphaltting, but he hadn't completed the work, so with all fairness – but, I mean, there were some complaints, you know, from my end that, with some of the, the finishing, the finishings of the work at Bulli, Condobolin, correct. I mean, that's what I recall.

So not just on the Condobolin site, there'd been some issues with work elsewhere?---At Bulli, yeah, there was I think Craig and I had, weren't too happy with the drainage solution there and with the finishing of the concrete.
20

Just in relation to Condobolin, can I take you, please, to volume 7.2, page 284.---Yep. This should be the email.

And you'll see, on 14 May, 2013, a Stephen Darlington at the RMS sends you an email, copies it to others, but you'll see that it relates to this particular work. And if you just have a read through it.---I don't want to read. I remember the, the, the region have their own thing going on there.

When you say having their own thing going on, what are you referring to?
30 ---They don't like strangers coming in doing works, so – they're very protective.

In effect a sort of turf war where they like local contractors getting the local work?---That's correct, yeah, yeah. They have their own thing going on there.

But can I take you then to page 311, same volume. And you'll see this is 16 May, 2013, and you'll see that what starts at the bottom of the page is a 16 May, 2013 email from Peter Dearden.---Yep.
40

Do you recall who that was?---Yeah, that's the, one of the managers.

And one of things he suggests in the email is that the manner in which the work was undertaken, the quality of the work produced are unacceptable, and that he raises some things that needed resolution before any further works.---That's fine. The work had been done, but ultimately want their own guys to do the work, which is, it's okay.

But is it the case that after this and perhaps also the issues with Bulli, whether you thought that there was unfair criticism or not, you made a decision to stop using Nabil's company?---That was, that was one of the reasons, yes.

Was there some other reason?---I think that was one of the reasons, plus there was also the connection with myself.

10 You think it was just a little bit too close to home.---Correct, yep.

That it was your first cousin.---Yeah, that was another reason. And I think he also wanted to go overseas as well, so there was multiple reasons.

And just on that front, is it the case that he left and went overseas?---Yeah, I can't remember how long after but I remember, I do recall he went, he went overseas.

20 And does he remain overseas now?---I haven't been in contact with him for many years.

When was the last time that you were in contact with him?---When was the last time I was in contact with him? It would have been years ago, three, four, maybe more, yep.

And at that point, where was he located?---In Dubai.

I take it you've had no contact with him since the search warrant was executed in this matter?---No.

30 The last matter I want to take you to is in relation to the Heavy Vehicle Maintenance Panel that was created in 2017.---Yes.

40 And can you just assist me with the background to it? Can you recall when the first discussion occurred about the idea of a Heavy Vehicle Maintenance Panel being created?---I remember the, I remember that there was many issues raised around the Safe-T-Cam. There had been some numerous Safe-T-Cam sites that have been, that were down and weren't repaired. Issues were raised to upper management and they completely ignored it for a couple of years. Even Paul Hayes wrote many documents to the director at the time, Melinda Bailey. She completely ignored it.

Is that that the safety cameras were literally installed but not working? ---They were already there but the cameras weren't working and there were very little parts and they were old technology. So there were a few locations where, where, where they weren't working, and it ultimately affected the whole grid, you know. So I think two years went by and then all of a sudden the NHVR – this is what I recall – the NHVR were, got wind of it and they weren't too happy.

Who was - - -?---The National Heavy Vehicle Regulator. Got wind of this and they weren't too happy and the, the, the director from, the Chief Executive from there had a chat to the Chief Executive from the RMS, and all of a sudden the ball got rolling and moving, and all of a sudden money, money existed and there was all of a sudden an urgency to repair these Safe-T-Cam sites. When that happened, obviously then now there was going to be a large sum of capital work, capital funding for the Safe-T-Cam. It was suggested that the best way to be able to do this body of work was to create
10 a panel that can do capital works and the likes.

So is your recollection that the idea of creating the panel really arose out of this issue in respect of the Safe-T-Cams and their maintenance?---Their maintenance, and like, available funding. So if there's funding available to, to be able to quickly act on engaging contractors, a panel is the most efficient manner.

Who, as best you can recall, first raised the idea of the creation of the Heavy Vehicle Maintenance Panel?---I think it was a gentleman by the name of
20 Chris Evans.

Within the RMS?---Within the RMS. I think maybe Samer had spoken to him or was seeking advice or I think the panel, the conversation of the panel had arose maybe prior to that, but nothing got done about it, but now this is what I recall, that there was some talk about Safe-T-Cam being funded and what was the best way to go about delivering this body of work, and I think the panel was a suggestion, a suggestion that, that, that was provided. That's what I recall.

30 Now, is this the case, that in terms of the position before the Heavy Vehicle Maintenance Panel was created, that within the Heavy Vehicle Branch, other than in relation to specific equipment, like for instance the point-to-point cameras themselves - - -?---Correct.

- - - where there was a panel of contractor suppliers - - -?---Yes.

- - - that otherwise that you would literally go to market each time where there was work that needed to be done?---Even the other project managers didn't have any panels that they used for civil works (not transcribable)
40 cameras, there was no panels in place.

So that for each type of civil works that was required in that heavy vehicle sphere, it would mean going and getting, depending on the size of the contract, perhaps one quote or perhaps three quotes?---It's not just the quotes, you have to send the whole contractual documents and - - -

So you've got to create a separate contract?---Separate contract, letter of acceptances, and you have to go through the whole, it's a lengthy, it's a lot

of documents that you have to essentially send the contractor and get him to sign every time.

So there's a fairly lengthy and detailed administrative process you've got to go through.---Correct, yeah.

And was the idea with the Maintenance Panel was that that process would be streamlined?---Correct.

10 So that in effect you would then have one contract for each of the Maintenance Panel contractors that they would operate under?---Correct.

And that where work then needed to be done, instead of having to go through the whole process of creating a new contract and the contract documents to support that, you would simply issue orders under the existing contract and work would be done as required.---Correct, they were called work orders, correct.

20 So that you wouldn't need to in effect go through that whole process of going to market with all of the paperwork and administrative processes involved.---Correct.

And it's the case, isn't it, that the Maintenance Panel ultimately involved two categories of contractors?---Yeah, that's after discussions with Mr Soliman, yes.

30 And so category A, is it correct, involved a panel of contractors that were doing maintenance work on Heavy Vehicle Branch assets at heavy vehicle enforcement sites?---Correct, there was two categories, yeah, I think civil works and maintenance, and the other category was more ITS equipment.

Right. And so as far as your area of work is concerned, the people that you did work with were all contractors within category A.---Correct, yeah.

So that involved - - -?---Oh, no, sorry, I apologise. I still had, I was still engaging contractors from category B, but it was more related to weighbridges and brake testers and - - -

40 Okay. And is that more in the ITSP sphere?---And the ITS, ITS, yeah, ITS.

All right. Sorry, intelligent transport systems sphere.---Correct.

But within category A, it involved things like work on heavy vehicle checking stations?---Correct. Maintenance - - -

Safe-T-Cam sites?---Yeah, TIRTL, TIRTL installations, more civil-related items, whereas the other one was more equipment and testing and things like this.

And you've mentioned this earlier, but it's the case that in the course of the process of discussion and meeting that led ultimately to the panel being created, you say that it was Mr Soliman who proposed that category B be created.---It's hard to say. I mean he definitely wanted to have them included, that item included, it was just the background to this is it was, I don't think there is a panel that exists in RMS that was that, because most panels were very work-specific, as I've said previously, you know, so whether it be for, you know, barrier work or – this panel were trying to create a panel that can encapsulate a number of different work items and that's why the split of category A, category B.

Can you recall whether Mr Steyn may have been a relatively early promoter of the idea of creating the Maintenance Panel?---I don't know of him ever being a promoter, it's just something that Mr Soliman asked me to, to try and develop, which was a difficult task at that time, and I mean maybe Mr Steyn provided some ideas but - - -

Have a look, if you would, at volume 15.1, page 1. And just in terms of time frame, I want you to assume that it was in October – I withdraw that – September 2017 that the tender documents were finalised, and ultimately on 23 October the decision was made as to who was successful in getting on the panel.---Okay.

But do you see on this date, that is the 14th of July, 2017, you'll see it's an email from Mr Steyn to Mr Soliman.---Yes.

Could you just read through that, please?---Can you just make it a little bit bigger, please?

Yes, sure, certainly. Just read through it and let me know when you've done that.---Okay.

So you'll see that that was an email from Mr Steyn to Mr Soliman, you, Mr Thevathasan and Mr Singh.---Yep.

So 14 July, 2017. And you'll see in that he raises – that is, Mr Steyn raises – the fact that there's both planned and reactive works that have to be done. ---Yeah.

And he seems to raise, having gone through some examples of reactive work, that there may be one option, which was to create some panel to engage the resources on an ongoing basis.---I think he was maybe responding to maybe conversations with Samer about maybe having – I think maybe Samer must have proposed something, and I can see here something about the CMO. The CMO was also at the time trying to take the large portion of the work that we did. And as you can see in the email, it is, as you said, it's rumoured, it's not rumoured but it's, they charge a 30 per

cent or 33 per cent on top of the already large prices by their vendor. So Craig has kind of alluded to the fact that we, we oppose giving it to the CMO and maybe – so he was just making some suggestions, but this is probably responding to some things maybe Samer would have said in the office.

10 So looking at that now, do you believe that the context, this wasn't the first suggestion of the Maintenance Panel. You believe that this is a response to some discussion that had been going on already about the way in which works might be engaged within the RMS?---Correct. For our team, for our team.

Within the heavy-vehicle sphere?---Correct, yeah.

Now, do you recall that there were then a series of meetings in the second-half of 2017 involving often the same staff that are listed in the email about the creation of the panel and how that might be gone about?---Okay.

20 Do you recall that?---Sorry. A number of meetings, you were saying?---A number of meetings that led ultimately to the tender going out and companies being invited to tender to be on the panel?---There were meetings but I remember getting, me engaging with a consultant at the time to try and assist us with developing a, a non-financial – what was it called at the time? There was a word for it. A panel that can do what we were trying to achieve, yeah.

And do you recall that the consultant that was engaged was WSP Australia?---Yep, yep.

30 And it was a Nathan Chehoud?---Yeah, correct.

Who was, in effect, brought in as an external consultant to assist with the process of creating the documentation around the Maintenance Panel?
---Correct.

Can I take you, please, just to volume 15.1, page 6?---Yeah.

40 So you see on 1 August, 2017, there's a meeting organised for 1 o'clock?
---Yep.

With Nathan Chehoud being the organiser and then it involving both you and Mr Steyn?---Yeah.

And if we go back, please, to page 3, same volume. Do you see on the previous day, that is 31 July, Mr Steyn sends you an email with an Excel spreadsheet headed Resource Matrix? Do you see that?---Sorry, what was that again?

So it's the day before that meeting that I just took you to the record of, the meeting on 1 August. On the day before 31 July, Mr Steyn sends you an email with an Excel spreadsheet indicating, "For your review."---Yeah.

And it's headed Resource Matrix.---Okay. I don't remember the – yeah.

10 Go, please, to pages 4 to 5. Go to 4. This is one page of the Resource Matrix but do you identify that as, down the horizontal – sorry – down the vertical column, a list of the different areas of works that your area was responsible for?---Yeah.

And then across to the right, a list of companies that were at that time doing that work.---Yeah.

And go to the next page, please. Do you see he's just flipped the axis here? So again, a list of companies, this time down the vertical and then different types of work across the horizontal.---I don't remember this spreadsheet, but anyway, okay.

20 But do you recall there was some discussion then about the different companies that might be invited to, in effect, be part of the tender process? ---Yes.

30 And ultimately, do you recall that you met with Mr Chehoud, with Mr Steyn and others and bit by bit the tender documents were put together?---We met with Mr Chehoud and explained to him the type of works that we did to try and get his advice on what, how a panel can be formulated, if it can be formulated, and he came up with, this is where I think, in that meeting, I, I remember this meeting, there was a whiteboard that he came up with the different categories and different bodies for every category that can be, and hence the category A, category B and different items in every category based on the information that we provided Mr Chehoud. So maybe Craig was preparing for that meeting. I'm not too, I can't remember, yeah.

And you mentioned before that you have a recollection of Mr Soliman having some role in respect of suggesting that there be two categories within the panel. Can I take you to volume 15.1, page 308.---Sorry, I do recall he wanted to include certain items in the panel.

40 Being what items?---Likes some of the ITS stuff, like the, you know, the scales and some of the things that we, we, essentially ITS equipment that we used.

Did that seem somewhat unusual to you in the sense that it wasn't really, strictly speaking, within the area of responsibility that you were working in?---They made it more difficult. I still was involved in some ITS, but it made it more difficult, hence why the two categories.

In any event, if we could just go to 15.1, page 308. And you'll see this is an email from Mr Soliman to himself. I'm not suggesting it's one to you. But if you read through it you'll see dated 4 September, 2017.---Okay, he's mentioned here, okay.

10 But do you recall him raising something to that effect with you, that there would be in effect two panels, one to carry out the majority of the heavy vehicle program works, and then another to do what was effectively ITS maintenance?---No, he's referring to the second panel contract here, which is the R&D.

Oh, I'm sorry. So in the separate paragraph, even though there's not a space, starting "R&D potential ITS and software solutions"?---Because from memory there were two panel contracts.

In any event, do you recall ultimately that there was, the tender documents were finalised, I'm going to suggest, in about September 2017.---Yep.

20 And you were part of the process, the group that - - -?---Evaluating.

- - - with the input of Mr Chehoud, helped settle on those documents.

---Correct.

And if we go, please, to page 318, the same volume. Do you see that on 22 September, 2017, Mr Soliman emails you and Paul Hayes and indicates, basically, that he's reviewed this request for tender documents, and he's approve it, so that it's now ready for lodgement?---Okay.

30 And could I ask that you go, please, to page 319. And you'll see that this is the notice in the eTendering system, that this particular Heavy Vehicle Panel, the Heavy Vehicle Maintenance Panel tender had been published on the 25th of set, with closing date 6 October, 2017.---Yep.

Do you recall that one of the requirements of those who were permitted to tender was that they had to have been doing the work for the last 12 months?---Had some prior experience, from memory.

Do you recall?---I can't remember. There was, there was - - -

40 Sorry.---Sorry, can you just repeat that?

I was going to, what I was going to ask was do you recall that one of the requirements under the elements that people had to satisfy in order to tender was that they'd been doing the work for the last 12 months?---I can't remember the 12 months, but I do remember having something in there about them doing the work previously. Like, and this is more in relation to the TIRTL work.

So not just doing work of a similar nature elsewhere, but they actually had to, as part of a requirement of the tender - - -?---For RMS.

- - - have been doing it for RMS?---For RMS, yes.

10 So, in effect, what that meant was that this wasn't a tender that companies at large could respond to. It was only open to the companies that had already been doing it in the past.---Yeah, well, I mean some of the stuff was quite niche, so they had to have received either training by project managers or, you know, by the company.

But would you accept that that did significantly narrow who might ultimately put in tenders?---Sometimes that was done on purpose. You don't want 300 tenders for, for a panel. You want to narrow it down a little bit.

20 Do you know who, if any individual, came up with that requirement, who it was?---It would have been a collective effort. I mean, so these requirements, these requirements were probably done with myself, Craig and Nathan, and passed off to Samer for review, so I can't remember now exactly who came up with that particular suggestion, but - - -

In any event, you would have seen from the document I just took you to with the eTender notice that it opens 25 September and then tenders are due by 6 October.---Yep.

And it's correct that you were part of the committee that was then, that opened the tenders and assessed them.---Yes.

30 Now, did you contact the various companies that were, as at the second half of 2017, doing RMS work for you to encourage them to put in their tenders?---I contacted all the companies that I was dealing with.

Well, relevantly, I take it that included CBF?---Yeah, all the companies that I was dealing with.

40 Well, tell me, then, of the companies you're dealing with, so first of all it included CBF, Euro Projects and Ozcorp, being Mr Hadid and Mr Chahine's companies.---All the companies that are on the panel had been contacted by either myself or Mr Steyn.

I understand. But it's the case, isn't it, that you certainly contacted Mr Chahid Chahine and Mr Barrak Hadid's – those two gentlemen in respect of their three companies.---Correct.

And Mr Alameddine in respect to Seina and EPMD.---Correct.

Which other companies that were doing work for you did you contact?---All of them that are on the panel, Accuweigh, Maha, CIC, I have to rattle off all the companies, but I mean - - -

But were they doing work, contract work for you?---Yes.

So there were some – I withdraw that. Were you receiving kickbacks from any of those other companies that you’ve just mentioned?---No.

10 So there were certainly companies that you contacted or the controlling persons behind them, where they were giving you kickbacks, that is Mr Alameddine and Mr Chahid and Mr - - -?---The ones you just mentioned earlier, yes.

Yes. But also some other companies that you weren’t getting kickbacks from.---Correct.

20 But did you have discussions with Mr Chahine, Mr Hadid or Mr Alameddine encouraging them to get their tenders in?---They’d known about it. They’d known about it previously, so they had to – yes.

Well, was one part of the motivation for you contacting them so that they were aware of this so that you could perhaps make it easier to give a flow of work to them?---Yes.

And you had a financial incentive that they get an increased flow of work. ---Yes.

30 In that you’re receiving kickbacks from them.---Yes.

All right. Now, each of those companies that I’ve mentioned, those controlled by Mr Alameddine or Mr Chahine or Mr Hadid, submitted tenders?---Yes.

And each of them were successful.---Yes.

40 And in that regard can I take you first of all to, so volume 5.5, page 74. You’ll see that’s the 23 October, 2017 notice to Mr Chahine at CBF, with the letter of acceptance for the Heavy Vehicle Maintenance Panel.---Yes.

And it’s sent out via email but with your name on it.---All contractors were sent this.

All of them were sent it on that day, weren’t they?---Correct, yes. And it was signed by the managers.

Now, when it came to the process of assessing the different tenders that had been received, can I take you, please, to volume 5.5, page 1, sorry, 15.5, I

apologise, page 1. And do you see that that was an email from you to J. Singh, asking him to complete section 10 of what I'm going to suggest was the draft memo from WSP, making recommendations as to who should be on the committee?---Yeah, okay.

You'll see the next page, if we go to page 2. So this is WSP memo from Mr – sorry, to Mr Soliman from the Tender Evaluation Committee.---Yep.

10 And if we go, please, to page 3, the committee comprised you, Mr Steyn, Mr Singh and Mr Chehoud.---Yes.

And you'll see that there was criteria there with weighting, according to the different requirements of the assessment.---Yep.

And the biggest factor was demonstrated experience in carrying out the specified work.---Yep.

20 Is it the case that when you actually sat down as part of that committee to try and assess the various tenders that you made efforts to promote those that were being put forward by companies that were providing kickbacks to you?---Yeah, this is the criteria we agreed on with Mr Chehoud and the management. So this was the best, best way to form the panel. Okay.

So, but do you say that each of the people on the committee with Mr Chehoud had input into what the assessment criteria would be?---Correct.

Go, please, to page 6.---I mean, experience was important for us.

30 And you'll see that this is the handwritten schedule of the tenders received confirming all of the companies there from which the tenders had been received by 6 October, 2017.---Yep.

With number 13, which is Nepean Transport, being received before the closing time but opened later.---Yep.

And then if you go ahead, please, to page 16, same volume, you'll see that this is now, I'm going to suggest, a final memo, so 12 October, 2017, from the committee.---Yep.

40 And if you go ahead, please, top page 19, it contains the signatures of the committee members, again being yourself, Mr Steyn, Mr Singh and Mr Chehoud.---Yeah.

And then ultimately it was signed off on by Mr Soliman and Mr Hayes on 17 October.---Correct.

Can we go back, please, to page 18? It had a conflict of interest section. I mean, it's the case, isn't it though that I suggest you wouldn't deny - - -?

---Yeah, of course. We already said this. I helped them with the panel and yep, yep.

Thank you. Were you aware of any communications Mr Steyn had with any of the companies that he was associated with and their tenders for the Maintenance Panel?---He informed. He informed AA Structural and, I think it was, Steve Masters and Lancomm and assisted them with their documentation, or at least one of them.

10 Are you aware which one?---AA, AA Structural. That's what I was told.

Did you provide any assistance to any of the Mr Alameddine companies or the Hadid and Chahine companies in respect of their submission of tenders?---Yes.

In the sense that you drafted them or received drafts and did edits?---Well, I helped them both.

20 So, I take it with a view to then satisfying the criteria that you knew would apply?---Yeah, so that meant the documentation was, was acceptable.

Sorry, so make sure it was acceptable?---Correct, yeah.

And ultimately, once they were successful in getting their places on the panel, it became an easier process to allocate work to them?---Yes.

30 And it's the case, isn't it, that as a result of them being on the panel, from that point, that is from late 2017 onwards, into 2018 and the beginning of 2019, that with those contractor companies controlled by Mr Alameddine and Mr Chahine and Mr Hadid, there was an increased flow of work to them?---Yeah. Well, there was a lot of Safe-T-Cam work.

In that late period?---Yeah.

Commissioner, subject just to enquiring with Mr Ishak – there is just a couple of other brief matters. You gave some answers earlier about the project management office.---Yes. CMO.

40 Sorry, is it the CMO, is it Contract Management Office?---Yeah.

And the way it operated and taking works that mightn't be allocated?---Yes.

And is it the case that it in effect operated as a separate business unit within the RMS?---They were like a, a collection of project managers that, that contracted everything out to large companies. They were actually a service provider for other, other divisions in the RMS and they would – like the ITSP as I alluded previously, they would have a, essentially charge at a large percentage to do work on behalf of other, other RMS divisions, the

CMO did the same thing, they, I think it was 30 per cent or 33 per cent on top of the contracts that were set out to large companies like Downer and the likes that were then subcontracted to many subcontractors.

Do you have a recollection as to why it was that the CMO wanted to take large parts of the work?---They were just trying to get as much work as possible.

10 Were they in effect just - - -?---A vacuum.

Well, its own business unit within the RMS that was operating under its own budget?---Yeah, they made profit.

20 So did you recall that there was some pressure for them exerted by the CMO to take work that might otherwise be allocated outwards?---From memory they were trying to get anything to do with, with construction, maintenance, they were just trying to grab anything that was within – I mean they would go through budgets for other divisions and they were trying to basically grab any works that were similar to that.

And do you recall any of the people within the CMO who were advocating that they receive work? Who were the - - -?---Some of them that were in the CMO had previously worked at ITSP, so they were, they were familiar with what type of work they were doing at the heavy vehicle space, so it was, I remember them, I think it was a Gary from memory that was trying to basically advocate, you know, to try and, to our management to try and for them to receive that body of work or that budget at least.

30 Commissioner, subject to Mr Dubois returning so that any party that seeks leave to cross-examine him can do so at a later date point when all of the contractors have completed their evidence, they're the questions I have for Mr Dubois.

THE COMMISSIONER: Yes. Mr Dubois, you accept, do you, I gather you've made a number of admissions, that you, you accept that throughout the relevant period that you were employed by RTA and RMS, you held a position of responsibility as a public official?---Yes.

40 And that responsibility involving working in the interests of RTA/RMS? ---Yes.

I think you've acknowledged that you did not however act in the interest of those organisations, amongst other reasons, because you acted in a conflict of interest situation, awarding contracts to friends, family members - - -? ---Yes, yes.

- - - and family-related people.---Yes.

Bearing in mind the matters about which you've been asked questions, do you accept that it was you who devised, established a scheme for dishonestly benefitting from payments or other benefits which essentially were funded through public moneys.---In collaboration with the other contractors, it wasn't just myself that - - -

I appreciate that.---Yes.

10 But you do accept that you were a principal in designing and establishing such a scheme?---I wouldn't say designed, but I was definitely at the, responsible for giving out these contracts and I did the wrong thing and I've already said that multiple times.

I understand that throughout this period you've spoken of your supervisor, but you had no other employees of RTA or RMS working alongside you, as it were, or underneath you on a daily basis, but rather the workforce you were managing were all contractors?---At the beginning I had some employees at ITSP, then I had colleagues such as Craig and others that were responsible for their own programs.

20

Yes, yes, apart from Mr Steyn I meant.---Yeah, yeah. There was other project managers that were responsible or other programs, but that's just the way it was kind of worked, would be just there was lots of work, whether it be reactive scheduled work that was given to us and the expectations was that it was going to be delivered.

I think you say that although you were a principal in this scheme, others were involved alongside or with you, principally the contractors, is that right?---Correct.

30

But you were by far, weren't you, the most well educated, university educated, public official in the area in which you worked compared to any others involved, including contractors?---Correct.

40 And did this scheme just develop over time or did you work it out in the early days as to how it would work, how it would work in terms of rigged contracting, disguising payments through MWK, receiving kickbacks and the like? In other words, was it something that evolved over time or did you have it all worked out from an early stage?---No, Commissioner, it was something that evolved over time. I loved what I did. I really, I had a satisfaction delivering works and making a difference on the road that ultimately contributed to road safety. I was stuck between a rock and a hard place, that's how I would like to put it. I thought they were my friends. They were mainly really, after all this time, acquaintances that took advantage of the services that I could provide, and I did the wrong thing and I put my hand up, but the circumstances that I was in weren't, weren't really positive. The environment that I lived in and the community, and other

matters that contributed to these. But I definitely put my hand up for, for this. So I've said this previously and I, I, I reaffirm it again.

And you refer to "they" and "rock and a hard place". What are you referring to or who are you referring to?---Well, I mean, as I said previously, once the contract, once the contract was out and given to parties of the community and people that I knew, it was hard to stop providing them with work for multiple reasons as I've previously stated, and it just evolved over time, and, and I, you know, it was the intention to leave the RMS and, and start something else multiple times, as I said, but, you know, this is, yeah, so that's - - -

But we have to face facts, don't we, that serving the public, as you say, by doing this work, may have given you a level of satisfaction, but it seems the primary motivation for you operating this, I'll call it a scheme, is the huge amount of financial and other benefits that flowed out of it, would you not agree?---As I said to you, Commissioner, the majority of funds went to vehicles that I never drove, sat interstate. The money that was sitting in my house I no longer have. I've sold everything that I've got, given it back to the Commission and to other government agencies. I tried to commit suicide during this period. I went to hospital, hospital many times during this period. I went to the psychiatric ward once as well for going, you know, so it wasn't a very good period for me. I put my hand up. I did the wrong thing. I've admitted this many times. I've given the Commission multiple - I've assisted them. I've given you guys, what, you know, so I really admitted to this. I put my hand up, did the wrong thing, but there are other circumstances that have contributed and it grew over time, as you've just mentioned earlier. I can't say any more than that. I'm just not comfortable talking about (not transcribable) further evidence.

Yes, thank you. Now, before we release Mr Dubois, is there anyone present here who's representing an affected person who wishes to make application to cross-examine Mr Dubois? There's no application being made. I take silence as indicating in the negative.

MR CLARK: Sorry, Commissioner, could I just say at this point - - -

THE COMMISSIONER: Yes, Mr Clark.

MR CLARK: - - - that I understood when Mr Downing completed his cross-examination he said that, subject to Mr Dubois being recalled after the other contractors, I just wanted to reserve my position in relation to that, when I've heard that other evidence.

THE COMMISSIONER: Very well, Mr Clark. Thank you.

MR CLARK: Thank you.

THE COMMISSIONER: Very well. Mr Downing, is there anything else?

MR DOWNING: No. Only to note that there are others who have sought leave to appear for various interested parties who are not present today.

THE COMMISSIONER: Yes, who are not here, yes.

10 MR DOWNING: And it may be that once the other contractors have given evidence, there may be an application. But at this stage, all we can note, Commissioner is that no one at this point has sought to cross-examine on the evidence given today.

20 THE COMMISSIONER: Yes, very well. Mr Dubois, I will release you from today but I am unable to release you from the summons that you attend here, as you would understand. One reason being the one just mentioned, that it may be that there are further questions that have to be put to you, perhaps by Counsel Assisting, but there may be applications by one or more others to have leave to cross-examine you. So for that reason you will remain under your summons. Commission officers will keep in touch with you as to the future programming and that may require you to return in the future. Having said that, you are free to go today.---Thank you very much, Commissioner.

Thank you, Mr Dubois. You may step down.---Oh, sorry. (not transcribable)

30 You can stay there if you wish. Mr Downing, any programming matters that need to be discussed? I take it you don't want to call a witness this afternoon at this hour?

MR DOWNING: We were to call Mr Hadid, but given the lateness, yes, we've let him go for today and the aim is to commence with him at 10 o'clock tomorrow.

THE COMMISSIONER: Very good. Nothing else?

MR DOWNING: No. Thank you, Commissioner.

40 THE COMMISSIONER: Thank you. I'll adjourn.

THE WITNESS STOOD DOWN [3.46pm]

AT 3.46PM THE MATTER WAS ADJOURNED ACCORDINGLY [3.46pm]