

PARAGONPUB01409
02/06/2021

PARAGON
pp 01409-01449

PUBLIC
HEARING

COPYRIGHT

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 WEDNESDAY 2 JUNE, 2021

AT 11.10AM

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

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

THE COMMISSIONER: Just while that's being done, Mr Hadid, you've heard what I've said and what Ms Mayo has said. You understand the position?---Yes, Commissioner.

Thank you. Yes, Mr Downing.

10 MR DOWNING: Thank you, Commissioner. First, I'm not sure that there's been an application made on Mr Hadid's behalf under section 38, Commissioner. I'm not sure.

THE COMMISSIONER: No, there hasn't. No.

MR DOWNING: I wonder whether that's something that you wanted to enquire about.

20 THE COMMISSIONER: Ms Mayo, do you have any application to make in that respect?

MS MAYO: Yes, I do.

THE COMMISSIONER: Does your client seek a declaration under section 38?

MS MAYO: Yes, Commissioner.

30 THE COMMISSIONER: You have explained to him the provisions and how they operate?

MS MAYO: I have.

40 THE COMMISSIONER: Mr Hadid, as you have just heard, the application made on your behalf is for a declaration to be made under section 138 of the Act, which has the effect that the evidence, if you object, and I make a declaration under section 38, the evidence can't be used against you in any further proceedings in the future with one exception, and that is if there were a prosecution of an offence alleged against you of having given untruthful evidence, that is perjury, then the evidence could be used for that limited exception, but otherwise the evidence is not available in other proceedings. You understand?---Yes, I do.

You do understand, I trust, that whether a section 38 declaration is made or not you must answer questions truthfully?---Yes.

Insofar as, a moment ago I referred to section 138, I intended to refer to section 38. Pursuant to section 38 of the Independent Commission Against

Corruption Act, I declare that all answers given by the witness, Mr Hadid, and any documents or things that may be produced by him in the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection. Accordingly, there is no need for Mr Hadid to make objection in respect of any particular answer given or document or thing produced.

10 **DIRECTION AS TO OBJECTIONS BY WITNESS: PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THE WITNESS, MR HADID, AND ANY DOCUMENTS OR THINGS THAT MAY BE PRODUCED BY HIM IN THE COURSE OF HIS EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION. ACCORDINGLY, THERE IS NO NEED FOR MR HADID TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

20

THE COMMISSIONER: Yes. Thank you, Mr Downing.

MR DOWNING: Thank you, Commissioner. Mr Hadid, could you just confirm your date of birth, please?---[REDACTED], '81.

So you're 40 years of age?---Correct.

30 And is it correct that you are in a de facto relationship?---Correct.

And you have been for some years?---Correct.

And that's with a Ms Kristen Tui?---Correct.

And you have a number of children?---Correct.

How many?---Nine.

40 And you live with Ms Tui and the children?---And two grandkids.

And two grandkids. All right. Thank you. Now, after finishing your high schooling, it's correct, isn't it, that you began a plastering apprenticeship? ---Plastering and construction, correct.

And in the course of that did you meet Chahid Chahine?---Correct.

Is it the case that you started a couple of years ahead of Mr Chahine? ---Correct.

Now, you and Mr Chahine struck up a friendship?---Correct.

But is it the case that after - - -?---We were, we were working together.
Sorry.

So you actually worked together during the apprenticeship years?---He started his apprenticeship by working with the same company I was working for and he started going to TAFE and I was already in TAFE.

10

And were you going to the same TAFE college?---Yes. Different times though.

Now, the job where you were working together, can you recall who that was for?---An old company we used to work for. I, I really can't remember the name of it.

Was it run by someone that you didn't know or a family member?---Yeah. It was run by somebody I didn't know that my, my uncle was working with him as well.

20

So was your uncle the link to that company?---Correct, yes.

But ultimately both you and Mr Chahine were working for that company for a period?---Correct.

I take it as employees?---Correct.

Then is it the case that after a period of time, and having struck up a friendship with Mr Chahine, you discuss with him the idea of going into business together?---That was many years down the track.

30

How many years later?---Oh, after I left. From, do you mean from the moment I met Mr Chahine until we opened up a business?

Just roughly, from the time that you were working together during your apprenticeship to when you decided to start your own business.---It would have been, oh, 10 years.

40

And during that time had you, in a work sense, gone your own ways?---Yes.

So were you working still in the plastering field?---Mainly, like, so I was working mainly, like, construction, civil and plastering, correct. It was a whole project thing.

A mix of them all.---Yes, correct.

But as an employee for other people?---Employee for a company, myself and my cousin.

And what was that company?---I think it was called H&B. I can't really remember. I think it was, yeah.

So you and a cousin had, in effect, gone out together?---I worked for the company but it was, it wasn't ultimately run, like, sort of by me, the whole thing, so - - -

10

And did that company ultimately fail? Was there some problem?---Later on down the track, I, it, I, I believe so. I'm not a hundred per cent sure, but along that track it was closing, but I was, I was already leaving anyway, so I had enough working with family and bits of pieces, so, yeah.

But did you have some actual role as either a shareholder or an office holder with that company?---It was just in my name. I was just, yeah. Ultimately, yeah.

20

So according to the actual official record, it was in your name?---I'm pretty sure it was in me and my cousin's name, yes, correct.

But ultimately did that liquidate? That is, it shut down?---Shut down, liquidate, something along those lines where it just, yeah. It closed down.

30

But was there an issue then, for a period after that, about whether you could be a director or an office holder in a company?---I think so, mate. I, I wasn't a hundred per cent sure because I really didn't do my own investigative thing about it. Ultimately, that's what I believed. And as a result of that, I, I felt, 'cause I lost, I lost my car and bits and pieces, so I thought - - -

So you took a financial hit at the time?---Correct.

All right. Now, during that period, when you're working with your cousin through that company, you kept in contact, I take it, with Mr Chahine? ---From time to time, yes.

40

So your friendship stayed existent and you talked from time to time? ---Mate, we've been friends for over 20-something years, yeah, so we're still friends, so, you know, yeah.

So I take it you also, during that time, had some idea of what he was doing work-wise?---He was doing something along the same field, yeah.

So sort of plastering, construction, civil work type stuff.---Correct. He was, I think at even one stage he was, he was a foreman or something like that for another company, yeah.

And you indicate that perhaps 10 years after you first met him, when you were both apprentices working for the same business - - -?---Oh, we worked together on and off, yeah, in that period, yeah.

So over that decade you would, from time to time, do jobs together?---Yeah, if we had something that we were doing and we needed help or something, he wasn't busy, he, he can come and, yeah, ultimately come and do some work, yeah.

10

But I think your evidence a little earlier was that you believed it was about a decade after that first meeting, during the apprenticeship, that you and he spoke about going into a business together.---Yeah, possibly, yeah.

So when you ultimately did start a business together, was that a partnership or just trading under a business name or setting up a company?---I think he set up a company and we were both a partnership in it, yes.

20

And was that company Complete Building Fitout Pty Ltd?---I, yes, I believe so.

This may assist in terms of time periods. Can I take you, please, to volume 2.1, page 26. And you'll see this is a search for Complete Building Fitout. First of all you'll see that it was – the start date in terms of the registration was 19 May, 2018.---Yes.

So now 13 years ago?---Yes.

30

And you'll also see that it was deregistered on 6 October, 2013.---Yes.

And if we go over the page, please. You'll see that – well, first of all, do you recognise the company address?---Yes.

Whose address is that?---Mr Chahine's. Old address, yes.

Former address. And then under Directors you'll see that at all relevant times during the existence of the company, Mr Chahine was the director and also the secretary.---Yes.

40

And below you'll see that as far as shareholding is concerned, there were 100 shares, \$1 each. And if you go to the next page, that Mr Chahine was also a shareholder.---Yes.

Now, is it the case that while the company had been set up in a formal sense, with Mr Chahine as the office holder and shareholder, that you both ran it?---Yeah, mate, yeah. It was in his name. If, to be honest with you, since this whole inquiry, I've actually understood all this share and all of that little bits and pieces. If I, if we knew about it back then, I would have,

you know, I would have been a shareholder or something like that. But, like
- - -

Well, was there perhaps some discussion going back to 2008 when the company was set up about whether it might need to be in Mr Chahine's name because of your own difficulties after the problems you had with the company you and your cousin were running?---Possibly.

10 But in any event, while it was on the record as a company controlled by Mr Chahine, it was you and Mr Chahine that jointly operated it?---Correct.

In the sense that where it did any work, it was you and Mr Chahine doing the work?---Correct.

And where it made any money it was you and Mr Chahine who would receive and split the money?---Correct.

20 And looking at the time frame, does May 2008 sound correct as to when you first went into that business together?---Possibly, mate, yeah, it's a long time ago, yeah. The evidence is there, so yeah.

But is your recollection it was when you made the decision to go into business together that this was the company that was set up, the original company, being Complete Building Fitout.---Correct.

Now, as far as that company was concerned, who took care, first of all, of the banking, do you know who ran that?---In regards to which part of it?

30 Well, Complete Building Fitout, I'm going to suggest, had an ANZ bank account.---Yes.

And do you recall was that a bank account that you and Mr Chahine were both signatories on?---I don't know if I was a signatory of it.

In any event, can you recall when it came to Complete Building Fitout's bank account, do you know who ran the internet banking, who took care of it?---I think it was Mr Chahine that took care of internet banking and bits and pieces.

40 And what about emails et cetera, who would take care of that?---Oh, can't really remember. Yeah, maybe both of us, yeah, I don't know.

But you recall, don't you, that there was a domain set up so that there was an email address for Complete Building Fitout and it could send and receive emails?---Yes.

But you don't recall now who was actually controlling the email account?
---No, not really, no, no.

Now, it's the case, isn't it, that Complete Building Fitout was set up so that you and Mr Chahine could do some plastering building-type work?
---Correct.

And can you indicate as far as the work that it did, assuming that it began in 2008, was that initial work, did that involve residential work, commercial work or a bit of both?---Mainly, yeah, a little bit of residential, commercial, commercialised residential, but it was ultimately commercial.

10

And when you say commercialised residential, do you mean like for example things like someone - - -?---Offices, buildings, schools, all that sort of stuff.

Or building a block of units or something like that?---We have done some units, townhouses, but ultimately we done a lot of, a lot of offices and, and we even worked on some schools and that, things going - - -

20 THE COMMISSIONER: Are you talking about construction of these buildings or are you talking about the fitting out with plastering and so on?
---What, what, whatever came up, Commissioner, we were ultimately able to do it.

You were what, operating as subcontractors to do specific types of work on these sites?---If, if, if there was something that I needed a subcontractor for I will acquire one.

30 But were you, was Complete Building Fitout the builder for the different structures you've mentioned or was it retained by a builder?---Oh, we were working, we were working for builders and clients and stuff like that, correct.

Yes, that's what I thought, under a contract arrangement.---Correct, yes.

Yes, okay, thank you.

40 MR DOWNING: So that for instance if someone was a head contractor for the purposes of building a school or an office building or something, you might be contracted to do particular aspects of the work?---Correct.

And in turn, Complete Building Fitout might then subcontract parts of that work?---Correct.

And that's the type of work, I'm going to suggest, you were doing from about 2008 when you first set up, for a few years?---Correct.

And did you have any particular clients you were doing work from, sorry, doing work for at the time?---We had a few clients that we were busy with, doing some work and stuff like that, yes.

And were they people that you had some contacts with through the earlier work that either you or Mr Chahine had done in the industry?---Correct, yeah, along those lines, or just, yeah, word of mouth recommendations sort of thing.

- 10 Were they all in effect private operators that were doing either perhaps work building a school or work building a shopping centre or a block of units or something of that nature?---Correct. That could have, like, just, just say, for instance, you have a school and they were subcontracted to do certain aspects of the work, then they'll subcontract it to us sort of thing.

Were there any large clients that you had during that early period of Complete Building Fitout's existence?---We had, we had a couple clients, yes.

- 20 Any large ones you can recall?---Yes, but I don't, I don't want to mention any names or anything like that.

Was there any government work you did in that early phase after setting up?---No, I just worked on some schools when that school thing was happening a long time ago.

Is it the case that, where you worked on schools, you were contracted by some private company that was getting the work?---Correct. A third party sort of thing, yeah.

- 30 Rather than directly from the Department of Education.---Correct. Correct.

Now, can you think back now, please, to the circumstances under which you first met Mr Dubois? Just changing topic from Complete Building Fitout's work to Mr Dubois.---Yep.

Is it correct that you met him when he was still a university student?
---Correct.

- 40 And was that through your cousin?---Correct.

And your cousin was Maher Chamsine.---Correct.

And did you understand that Mr Dubois was attending the University of [REDACTED] with Mr Chamsine?---Correct.

And I take it – I'm going to suggest to you that his period at the University of [REDACTED] was 2001 to 2005. During that period, it's the case,

isn't it, that you were doing your own building and plastering work?---
What, what, what were those dates again?

2001 to 2005.---He was going to that - - -

To University of [REDACTED].---With my cousin Maher.

Which your cousin attended.---Okay.

10 So during that time, it's correct, isn't it, it's before you and Mr Chahine set
up Complete Building Fitout.---Yes.

You've seen from a company search I took you to that that company gets
registered in May 2008.---Yes.

So was that a time when you and, you and your cousin were working
together at your business? That is, 2001 to 2005.---Correct.

20 Now, I take it – I withdraw that. Can you recall - - -?---Cousin or I was not
yet, or I was working with family. I, yeah, I, I can't really give you a
hundred per cent. It was a long time ago, mate.

But were the circumstances under which you met Mr Dubois - - -?
---Through my cousin Maher, yes, correct.

Social circumstances. You'd be out somewhere and - - -?---Yeah, yeah,
yes, yes, yes.

30 - - - Maher would say, "This is Mr Dubois who I go to uni with"?---Yes.
We, I, I think, I think we had a, I think we had a trip away once when I first
met him, and it was to Batemans Bay with heaps of boys and friends and
stuff like that, and me and Mr Chahine went. And I'm pretty sure – it
might, it might not have been the first time I met him, actually. Might have
been the second time or something. But then after that, mate, I didn't see
him for, apart from me living in [REDACTED] Road, unless you want to get to
that, you want me to keep going or - - -

Well, you've indicated it was in social circumstances - - -?---Correct.

40 - - - through your cousin.---Correct.

And you believe it was either perhaps the first time or - - -?---Second time.

- - - second time was when you went on a trip down to the South Coast.
---Correct.

Now, when you first met him, was he using the name Alexandre Dubois?
---No.

Was he at that stage known as Hassan Habbouche?---Correct.

And did you subsequently learn that he changed his name?---Later on when I, I – not straight away, no. Not until I, I think I started working.

But do you recall whether, having met him, perhaps the first time or the second time, you got his contact details so that you had his phone number?
---Possibly.

10

Did you run into him from time to time just through social circles after that initial meeting?---I saw him from here to there, yeah, correct. Until he lived opposite. The second unit block from where I was living. Moved in there, yeah.

So was there a period of time when he was living very close by?---Very short period of time, yeah. Very short.

20

And in terms of what you were doing and what he was doing at the time, can you recall what that time period was that you were living near each other?---I was working, I was working for – yeah, I think I was working for someone or something like that. He was maybe at uni still, yeah.

So before he's at the RTA?---Oh, yeah, way before, yeah. We're talking early days. We're talking 2001/2002, yeah, maybe even earlier, I don't know.

30

So you would bump into him from time to time, but did you learn at, I'm going to suggest, about 2008 or 2009 that he'd commenced work at the RTA?---2008/2009. I, I, I hadn't seen him for years and years, mate, so I actually bumped into him by coincidence.

Do you recall where that was?---Yes, I do recall where that was. I was, I was going to a funeral, I can't, I can't remember who it was, and he was there. He had a big patch on his head and stuff like that, and I struck a conversation about what's happened and, with him and what's he doing and stuff like that, and we exchanged details and then we left it at that.

40

So, but at that point, did you learn from him that he was then working at the RTA?---No, not at that point, later on.

Can you recall the circumstances under which you learnt that he was working at the RTA, whether it was through him telling you directly or perhaps a communication from someone else?---No. He, he, I'm pretty sure he told me. I think it was, it, after we got each other's details we, we met up a few times, grabbed a bite to eat, because I was just living in [REDACTED] anyway, and then afterwards he, I think he asked me what I was doing and

stuff like that, and I told him that I was, yeah, I was working with Mr Chahine and stuff like that, yeah.

So is it the case that by the time you run into him and learn that he's working at the RTA, you and Mr Chahine had set up Complete Building Fitout?---We were working there for some time, yeah.

So you had been doing projects as you've described them in your evidence earlier today?---Correct.

10

And do you recall at that stage learning that his role at the RTA involved a type of project management?---He told me he was a contractor, a project manager for the RTA I think it was back then, or something.

And just pausing there. You know what the RTA is, I take it?---I, I knew it had something do to with roads and stuff, yeah.

So, well first of all, you knew it was a government entity?---Mate, I was young and I had no idea what any of that was, so I was - - -

20

Well, for instance, you hold a driver's licence?---Correct. I knew it had something to do with roads and driver's licences and stuff like that, correct, yes.

But you also knew, didn't you, that given that it's the organisation that provides licensing and controls – well, provides driver's licences and controls licensing and provides car registration and looks after registration, that it's an arm of government?---Correct, correct.

30

And I take you learnt from him that part of what he did had something to do with contract work in relation to the roads?---I don't know if he got into a lot of detail with it. I can't really remember the conversation but I, he, he might have mentioned it, mate. I just can't remember the conversation a hundred per cent but it was, it would have been along the lines that he has, he, he's doing contract work, yeah.

And did you have a discussion then about whether perhaps Complete Building Fitout might be able to put itself forward to get some work? ---Mate, I can't remember the conversation but I think he might have mentioned that he did have something that we would have been able to do.

40

And it's the case, isn't it, that Complete Building Fitout then not long afterwards obtained the first work that it ever got from the RTA?---Correct.

And I'm going to suggest that that was in about mid-2010, so we're looking at, based on the dates, I'm going to suggest about a couple of years after Complete Building Fitout had been set up and operating?---Yes.

And do you recall that there was a process that you had to go through in order to get RTA work?---I really don't remember what, if there was a process or anything like that.

Well, for instance, did you understand that – I withdraw that. Do you recall any discussion with Mr Dubois about what you would have to do to get work?---Not really, no. I just thought we just sort of rocked up. Like, done, done, done the work, you know?

10 But did you understand, for instance, that you had to put in quotes?---I think he – possibly. I, I, I really, honestly, I cannot remember how it first started off. It was, yeah. Possibly, yes.

In the early days, I take it was both you and Mr Chahine that were operating Complete Building Fitout together?---Yes.

20 And do you recall who was communicating with Mr Dubois in the early phase, whether it was you or Mr Chahine or both of you?---I think both of us were communicating with him in the early phase. Possibly me more than Mr Chahine and sometimes together.

And is that because – oh, I'm sorry. So possibly you more than Mr Chahine, sometimes together?---Yes.

And is it the case that, in fact, Mr Chahine met Mr Hadid – sorry, Mr Hadid, I apologise – Mr Dubois through you?---Correct.

30 So that he was your – your link to him was through your cousin, Maher Chamsine?---Years and years ago, yes.

And then you in turn introduced him to your friend, Mr Chahine?---Correct.

THE COMMISSIONER: Just going back to the beginning of this first project that you got for the RTA. Do you remember where it was when you first had a discussion about doing some work for the RTA, first discussion you had with Mr Dubois?---It, it's a long time, Commissioner.

40 Sure, I understand.---Sorry, yeah, but it may have been at my residence, 'cause he was visiting me from time to time, we were – we hadn't seen each other for years, you know, that's before any work was mentioned, so it may have been at my residence, my former residence, or it could have been we were out eating or, or anything.

And doing the best you can, and I appreciate it was a long time ago, did it arise by you saying, "Look, could I do some work for RTA?" or did he initiate it by saying, "Look, you know, I could give you some work," or how did it, how did it unfold right from the start?---Commissioner, I've, I've, I've never asked for work, you know, I've never asked for work, so I'm

pretty sure it would have been Mr Dubois telling me that there was a job that would have been right up my alley for me to, to do, which was, I think it was, I'm not 100 per cent sure, but I have been watching these proceedings and I think it was, it would have been the Mount White one. I'm not 100 per cent sure, Commissioner.

You think it was, Mount White was the first one?---Yeah, yeah, it was, it was, it was like a job similar to what I was exercising at the time, more than other jobs.

10

Thank you.

MR DOWNING: You indicated that you've never asked for work.---No.

Just thinking back to what you were doing with Complete Building Fitout when you first had the discussion with Mr Dubois about work, was Complete Building Fitout busy?---Yeah, we were busy, yes.

20

So amongst the work – or sorry, I withdraw that. With the work that you were doing for the other clients on different types of projects, you were busy at the time.---Yes.

In any event, did you learn at an early stage though that there was a process of having to put in a quote in order to put yourself forward for work?---I, I, I believe that he may have asked me and Mr Chahine to send him a quote.

30

And when it came to Complete Building Fitout, just focussing on that company and its early dealings with the RTA, who would prepare the paperwork, was it you or Mr Chahine or could it be either of you?
---I'm not very tech-savvy when it comes to computers and stuff like that. It would have been Mr Chahine typing and I would have been sitting back next to him preparing the quote.

So going through it together but him doing literally the typing.---Correct.

Is he a bit better on a computer?---You've got to see me go.

I don't know what Mr Chahine's like?---I'm no good, yeah.

40

Is he a bit better on the computer?---He's a lot better than me, yes.

So a quicker typer?---A quicker typer, yes, and understands computers where I, yeah.

So that it sounds like you have some recollection of quotes being prepared where you and Mr Chahine would - - -?---Possibly, mate, yeah. Like, he's -
- -

Did you learn that in order to then get paid for the work, the RTA had a process of creating what was known as a purchase order number?

---Possibly, mate, I, yeah, I, I, I don't, I, I really don't remember, to be honest of you, whatsoever, and we were, yes, probably, it's a, it's a process we weren't very familiar with so it would be – we'd never done any of this before.

Well, at this point you were two years into the operation of Complete Building Fitout I'm going to suggest.---Yes, yes.

10

But you had run a business before with your cousin.---Yes. So I, I know the process of sending the quote and the invoice, correct.

But is it the case that you weren't too organised, that is you and Mr Chahine, when it came to running the books?---We were, we were semi-organised, I mean, but what, I really don't understand your question exactly.

Well, what I'm asking is, do you recall from the early stage of dealings with Mr Dubois in respect of RTA work, that there was a process of a quote being submitted?---Oh, yeah, across the field that's just how it's done, yeah.

20

A quote then being accepted?---Yes.

But then that the RTA would issue what was known as a purchase order number?---It may, it may, it may have been mentioned, yeah, I can't remember.

And that when you ultimately did work and invoiced for it, you had to quote that number on the invoice in order to get paid?---I became very familiar with it later on down the track, but at that time, to be honest with you, I don't, I don't remember, but it, it - - -

30

You're not sure.---It possibly would have been a process that we went through but I just can't remember it.

Do you recall at that early stage Mr Dubois saying anything to you about him having an obligation to get one quote if the job was only a small one and less than \$50,000?---No.

Or that he needed three if it was a job between 50,000 and 250?---No, mate, no.

40

You don't recall that?---I don't recall it, no.

Now, in answer to some questions from the Commissioner you indicated that you recall initial works and you thought Mount White might have been the first one.---Yes.

Could it be that the first jobs were a number of small jobs involving installing what are known as TIRTTLs? Do you know what TIRTTLs are?
---Yes, I'm very familiar with them.

TIRTTL is an acronym that stands for The Infra-Red Traffic Logger.---Mate, very familiar with it.

10 And it's the case, isn't it, that Complete Building Fitout did do some work where it installed those devices at various camera locations in order that they would trip the camera to operate?---I, I, I don't, I, I do recall a job in the early stage that had something to do with TIRTTLs, and I think it was a replacement, I think it was a replacement of a housing and concreting the face so there wasn't an obstruction or a trip hazard or anything like that for them.

20 Just to see if this assists your recollection at all, can I take you, please, to volume 2.1, at page 1, and what this is, it's a document that – it's a schedule showing dates of particular invoices rendered by Complete Building Fitout, a short description of the job and then the payment sum. So looking at that, do you see, in terms of dates the first date of an invoice is the posting date, 20 May, 2010.---Yep.

And you'll see, going across, the invoice sum is \$13,227.50. And you'll see there's a PO, which I'm suggesting is purchase order number, but when you go across you'll see that the works are "Bargo TIRTTL invoice".---Yes.

30 And then going down, you'll see that in May 2010 there were a number of TIRTTL invoices, one involving Bargo, one involving Gundegai, one involving Boggabilla, and one involving Albury.---Yes.

And then you'll see, in the yellow, there's a highlighted record of payment there, or two payments, but one combined payment for Bargo, Boggabilla and Albury and one for Gundegai.---The 56 and the 36?

Sorry, no, 43,076.---Is it combined?

And 13,557.50.---Okay.

40 And you'll see that those amounts, the 13,557.50 matches the invoice sum for Gundegai, the second item down.---Yes.

And I'm going to suggest the other three amounts for the first item, Bargo, the third item, Boggabilla, and the fourth item, Albury - - -?---Yes.

- - - come to the 43,076, which is the first highlighted yellow payment.
---Yes.

Now, looking at that, does that assist you at all in terms of the very early works involving works doing TIRTL installations at those locations in country New South Wales?---I do have recollect of these jobs, yes, in the early days.

So going to places like Bargo, Gundagai, Boggabilla and Albury?---Yes.

And as far as Mount White is concerned, if you look down the page, you'll see that on 7 June, 2010 - - -?---Yes.

10

- - - there is a date and then a posting date of 20 July, 2010, and that was a Mount White comms room invoice, and you'll see that it's for \$22,462. ---Yes.

Was that the job that you were referring to earlier that you had in your mind was the first one that Complete Building Fitout did?---Correct.

And that involved, didn't it, doing some plastering and renovation-type work of a building that was a comms room up at the Mount White facility? ---It was pretty, it was pretty much building a comms room.

20

Building it, okay.---Yes.

And just in that regard, to see if this assists at all, that while the table provides the detail of that, can I take you, please, to volume 2.1, page 45. And this is an internal RTA document, but you'll see it's a purchase order for Complete Building Fitout. And if you look down, first of all the date is 19 May, 2010, and under Description do you see it says, "Build communication room at back of Mount W"?---Yes.

30

And you'll see the rate is \$20,420.---Yes.

Which, once you add the GST is 22,462.---Yes.

And if you go, please, to page 46, you'll see that the Complete Building Fitout invoice number 45, dated 7 June, 2010.---Yes.

And it's for, you'll see, the Mount White heavy vehicle checking station south.---Yes.

40

And if you look at the description there, it's evidence, I'm going to suggest, that's describing the work to the comms room.---Yes.

And it's in exactly that sum that reflects the purchase order and indeed the amount in the table that I took you to.---Yes.

Now, just pausing there, do you recognise that logo as being the Complete Building Fitout letterhead?--- Yes.

Now, can you recall whether it was something that you had set up or Mr Chahine had set up or whether Mr Dubois might have been involved in some way in it?---I, I've got no idea. I can't, yeah, I can't remember whatsoever.

THE COMMISSIONER: Well, do you think it would have been you or somebody else? Just looking at that invoice.---It, it, Commissioner, it possibly could have been me, me or Mr Chahine or, or Alex. So - - -

10

Did you do invoices from time to time?---I – no.

No, so mainly Mr Chahine handled that side of it, did he?---Mr Chahine, yeah. I was always, yeah, like so we worked together. We, yeah.

So you don't know whether this particular one, 7 June, 2010, had been drawn up by Mr Chahine or it might have been Mr – or whether it was Mr Dubois? You just don't know?---I just don't know, Commissioner. No, I definitely don't.

20

Can we just go back for a moment to page 1, again, 2.1 volume. Sorry, Mr Downing, I don't want to throw you off your path.

MR DOWNING: Certainly, Commissioner.

THE COMMISSIONER: As I understand it, this schedule records the first jobs, as it were, you did for RMS or RTA as it was then. Is that your understanding?---(No Audible Reply)

30

The schedule seems to set out the first jobs that you did for RTA and I think that's what's intended to reflect, is it, Mr Downing?

MR DOWNING: It is, Commissioner. In terms of the dates of the invoices being submitted, the sums and then just a brief description of the work and then the payment date.

THE COMMISSIONER: Yes, thank you. So, you see there you seem to get off to a flying start, if I might use that expression - - -?---It was, it was work, it, it – sorry, Commissioner. It was work right up our alley, so we were, we were pretty, yeah, able to do any of this work, being civil or plastering or construction.

40

Yes, I'm not doubting that for a moment but it does look like – well within two days you've chalked up there something over \$50,000 worth of work, hadn't you, in Bargo, Gundagai, Boggabilla and Albury. So, you get 13,227, 13,557, 15,427, 14,421, all invoiced on two days, 20 May and 21 May. That's why I say for a start at the RTA, you're working off to a flying start it looks like doesn't it?---I, I, I know what you're saying,

Commissioner, but just by looking at these jobs and actually remembering they were some distance away from each other and there was a lot involved in regards to the civil works and, and the housings and stuff like that, for this job to be undertaken.

So were the jobs actually undertaken by you and Mr Chahine or did you subcontract it out?---I think I might have had one or two employees with me but me and Mr Chahine and a couple of employees and some machinery and stuff like that for us. And they, they weren't just two days' work,
10 Commissioner, they were, there was a bit of work involved. They would have been done sometime and then invoiced, possibly together. I don't know. Mr Downing can, can highlight it a little bit further.

All right. Thank you. Yes, Mr Downing.

MR DOWNING: Thank you. And just to go back to the TIRTL work, you recall that, as per the schedule we're looking at, one of them involved Albury, that was the one with the amount of \$14,421?---Yes, I can see that.

20 Just on that, can I take you, please, to volume 2.1, page 81? And you'll see that this is a Complete Building Fitout quote for, you'll see, retrofit of new plates to TIRTL at Safe-T-Cam sites.---Yes.

And you'll see down below, it indicates that the location was Albury.---Yes.

And it's for \$26,220.---Yes.

And can I perhaps, just to try and assist you in terms of what it involved. If we go back, please, to same volume, page 76. You'll see, this is not an
30 email to you, it's an email from a Mr Colin Campbell at CIC Engineering to John Jones, but also copied to Mr Dubois, but it says, "Albury TIRTL photos."---Yes.

And if we go, please, to the following page, so 77. Perhaps if we can just spin that round. I think it should be in the – yes, thank you. Same with 78 and 79. Do you recognise those as the particular, the TIRTL plates that were involved in that work?---I recognise the TIRTLs but just, a photo like that I, I really can't tell you. It was, I can't think that far back if it was - - -

40 I acknowledge that some - - -?--- - - - the photo from the job or, yeah.

It's some years ago. But that's the way that TIRTLs were mounted at the various locations, or one way, I take it?---One of the ways, yes. Depending on the certain circumstances.

And if we go, then, please, to page 82, you'll see that's the purchase order in respect of that particular job. That is, the TIRTL enclosure installations at Albury.---Yes.

And you'll see for \$26,220 plus GST.---Yes.

And if you go then, please, to page 83. Do you see that that's the invoice for the job, although breaking it down with a 50 per cent progress payment?---Yes.

10 So that's dated 30 May, 2010. And then if you go, please, to page 84. You'll see now dated 7 June, 2010, and it's again relating to the TIRTL installation at Albury, seeking the balance of the 50 per cent payment, so that all up it was for 26,220 plus GST that had been paid over two invoices. ---Yes.

Does that assist at all in recalling that that was one of the early jobs?
---Possibly, yeah. Well, the evidence is showing that, yes.

20 All right, thank you. And if we go back to the table, please, the schedule at page 1. And you'll see that it records that there were payments made in respect of those jobs, so the Albury job involved the two payments. So the initial payment made in respect of the first invoice, so 14,421 incl GST. ---Yes.

You'll see that the posting date is 21 May, and then when you look down further in the table, there's a second invoice for Albury, same amount, with a posting date being 9 July, 2010.---Yes.

Commissioner, I'm not sure, because of the disruption we had, whether you wanted to take a morning tea adjournment, and if so - - -

30 THE COMMISSIONER: Look, I think unless anyone wants to adjourn earlier, we might just forge on, I think, until perhaps quarter to 1.00, adjourn at that point, and resume at 2.00, so pick up the extra 15 minutes added to the lunch period.

MR DOWNING: Certainly, Commissioner. Now, do you recall that initially, whilst the jobs weren't insubstantial, they weren't big relative to the jobs that you did later in the piece for the RTA?---Correct, yes.

40 And if we go back to that table, please. I'm sorry to move backwards and forwards, but 2.1 at page 1. You'll see that with the jobs on that page spanning the period from May 2010 to May 2011, they were all under \$50,000?---Yes.

And you'll see with each of them there is a brief description there. I'm not sure whether you recognise some or all of them. You'll see that it looks like Mount White was a place that you did more than one job at.---Yes.

So that you'll see after the comms room job for 22,462, there's a reference to doing some work on the Mount White brake tester.---Yes.

And you'll recall that that was the heavy vehicle checking station and there was a brake tester that the trucks and buses had to - - -?---I, I, I remember that job, yes.

So you'll see through that first year, the jobs were all under \$50,000.---Yes.

10 And if we go over the page, please, you'll see that we then get to May 2011 and onwards, and the jobs become larger.---Yes.

And do you see that one of the jobs, the first job that is indicated on that page, involves the Mount White exit lane widening?---Yes.

And that was a large job. That was the first big one you did.---That was a big job, yes.

20 And you'll see that that involved two payments there, a progress payment of 49,500 - - -?---Yes.

- - - and then a final payment of \$198,000.---Yes.

And then over time, after that first bigger job, the jobs were frequently bigger, weren't they, over \$50,000 often into the 100 to \$200,000?---Yes, I can see that. It was just typically like whatever came up, whatever work there was to be done, stuff like that.

30 Now, do you recall that with the initial smaller jobs, going right back to the beginning of the work you did for the RTA, whether Mr Dubois said something to you about wanting something in return for the works that Complete Building Fitout was obtaining?---I think it was a little bit later on in the piece, it wasn't straightaway, it was, yeah.

Just thinking about those early TIRTL works, do you recall whether there was anything sought from him at that time?---I honestly cannot remember. I know that I did start paying a kickback, I just can't remember exactly when it started, to be honest with you.

40 Is your recollection in terms of the first discussion about it, that it wasn't right at the outset of the work, that it was something that happened a bit later?---Yes.

Can you recall what the form of the initial kickback was, whether it was through a cheque or whether an EFT or through a payment of cash? ---I, I, I, I can't remember, no. It may have been, it may have been a small sum of cash or, or a cheque or something like that.

Can you recall whether, thinking just about the TIRTL works, that the schedule I've shown you suggests were done at the early point in the relationship that Complete Building Fitout had with the RTA, whether Mr Dubois might have asked for a certain amount per TIRTL that was installed?---Possibly, mate, I, I honestly cannot give you 100 per cent indicative answer. So it, it, could have been, it could have been, it could have been not, but I do, I don't, I don't really remember him asking for a kickback straightaway, no, but I may be wrong, so - - -

10 It sounds like you have some recollection though of perhaps payments in cash being given to him at some point.---Oh, little amounts, mate, yeah, the kickbacks were, yeah, tiny, so - - -

Two or \$3,000, something like that?---Yeah, something like that. They were only little tiny and, yeah.

And I take it though, is that during the period of Complete Building Fitout doing work or other companies, which I'm going to get to later? Is your recollection - - -?---What do you mean by other companies?

20

Well, Complete Building Fitout ultimately stops doing work and CBF Projects starts doing work. Correct?---Yes. I don't remember the dates when it started.

I'm going to suggest that while Complete Building Fitout was set up in May 2008, that CBF was established in July 2012, and then there were other companies down the track that you and Mr Chahine set up.---Okay, yes, yes.

30 So is your recollection that the small amounts of cash were made in the Complete Building Fitout days, the CBF Projects days or perhaps even later than that?---I, I, I, we were, yeah, we didn't like dealing with cash anyway to start off with, so - - -

Sorry, you?---We weren't really interested in dealing with cash with anyone or giving anyone cash and stuff like that, but I do remember that, I think when we first started off we may have been giving him some cash, yes, possibly, or cheques or something like that to a preferred place or something like that, yes.

40 I'll come to the specifics later, but do you have a recollection that there was a period where he was asking for cheques made out to a particular company that you were then providing to him?---Correct, I do remember that, yes.

And was there ever a period of making transfers of money, that is electronically?---I can't remember. Possibly, yeah. Anything, anything's possible, so - - -

Well, I know anything is possible but I'm trying to get you to be specific about what you can recall.---I'm, I'm, I'm giving it my best crack, mate.

Now, thinking back to what you recall occurring with the first approach, how do you recall Mr Dubois raising with you the idea that there might be something in it for him or some reward for him in return for the work that Complete Building Fitout was doing?---I think he may have told me, mate, yeah.

10 I know you're not going to remember word-for-word what was said now, but can you recall whether he used a particular term or words when he spoke to you about it? I mean presumably this is after you'd been doing, on your evidence, Complete Building Fitout had been doing the work for the RTA for a period of time.---Yes.

20 And what does he say, does he raise the fact that you're getting a decent flow of work, does he say something, what words or words to the effect of can you recall him using?---I, I, maybe commission or cut or along the lines of – I've been listening to this inquiry and I'm trying not to let what I've heard come into my brain.

Did you hear Mr Dubois's evidence yesterday?---I've heard everything for the last three/four weeks, mate. So - - -

THE COMMISSIONER: Can I ask you this?---Yes, Commissioner.

30 Start from this basic proposition. Did you propose to him kickbacks or did it come from him?---It, it came from him, Commissioner. I, I've never, I've, I've, I've never had to deal with paying commission in my whole entire life until that point. So, so it, it wouldn't have been something that I sort of just rocked up and said, "Here have a lolly," or something like that. So, no, I, I think it, I'm, I'm, pretty sure it came from Mr Dubois.

And the effect of how he put it to you at the time, can you say how he put the proposition forward?---I, honest, Commissioner, if I knew, I would be telling you straight away. I really can't remember exactly how the conversation went down.

40 When it was first put to you, you say by Mr Dubois, about the kickback, do you recall how the proposal was put as to how the kickback would work, how it would be paid and how it would be accounted for?---Not exactly, Commissioner, no, but I do, I, I did pay kickback and I just don't remember exactly how it all unfolded.

Do you say that before it was proposed to you by Mr Dubois you hadn't had any experience of paying anyone kickbacks in the industry?---No, Commissioner.

Do you recall how you felt about it when the proposition was put to you?
---It, I, I really don't remember my exact feelings but I think I might have just thought I'm, I'm actually working and I'd just pay it and I can just, yeah, pay it and just keep working sort of thing.

And, what, as the price of getting the - - -?---It's the price of having to work, yes.

10 MR DOWNING: In terms of when it occurred, does it assist at all, perhaps in looking at the different jobs, for instance, the first, according to the schedule, if we go back to volume 2.1, page 1, the first non-TIRTL job was that Mount White comms room job?---Yes.

Can you recall whether there might have been any request for something from Mr Dubois at around that time? And you'll see that that's still relatively early in the piece, it's in June/July 2010, it seems, when work's done and it's billed.---I, there, there could, there could have, there could possibly be. I don't remember the kickbacks starting off with the first job or second job or something like that but it, it, it could, it could be. It could be, 20 yeah, and maybe a small sum for that. I just, no, no recollection, but - - -

Have a look down through that first page of the various jobs and I've, I've taken you to them briefly already, but they involve things like the Mount White brake tester at \$32,780 in April 2011, then a Bell brake tester, May 2011, \$36,080.---They, they just say, I, I know these jobs very well and I know what was needed to do these jobs. They were actually a pretty significant job to do. They required a lot of work but I, I think he did, or he may have received a kickback, a little kickback out of those or something like that.

30 From those brake tester jobs?---Yeah, probably. Something similar.

What about though when we move over the page, and we get then to what seems to have been that first significant job, the Mount White exit lane widening, which – when you add the two payments together – takes you to \$247,500. Looking at that, and first of all, you've indicated you recall that job, the exit lane widening?---Yes.

40 Do you believe that that was a time in which you requested a kickback and perhaps said something about how much you wanted?---Possibly, yes.

Now, do you recall with that job, given that it was a larger job, that it was one where you understood that there were quotes that he had to get from more than one company?---To be honest with you, I, I don't remember that in the beginning when we first started. We had no idea about the quoting system for three quotes and all of that sort of stuff, to be honest with you. So I, I, I – possibly he might have told us to put in a quote or, or, yeah.

But thinking back, isn't it the case that over many years the way in which you'd first learn of jobs is that Mr Dubois would contact either you or Chahid and say, "There's something coming up that I'll get you to do"?---In the early days, you mean?

I'm suggesting this has been a pattern over many, many years, going right back to the early days. That first part he would contact you perhaps by email or by phone to say there's something coming up.---Yes.

10 That you would then often meet with him, whether it's the both of you, you and Mr Chahine or perhaps just one of you, and - - -?---Sorry, Counsel. Sometimes he didn't, sometimes he didn't call us to tell us there was jobs coming up or something like that. I'd just get an email with a job and then later on. He may tell me, like, quote the job or something like that.

But whether it was before you got the email or perhaps just after, there was normally some informal contact about the job and where it was and what it involved from Mr Dubois, correct?---Yes. Yes, sometimes, yes.

20 And hasn't it been a pattern for many years that there would then be some discussion with him, and I don't mean in a formal meeting at the RTA officer sense, but a meeting perhaps at your home or his home, where he would talk to you about the quote that he wanted put in?---Sorry, Counsel, are you, are you, are you talking about over the whole, the whole duration or are we talking about in the early days?

Well, I'm, I'm suggesting there's been a practice established in the early days that has continued for many years, and I'm really taking it right back to at least as early as the Mount White exit late widening job in mid-2011.

30 ---Possibly, yes, yeah.

Isn't the - he established a sort of habit in terms of how he would go about letting you know about work and then ultimately extracting a kickback over time, didn't he?---Yes.

THE COMMISSIONER: And you, no doubt, had discussed that with Mr Chahine. You discussed with him the methodology by which these kickbacks could be calculated and paid. You must have had some discussion with him about that matter.---We would have been, we would
40 have been told about the kickbacks, either me myself on my own or Mr Chahine present. I just can't remember that, Commissioner.

I appreciate that. But between the two of you, I mean, you and Mr Chahine were working as partners, weren't you?---Correct.

And had been successful - - -?---Yes.

- - - since at least 2008, if not earlier.---Yes.

So matters affecting the business would be understandably discussed between you and Mr Chahine on a regular basis.---Correct. Correct.

And the question of kickbacks is, well, it was a significant matter, wasn't it, that - - -?---Yes.

- - - you hadn't faced that before, you told me.---No, we haven't faced it before, Commissioner.

10

I understand. So that you and Mr Chahine must have sort of had a bit of a discussion between each other, "What do you think?" and "How does it work?" and, you know, or "How's it going?" and so on. I mean, you must have discussed the matter of kickbacks with Mr Chahine from time to time, is that not so?---I'm pretty sure, I'm pretty sure we may have discussed it, yes, Commissioner.

20

And in that discussion, did it become apparent to you that there was a system that would be followed in order to, for a kickback to be worked into pricing and ultimately paid?---You're talking about a system on my behalf or Mr Dubois' behalf or - - -

30

No, I'm talking about the system that Mr Dubois was, in effect, orchestrating, if you like, so that you could make provision for a kickback for a particular job or project.---I think he, I don't think there was a - I, I, I don't, I can't speak for anyone, but I don't think, I do remember there was a system in where a price was, like, how can I say, like - I just, I just remember the kickbacks were paid where we finished a job and we paid Mr Dubois from the remainder of the profits. I don't remember if there was an initial system or something, but as I was just telling Mr Downing here, like, over the period of time there was a time where we saw each other before the job or after the job or something like that, to price it.

Did you, from time to time, talk to Mr Chahine about kickbacks being paid to Mr Dubois?---This, this is a conversation over 10 years, Commissioner, that's happened about a trillion times.

40

I'm not trying to pin you down to any particular discussion. I'm just saying did you from time to time discuss with Mr Chahine the making of kickbacks to Mr Dubois?---Yes, Commissioner. And we weren't happy about it but we - - -

I understand.--- - - - we were working so, and it was, yeah.

And did you and Mr Chahine at some stage or stages discuss how it was going to work on a particular project, you know, how much the kickback would be and how that would be worked into the pricing?---We, we, we never had a, we never had like a set price or anything for a specific project.

It, it just, when it was finished Mr Dubois will ask us what that whole, what the whole job cost and what was left and he will tell us what he wanted.

And did you note from time to time that some of the kickbacks involved considerably large amounts of money?---Yes, Commissioner.

And, all right. Yes.

10 MR DOWNING: Thank you, Commissioner. But just going back, what I'm suggesting is that in effect Mr Dubois established a way of going about it when it came to letting you know about jobs and then ultimately extracting a kickback.---Yes.

And you've described being aware that there was, that his habit was once the job had been paid and you'd obviously paid all of your costs, he would ask for a sum of money.---Yes.

20 But I'm going to suggest that before that that there was a way in which he would initially contact you and discuss jobs with you that was also part of an established pattern over many years going right back to the early days of the work, and tell me if you can recall this. You agreed already that he would contact you to let you know that a job was either on its way or an email had just been sent. Correct?---Correct.

And wasn't there also typically, at or around that time, a discussion that either Mr Dubois and you or Mr Dubois and Mr Chahine or you and Mr Dubois and both of you would have where he would talk to you about what price he wanted the job quoted at?---Sometimes, yes.

30 So not necessarily every time but frequently there would be an informal meeting where he would say this is a job that's going to go to Complete Building Fitout and I wanted to put a quote in at, I'm just going to use an example, \$150,000?---That, that did happen, yes.

And he would tell you at that point that you were going to get the job so that you knew that the outcome was determined.---Yes. In the later stages, yes.

40 But also he wouldn't say anything specifically at that point about how much he wanted in terms of a kickback, would he?---No.

But I take it you understood that by him telling you what to quote at, that was an indication that this was a job where ultimately once all of the costs had been factored in and paid that he believed that there would be a margin to pay his kickback?---At some times, yes. Sometimes they weren't altered. Sometimes they were just, they were, straight off the bat my price was on the money, what it was going to cost, and sometimes they were, my prices were, they were brought down.

But there were certainly many occasions, weren't there, where it was him dictating what price would be quoted not you making an assessment based on a genuine tally up of the costs involved in the job?---I still priced the job, yeah.

Did you do it for your own benefit?---I still wanted to know what was - - -

10 All right.---Yeah. And some, some of the, some of the jobs, sorry, some of the jobs he, he didn't have to. They were, they were just known jobs what they were worth and they were just kickbacks that he just made from the remainder of the money.

You understood that he had some experience in managing the type of contact work that he was allocating to Complete Building Fitout?---Of course.

20 So that I take it you understood that when he was nominating a price you're assuming that he was doing his own rough calculations about what it would actually cost.---He, he was always very adamant that he just wanted to meet all the prices given always to market value and stuff like that. I do remember him saying always like trying to work to that.

So wanted to make sure that ultimately what was being charged by Complete Building Fitout didn't look out of whack with market.---Correct. Sometimes it was even brought down to be even better.

30 But when he would specify a price to you before you'd even put a quote in you understood that that was a signal that ultimately he was going to seek something in return.---We always knew he was going to seek something in return. It was - - -

It was part of his habit.---Yeah. It was, it was just, it became like drinking water and eating food so just - - -

But that habit of letting you know a price and then ultimately seeking a kickback, that went back many years to the early days of the relationship, didn't it?---Not straight away like I've said. Not straight away in the beginning, no. It was later on.

40 Well, I'm going to suggest - - -?---Like, pretty early but not, I'm not talking like the first job or second job. Like, I was still trying to get my feet on the ground. Like, understand it, yeah.

I understand. But it then, once he started doing it, it became a pattern over many, many years?---Like I said, it became like drinking water.

And it's also the case, isn't it, that often in that upfront discussion he would not only say, "This is the price," he would also say something about the fact

that there would be other quotes that needed to be put in at higher prices, correct?---Possibly, yes, correct.

In a sense that he wanted dummy quotes – and do you know what I mean by dummy quotes?---Yeah. A quote where nobody is going to get the job and you know that.

10 So that he would not only say – and I’m using just an example – “Complete Building Fitout gets this job at 150,000,” he would say, “Oh, and I also need two other quotes at a higher price”?---Yes.

And that also became a pattern over many years, didn’t it?---Yes.

Now, as far as when perhaps that habit of having those communications with you and specifying prices occurred, I’m going to suggest that perhaps the first example might have been the Mount White exit lane widening job that I took you to. Do you recall back on the schedule it was the first really significant job of over \$200,000 that Complete Building Fitout did?
---Possibly, yes.

20

Now, once he started giving you bigger jobs, I take it the kickbacks got larger too?---Correct.

So, not from – I withdraw that. So, moving from perhaps a few thousand dollars here or there to tens of thousands of dollars?---Correct.

And do you recall that once they got bigger that he didn’t want cash?
---Correct.

30 And do you recall that you had some conversation with him about wanting cheques drawn in favour of a particular company?---I don’t remember the conversation but I do remember paying cheques to a company that he wanted us to make it out to.

And do you recall that that company was MWK Developments?---Mate, I only remembered when this whole inquiry started to be honest with you. So
- - -

40 You don’t recall that now?---I don’t remember the company, what it was called, but I do remember us paying the cheque into a company.

Well, it was multiple cheques, wasn’t it?---Correct.

And do you say you just can’t now recall a discussion with Mr Dubois about that?---I don’t recall the discussion exactly but obviously it’s happened. How else would I be paying cheques into a company, you know? So - - -

Now, just pausing there. Is it the case that when cheques would be drawn, that Complete Building Fitout would either, through you or Mr Chahine, sign the cheque and make it out on favour of this particular company?
---Correct.

And who would give it to Mr Dubois?---That's, I don't remember, mate, yeah. I don't exactly remember.

10 But do you recall having any information about the setup of this company that the cheques were being drawn into?---I have no idea what this company was all about.

Do you recall any discussions with him or perhaps anyone else about the function of MWK Developments?---No.

20 I'm going to suggest that was the company.---Yeah. I've, I've heard many times now, so I don't, I don't – no, I don't, I don't. I remember he, maybe he, I do remember something about a company that, that he, that we can just make the cheques out to and stuff like that and then he can recover his money.

Through that company?---Correct, yes.

So that from what he was conveying to you, even if you don't remember the words, what you understood was the case was that the money was to be paid from Complete Building Fitout to this company?---Correct.

And that that money would reflect his kickbacks?---Correct.

30 And that he would then, through that company be able to extract the money?---Correct.

Do you recall him saying anything about whether some other person was involved with MWK Developments?---No.

40 Do you recall him ever mentioning Towfik Taha at or around this time, and that is in mid-2011?---I knew he was doing work with Towfik Taha but I had no idea that it was something that had to do with that company, with Towfik Taha, no. I don't, I don't recall that.

Now, please, let's go back a step. Did you know Towfik Taha?---Not personally, no.

Had you met him through someone?---Might have seen him maybe once or twice with Mr Dubois, or along those lines, or I've heard his name or, I, I really can't remember.

So is the first time you either hear his name or see him through Mr Dubois?
---Oh, yeah, a hundred per cent. I never knew him before then.

So you didn't know him separate to your relationship with Mr Dubois?
---No. God, no. No.

Now, did you learn that Towfik Taha was doing some RTA contract work as well?---Yes.

10 And it's the case, isn't it, that you learnt that during that early period of work that Complete Building Fitout was doing?---Not straight away, no, a little bit later down the track. I think, I think towards that Mount White job, I think, around that - - -

All right, which is mid-2011.---Yeah.

Now, do you recall, was it Mr Dubois introduced you to Towfik Taha or just mentioned him in passing one day?---I don't know exactly, but it could have been maybe he was with him or, or his, his name got mentioned or
20 something, or I overheard him talk about him or – I really can't exactly remember but I - - -

Sorry, do you recall perhaps encountering him on a worksite somewhere?
---A worksite. No, I, I don't remember, no. But I do, I do remember knowing of him later on through Mr Dubois.

Did you learn from Mr Dubois that Mr Taha had a particular company that was doing RTA work similar to the way that you were through Complete Building Fitout?---Mr Taha was?
30

Mr Taha.---Yes.

And do you recall the name of that company?---No.

Does TTS Group Investments ring any bell?---Like I said, mate, it's, through this inquiry I've just learnt these companies, to be honest with you.

In any event, at some point you say, perhaps by about mid-2011, you learn that Mr Taha is doing some work for Mr Dubois.---Around that time, yes.
40 Around that time.

Did you have any communication with Mr Dubois about whether Mr Taha might have a similar arrangement in terms of work and kickbacks to the one you had?---No, mate, I never, he never spoke about it.

Did you perhaps have your own suspicion that he might be operating in a similar manner to the way that he was with you with Mr Taha?---Well, did I, did I have a feeling - - -

Suspicion.---Suspicion, yeah, of course. Like, it was down the track when I was paying kickbacks, like, and he was doing the work for him, so, yeah, it's, it's not hard to put one and one together.

But did you have any discussion you can now recall with Mr Dubois where he said anything to suggest that Mr Taha had any involvement with the company that you were drawing the cheques in the name of?---No.

10 So you don't recall that at all?---I don't recall that at all, no.

But it's the case, isn't it, that over time you did meet Mr Taha on a number of occasions?---I may have seen him a few times, yes. I may have even rang him up once or twice. I can't remember exactly for what.

Do you recall - - -?---Um - - -

I'm sorry, go on.---I maybe rang him up once or twice to ask him a couple of questions in regards to machinery or excavators or something like that, maybe. I can't exactly remember.

20 Did you have any knowledge as to what his background was in terms of work?---No.

Now, was Mr Taha ever present with you and Mr Dubois at the time of any discussion about kickbacks?---No.

30 So he was never present, for instance, when Mr Taha – I withdraw that – when Mr Dubois was talking about allocating a job and who might have the job allocated?---In the beginning with - - -

In the early stages of your work.---Like during the Mr Taha days?

Yes.---I don't remember anything like that, no. Possibly.

Your best recollection is that, in the early days, that the discussions only involved you, Mr Dubois and Mr Chahine?---Yeah, he kept everybody separate sort of.

40 But that ultimately changed over time, didn't it?---In the case of later on down the track?

Yes.---Some instances, yes.

Now, can I go back to the Mount White job, please, and just to try and assist you as regards that job. And it's the job I've taken you to in the schedule with the record of payment showing it was \$247,500 all up. Can we go, please, to volume 2.1, page 205. And just while we're waiting for that to

come up, you recall the physical aspects of the job, don't you? That is, widening the exit lane from the heavy vehicle checking station?---Yes.

Now, you'll see on 20 March, 2011, it's an email from Mr Dubois to Mr Chahine, and it's using his private email address. You'll see it's not an email addressed as Complete Building Fitout. Do you see that?---Yes, I see that, yes.

10 And you'll see that it's an email to Complete Building Fitout attaching a request for tender and associated documents for the Mount White exit lane expansion works.---Yes.

And I take it you're familiar that over the years that he would send documents of that type, that is a request for tender or a request for quote, setting out the requirements of the job?---Yes.

20 And if we go, please, to page 210 – I'm taking you just to a snapshot of the documents rather than all of them, but there was a, you'll see this is a document, it's an RTA document headed Job Specific Requirements.---Yes.

And in terms of the actual works required, can I take you, please, within that document to page 216, and you'll see it sets out the general requirements and then a description of the works for what was involved in this particular exit lane expansion job.---Yes.

And you know the Mount White location north of Sydney?---Yes.

30 And you'll see down below under Scope of Works there's a description there of what's actually involved.---Yes.

So it involves excavation and then asphaltting works effectively.---Yes.

And then if you go over the page, please, to page 217 and to 218, there's a description of what's involved in terms of the different types of the materials that are used, subgrade, prime coat et cetera as part of the asphaltting works.---Yes.

40 Now, do you recall at the time Mr Chahine showing you this? I take it there would have been some review of it before you did the job?---Yes.

And do you recall having any information from either Mr Chahine or Mr Dubois at the time about whether other companies might have been invited to put in for the same job?---Mate, I, I, I, I think, I think that, I think in the early days when we were freshmens [sic], if you want to say it, we, we had no idea about us being invited to put a quote or anything like that. I will just, he'll just tell us to put a quote in, we'll put that quote, and there was no meeting or seeing anyone or anything else in regards to somebody else putting a quote and vice versa.

So in the early day you were - - -?---No.

- - - completely unaware of who else might be competitors?---Exactly right, correct. So we had no idea. That came later on down the track between ourselves and another contractor, but in the early days like this we had no idea, we just knew that put in your quote, you're going to get this job, do the job, and we didn't know who else was putting in a - - -

- 10 Is the other contractor you've indicated down the track having some awareness of their involvement, is that Areva Corp?---Areva Corp? No. I'm talking about way later, what's that, '15 on, I'm talking about.

Right. But were you talking about a company controlled by Hassan Alameddine?---Yeah, later on down the track, yes.

And as far as his companies, do you recall the name Areva Corp at all?
---No, that's, since this inquiry I've just been listening to all these companies, mate, I - - -

20

What about Seina Group, S-e-i-n-a?---I do recognise that later on down the track, yes.

Is that who you were referring to just a moment ago when you said - - -?---
Yeah.

But you recall that later down the track, becoming aware of others being involved in the quoting process.---Later on, yes.

- 30 And what about EPMD?---EPMD? Who's EPMD?

Efficient Project Management & Deliveries. Did you understand that was another of Mr Alameddine's companies?---Mate, like I - in the early days or - - -

Well, at any point.---No. Pre-2005 when I was told to open up a second company, okay, I had no idea about any other companies and I had no dealings with any other contractor.

- 40 Just going back then to the Mount White job, you say that you weren't aware of anyone else, whether anyone else was actually being requested to tender at the same time?---No, I, I, I thought I was, I thought we were - we had no idea that, like, how important it was to put in three quotes or anything like that, we weren't sort of educated in that type of paperwork-type thing, you know.

But can I ask that you go, please, to volume 2.1, page 351, and this is not your document, it's one created by Mr Dubois, but do you see it says it's a

tender evaluation report in respect of the Mount White North heavy vehicle exit lane expansion civil works?---Yes.

And it indicates that there were three contractors that had responded to the RTA's request for tender on 6 April, 2011.---Yes.

And you'll see down below it lists Complete Building Fitout, TTS Group and BFW Group.---BFW Group and TTS I have no idea who they were.

10 Can we go over the page, please. You'll see it's suggests that there was a meeting held on 1 April, 2011 at Argyle Street, Parramatta and that the people present were Mr Dubois from the Compliance Enforcement Branch, a Mr Terry Taha from TTS Group Investments, Mr Alan Rifai from BFW Group and Chahid Chahine from CBF Pty Ltd.---I can see that.

It's the case, isn't it, that back in 2011 there were no meetings of this sort that were going on with Mr Dubois?---Never been there in my life.

20 So at any stage you've never been to a meeting there.---I've never been there, mate.

And I take it if Mr - - -?---Wait, wait, I'm sorry, hold, I have entered the building to drop in, to drop off a document. That's it.

I take it if there had been a meeting that Mr Chahine had attended on behalf of CBF it's something that you would have known about.---Correct.

30 Do you see down below on the document there's a reference there to the different tenders?---Yes.

And you'll see that it shows that Complete Building Fitout's tender was 225, TTS was 250 and BFW Group was 260.---Yes.

And if you go ahead, please, to page 354. The conclusion at 9.7 is that the tender submitted by Complete Building Fitout was considered suitable and provide value for money, risk to RTA is minimal and the total value of the works under the contract is 225?---Yes.

40 And 225 plus GST ultimately takes you to the 247,500 which is the figure that I've shown you in the schedule was ultimately paid.---Yes.

You said there was no meeting and you were unaware of this process.---No. God, no. I've never, yeah. This came in, this came in effect later on down the track.

Now, can I take you, please, to volume 2.1, page 358 and you'll see that on 9 April, 2011 an email is sent by Mr Dubois to Mr Chahine with a letter of acceptance for this job.---Yes.

And I take it the – if we go, please, to page 359 you’ll see the actual letter of acceptance confirming acceptance of the lump sum, a quote in the sum of \$225,000 that had been submitted by Complete Building Fitout.---Yes.

And if we go ahead to the next page, please, you’ll see that it’s in the name of Mr Dubois dated 9 April, 2011.---Yes.

10 No doubt you would have been aware of the fact that your quote had been accepted and that Complete Building Fitout was to do the work.---Without a doubt.

And you and Mr Chahine, I take it, were then present at the Mount White site and did the work.---Correct.

20 And you would have – just pausing there. I take it that you didn’t have a background in doing asphaltting works at the time.---No, we, we, like I said previously working in the construction and stuff like that for years and years, yeah, we did do asphalt. We done, I’m trying not to use rude words in my, a considerable amount of concreting and civil works and some asphaltting, yes.

But roadworks, have you done roadworks previously?---It would be the same, yeah. Or entries to factories and all of that. They were all roads, yeah.

30 So you and Mr Chahine did have some experience in doing that?---I’ve always had experience in everything I’ve done. Some stuff I learnt along the way with some, like bits and pieces but I had a fair idea what went down, yes.

Then do you recall whether you actually did the asphaltting works yourself on Mount White or whether you subcontracted them out?---Well, I wouldn’t be able to do it on my own because the machine just to do it on your own will cost, you know, \$1 or \$2 million so - - -

So it would have been subcontracted?---Of course, yes.

40 And do you recall were there particular companies that you frequently used for subcontracting the asphaltting works over the years for the RTA?---I used two companies, yes.

Who were they?---The first one we used on this job was Ozpave, and later on I started using Country Pavement.

That’s Country Pavement Services.---Correct.

And with those two companies, were they subcontractors that you had a relationship with yourself? Or was it someone that Mr Dubois suggested to you?---No, they were companies that we had a relationship, yeah. We acquired them.

Had you used Ozpave before the RTA work on different jobs you'd done in the past for non-RTA clients?---No, but I've seen them on the roads quite a lot, doing works, driving around, stuff like that. So I thought I'll contact them because I did have an asphalt job to be done, and get a quote off them.

10

Can we then go, please, to same volume, sorry, 2.1, page 366. And you'll see that on 21 April, the email lower on the page, Mr Dubois gets a purchase order number from within the RMS and then sends it on to Mr Chahine, again using his private email address.---Yes.

And over the years I take it you got many emails like this with a purchase order number that was then put on the invoice?---Yes.

And if we go, then, please to page 367.---Yes.

20

You'll see an email from Mr Chahine with the invoice of a progress payment.---Yes.

And that's on 2 May, 2011. And if you go, please, to page 368.---Yes.

The invoice is actually dated 19 April, despite the email being 2 May. But in any event, it's for the progress payment, 20 per cent progress payment on the Mount White works.---Yes.

30 And if we then go, please, to page 370, you'll see that on 24 May, 2011, the invoice for the balance is sent through.---Yes.

And if you go to page 371, the invoice is for that balance, the 180,000 plus GST, so that all up the quoted sum of 225 plus GST, or 247,500, is invoiced.---Yes.

40 So having seen those documents in respect of that initial job, sorry, that initial large job, the first one over \$200,000, and looking at the details within the invoices, first of all, can you say whether the paperwork in respect of this, that is the invoice documents, look like that they were the product of you and Mr Chahine, or whether it might have been something that Mr Dubois assisted with or provided input into?---Looks like something Mr Chahine would have wrote.

It's the case, isn't it, that over many, many years Mr Dubois did often obtain from you draft documents, they're quotes often and invoices as well, and then make edits to them and send them back to you?---I wouldn't give it to him to make edits on his own and go away or something like that. There

was some instances where he proofread because of – the way we worded stuff, he wanted it to look a little bit more professional. So we'd write, we wrote (not transcribable) sort of thing.

So that he would ask you to send him a draft of the document and then either make or suggest edits?---Not, not send him a draft. Sometimes I had to give him an invoice or something via USB, and I just don't remember whether I gave it to him in a PDF or a Word, what you call it, I'm - - -

10 So a document you could edit.---Correct, yeah.

So you would give him a USB with the documents on it?---There was some instances where he just needed it and there was no time or something like that, and I'll just give them to him.

But he wanted them edited in a way to make them look more professional, he would say that to you?---To make them look, yeah, detailed and a little bit more professional.

20 And was that something that was done – that is, giving him the documents when on a USB – going back some years?---It, no, it was later on in the piece. In the beginning he, we may, we may print it out and show it to him and he may say, before we sent it to him, and he may tell us, yeah, "Word this a little bit better," or, "Explain more information," on a certain work aspect. Like, we might write one line of certain works we were going to do where really that needed, like, 10 lines because it was pretty intense, you know?

30 He wanted more detail?---He wanted more detail for our jobs to look – so to detail the work. You know what I'm trying to say, yeah?

I understand. I do.

THE COMMISSIONER: Did you understand that he wanted the invoices to look more professional for a reason, the reason being so that it didn't attract attention?---Correct.

40 And did you understand the rationale for that was, he didn't want people asking questions which might reveal that he was receiving kickbacks?
---Yes, Commissioner.

Well, can you think of any other reason why he would have asked you to make things look professional than as a protection or protective measure?
---I don't think there was another reason for it, Commissioner.

Yes, thank you.

MR DOWNING: You've indicated that you recall that it was given to him on USB. So over time, did he perhaps sometimes ask them to be sent via private emails, that is attach a document that he could then look at and edit? ---Possibly but that wasn't the way, yeah, it sort of happened. It mainly happened, like, I printed it out and if I saw him or, or he asked to see me or something like that, then I would show it to him and he, he will tell me it's good or it needs, it needs refining or stuff like that.

10 Over time, it's the case, isn't it, that you, Mr Chahine and Mr Hadid also used messaging services amongst yourselves, correct?---Possibly, yes, yeah.

Do you recall using WhatsApp and having communications that way?---I was – yeah, yep.

And do you recall that at time that he would ask for you to send through JPEGs, that is photographs of draft bills, and he would then look at them and suggest some edits to them?---Throughout the piece, yes, correct.

20 I'm going to suggest that was later in the piece.---Later, later on.

Later in your relationship, that is using - - -?---Like, further down the track? - - - photos with WhatsApp?---Yeah, correct, yes.

Now, do you recall another fairly significant job in that early phase around the same time as the Mount White job, was one that involved some work at Kankool?---Yes.

30 And that also involved, didn't it, an entry lane expansion at the heavy vehicle checking site there?---Yes.

And just in that regard, can I take you, please, to volume 4.2, page 432? Sorry, 2.1, page 432. And do you see this is an email from Mr Dubois to Mr Chahine on 21 March, 2011, seeking a request for tender as regards to the Kankool job?---Yes.

40 And you'll see that it says there are attachments and you can see from the attachments there's preliminary plans and other documents that are in PDF form?---Yes.

And you'll see that if we go to the next page, page 433, it's the first page of the design documents in respect of that job.---Yes.

And if we go, please, to page 437, do you recognise that as an aerial of that particular exit lane and the facility at Kankool?---That's the exit lane at Kankool, yes, correct.

And I can take you to the third parts of the job, that is the scope of works and the specific description, but it involved essentially the same work as was done at Mount White, didn't it?---Yes.

So excavation, putting in basecoat and then the various layers or bitumen and then ultimately finishing the site off.---Yes.

And again it's the case, isn't it, that you and Mr Chahine worked on the job?
---No.

10

Who did this one?---I didn't do a exit lane.

You didn't do this?---No.

So do you say that Complete Building Fitout didn't do this job at all?
---I did not do that job, no.

20

Do you know whether Mr Chahine did?---I don't think we done this job, I think we done the entry lane, was it, or did we have to redo the exit lane? I can't remember now.

Perhaps just rather than guessing at it, I'll take you to documents. Do you recall whether there were two stages, an entry and an exit lane on this job?
---Oh, yeah, I do remember now, yes, there was two, there was two, but I think the, I think the entry one was first.

Well, this is, I'm going to suggest, stage 2, so it's the second part of it.
---Okay.

30

But can we go first of all to page, volume 2.1 page 573.---Exit, yeah, I'm pretty sure, yeah, we did do a exit lane too. I just, I just thought that the entry lane was first. I do remember the entry lane being first.

So you did both. That is worked on the entry and then the exit?
---I worked on everything I put a invoice for, mate.

Well, you see, this is a tender evaluation report for Kankool entry lane expansion works.---Yes.

40

And you'll see that the estimate according to this document was \$270,000.
---This is for the entry lane, yes.

Yes.---Correct.

And it suggests that there were three tenders received, from Areva Corp, Complete Building Fitout and Peregrine Corp Australia.---Yep.

If you go over the page you'll see that it suggests that there was a meeting held same date as the date of that Mount White meeting, 1 April, 2011, at Argyle Street, Parramatta, with Mr Dubois, a Mr Harry Alam from Areva Corp, a Shane Chahine from Peregrine Corp and Barrak Hadid from CBF. Now, you've already confirmed that you didn't attend any such meeting.
---No.

Did you ever know that Mr Dubois used the Harry Alam for Hassan Alameddine?---No.

10

With the company Peregrine Corp - - -?---Sorry, Harry, yes, Harry. Last name, Alam, no.

All right.---Harry came on later down the track, I learnt of Harry.

That he was, that Mr Hassan Alameddine used Harry as a name?---Yes.

Do you recognise the company Peregrine Corp at all?---I do recognise it, yes.

20

Was that a company you understood was controlled by Chahid Chahine's brother, Chahine Chahine?---Correct.

It wasn't an RTA contractor though, was it?---No.

And I take it you've never had any meeting with Mr Dubois with Chahine Chahine present?---No.

Commissioner, is that a convenient time?

30

THE COMMISSIONER: Yes, it is, thank you.

Mr Hadid, we'll take a lunchtime break and we'll resume at 2 o'clock.
---No worries, Commissioner, thank you.

Thank you. I'll adjourn.

LUNCHEON ADJOURNMENT

[12.48pm]