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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION PARAGON

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 3 JUNE, 2021

AT 9.30AM

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

THE COMMISSIONER: Morning, Mr Downing.

MR DOWNING: Morning, Commissioner. We're ready to resume Mr Hadid's evidence.

THE COMMISSIONER: Is Mr Hadid there, please? Thank you, Mr Hadid. Good morning. If you wouldn't mind just standing and we'll readminister the oath.

THE COMMISSIONER: Thank you. Yes, Mr Downing.

MR DOWNING: Mr Hadid, you might recall that yesterday, late in the day, I took you to some of the slides showing the flow of money into Euro Civil and then asked you some questions about where those moneys were then disbursed.---Yes.

10

Can I take you now to Built Engineering, and if we could bring up, please, slide 17. Now, you'll see, according to the chart, that with Built Engineering, the moneys, first of all, are paid from the RMS to each of the three contractor companies that you and Mr Chahine were operating from about 2012 onwards. So Euro Civil and – sorry, in order – CBF Project, Euro Civil and Maintenance and then lastly we've got Ozcorp Civil.---Yes.

20

And you'll see that there are records there in terms of the sums that were paid by the RMS and the dates during which the payments were made. ---Yes.

And probably unsurprising to you, given that CBF had been in existence for the longest period, it received the largest sum of RMS payments, so 13.341 million.---Correct.

Then the next in order was Euro Civil because it was then set up next in order.---Yes.

30

So, 4.745 paid by RMS to Euro Civil and then finally Ozcorp Civil, which was set up last in time in late 2015, received about \$3.07 million over that period.---Yes.

So the total payments made across those companies, and this includes not just CBF Projects but the earlier payments to Complete Building Fitout, was \$21,153,376.20 over a period of just under a decade.---Okay.

40

Now, if we could go then, please, to slide 19. I just want to ask you some questions about how the moneys that were then – sorry – some questions about the moneys that were then paid into Built Engineering.---Yes.

So, first of all, Built Engineering was a company that had been set up in your name?---Yes.

And you'd set up the bank account for it?---Yes.

And it was a St George bank account?---Yes.

And you'll see, there's a reference there – I can take you to some statements a little later, but it was a St George account that had the last four digits, 9-5-2-1.---Okay.

And you'll see that according to the slide that's being shown, the sums that each of those companies then paid into Built Engineering is demonstrated. So, first of all, with CBF Projects, it paid \$1,139,936.25.---Okay.

10 And you'll recall from yesterday's evidence that CBF Projects also paid some moneys back into MWK Developments before it stopped being used as a vehicle for kickbacks.---Okay.

Then with Euro Civil, you'll see that it paid \$1,616,460 into the Built Engineering account.---Okay.

And that Ozcorp Civil, relatively speaking, paid a smaller sum, \$161,462. ---I, I, I don't think Ozcorp Civil paid into Built Engineering, Counsel.

20 Well, I'm going to suggest that the banking records demonstrate that it did. ---It paid 161, did it?

It did, into the Built Engineering account.---Okay.

Is there some reason that you can recall or some basis for your recollection that Ozcorp you didn't think paid to Built Engineering?---No, because I used to transfer the money from Ozcorp to Euro Civil, that's why, initially.

30 So then it could have gone from Ozcorp Civil to Euro Civil and then Euro Civil into Built Engineering?---Correct.

I know it's not easy to identify exactly what dollar goes into what account and what dollar comes out.---Correct.

But your recollection was that rather than direct transfers from Ozcorp Civil to Built Engineering, you made payment from Ozcorp Civil into Euro Civil. ---Correct.

40 In any event, it's the case, isn't it, that notwithstanding what you say was the original purpose of setting Built Engineering up, that was to invest in cars, that it became a vehicle for paying kickbacks?---Correct.

So that the moneys that went into it from the various companies that you and Mr Chahine controlled, ultimately were, it was the first pit stop for the transfer of payments to Mr Dubois.---They were all kickbacks, yes.

So that either moneys to him or on his behalf.---Correct.

And you'll see, first of all, that there's a reference there to being some significant cash withdrawals. Now, it's the case, isn't it, that Mr Dubois was given an EFTPOS card on the account?---He had a card, yes.

And it's correct, isn't it, that with Built Engineering, I'm going to suggest it was set up in 2015 and that he held a card really through the entirety of the period from its set-up until the search warrants were executed?---Correct.

10 And I don't know whether Mr Dubois mentioned this to you, but are you aware that on the day the search warrant was executed, he actually cut up the card and threw it into a drain?---I heard that, yeah.

Can we please bring up volume – sorry, just before I bring it up – did you hear that from him or hear it through the evidence?---I heard it through the evidence, yes.

If we could please bring up volume 17.1, page 144. You'll see that that's a St George Visa debit card.---Yes.

20 It's a little hard to read, but if we – you can see that it's in your name. ---Yes.

And if we go, please, to 145 and just spin that around, thank you. So you'll see it's a card that ends in 4-2-1-4 and it's in your name for Built Engineering.---Yes.

And that's the card that you gave him. Correct?---Correct.

30 And would he speak to you about its use from time to time or was it really just up to him to use it as he saw fit?---I never really spoke to him about it, Counsel, nor did I think it was to pull out any cash or anything, it was just to make just day-to-day expenses and bits and pieces. That's what he told me.

Presumably statements would come in on the account each month?---I never saw a statement. Never looked at one.

You didn't look at one.---Never.

40 So is it the case that you never reviewed statements just to keep a track on how much he was spending or how much cash he was taking out?---I never did, mate. I, I, the first I hear about how much money went in and how much money he received in kickbacks from this, the first I hear about it was in the opening and I pretty much nearly fell off my chair.

By reference to the amount of money that came out?---Yeah, I had no idea.

Was it really the case that you just relied on him to take what he regarded as his?---Correct.

Based on him telling you how much was to be paid to him from each job?
---Correct.

And you then transferring that money into Built Engineering.---Correct.

Can we go back to the slide at page 19, and you'll see between the cash withdrawals of \$182,604.89, and EFTPOS purchases of \$71,696.09, there's also a reference there to cash cheques from the Built Engineering account.
10 Can you recall ever drawing cheques and then cashing them so as to give cash to Mr - - -?---What do you, what do you mean by cash cheques?

Well, that is drawing cheques on the account, cash cheques, and then actually taking them to a branch, getting the cash, and then doing something with it. Can you recall ever doing that?---No. I think, I think some of those amounts might have been cash cheques to Dutton's.

Oh, so cheques that were drawn to others?---Yes, correct.

20 Well, with the Dutton's, you'll – I withdraw that. With the cars, you'll see that they are listed separately there with the reference to particular cars, you'll see, starting with the Porsche 997 et cetera. So I'll take you to those briefly in a moment but do you say you don't recall ever cashing cheques and then giving cash to Mr Dubois?---I can't remember. I might have, yeah. Possibly. If he's asked for cash or something like that. I, I, I think that I might have given cash cheques to, paid in cash cheques maybe or something like that. I really just, I can't remember. But nevertheless, yeah, they were all, they were all kickbacks.

30 Now, just as far as the cars were concerned, I'll take you to a couple just in a bit of detail, but can I just see if you recognise the various cars, and I'll take you to slides of images of them. So, can I start with slide 57, which relates to the Porsche 997? Now, this is the car I took you to yesterday and this was the car that was bought then resold, then – sorry. Bought, sold and then bought again for Mr Dubois.---Yes.

And you recall I suggested to you that the first time around when it was purchased, it was purchased for \$353,028, with Euro Projects making the payment.---Correct.

40 Now, I'll take you again to the documents, the relevant documents supporting this, but I think your recollection was that when it was repurchased it was from Scuderia Graziani?--- I, I do recall that, yes.

And it's a dealership, isn't it, that's located in Woolloomooloo in Sydney?
---Correct.

Can we of back then, please, to slide 57? I'm sorry, I apologise, slide 19. And you'll see the next car across is one, the Ferrari F40, bought from Dutton Garage. Now, you recall that car, don't you?---I, I, I, I've never seen it but I, I do, I do recall him talking about it.

This was the car that he'd identified in New Zealand?---Possibly, yeah. I, like I said, I've never, yeah, seen it or anything like that.

Did you even see a picture of it?---No, I don't think so.

10

Can we go to slide 56, please?---Possibly, or he sent be a picture or something like that.

Well, I'll show you a picture and see if it assists at all. That's the actual car, and this was the most expensive car by far that was every bought for him. So, purchase price of 1.586, or \$1,586,500, but From Dutton's Garage in New Zealand, in Christchurch.---Okay.

20

Now, do you recall him calling and telling you that he'd seen that car and that he wanted it bought for him?---I don't, I don't really – he didn't speak very much about his dealings because he was always, you know, wheeling and dealing with cars and stuff like that. So, we weren't always in the light with anything like that. I explained to you yesterday in the evidence that ultimately the money went to Dutton's and he was to do with it - - -

What he wanted?---Yeah. Because – yeah.

30

But do you recall him ever showing you a photo or sending you a photo of this particular car?---Mate, possibly. I, I really can't remember, yeah.

Do you recall that with this one, ultimately there were a series of payments made over time to try and make up what was a very substantial purchase price?---Like I said, yeah, he would have, maybe, yeah, possibly. It wouldn't have been, you know, the whole price in one hit. It would have been, yeah, a series of payments or - - -

40

As jobs were done and kickbacks were paid into Built Engineering?
---Correct, correct. Or maybe, you know, done wheeling and dealing with his, his other cars or something like that to, you know - - -

Because you indicated yesterday he sometimes traded them in and they made up part of the price?---Correct, correct.

But with this one, do you have a recollection that even that as at the time the search warrant was executed that it hadn't been fully paid for, that there had been a series of Built Engineering payments but not the full 1.586 million?
---I don't, I don't really recall that, Counsel, no. I do remember him having

to make payments for it 'cause it was so expensive and to, you know, acquire it wasn't - - -

Well, when you say he had to make payments for it, it was ultimately you that was having to make payments for it.---Well, correct, yes.

On his behalf.---Correct.

10 THE COMMISSIONER: Were you aware that, in relation to this Ferrari F40, that funds of the order of \$1.2 million was being taken out of Built Engineering to fund the purchase of that vehicle?---Like I said, Commissioner, I was forwarding the money off to Dutton Garage and he was doing what he wanted with it.

But with this vehicle, this is the most expensive of all.---Correct.

And total price \$1.586 million, approximately.---Correct.

20 You were aware that this was, this vehicle was being purchased for the sum of money of that order?---I do recall him trying to acquire, trying to acquire this vehicle, yes, Commissioner.

And it was a very expensive one of the order of 1.5 million?---It was a burden, Commissioner, yeah.

And that Built Engineering would be paying the lion's share of that price? ---Through kickbacks, Commissioner.

30 Yes.---Correct.

You're aware this is what was happening in relation to this purchase?---I, I, I was aware in relation to all the purchases, Commissioner.

Just the scale of money we're talking about, even just confining it to this one vehicle, for example, would have telegraphed to you that the scheme-generated kickbacks had become a major scheme.---They did become a major scheme, yes.

40 Beyond your wildest dreams, I daresay, when you started with RMS.---It was a bloody extreme burden, Commissioner.

In what way did you feel it as an extreme burden? How did it become an extreme burden?---Well, if, if, if anyone was to be in my position, Commissioner, they wouldn't be doing kickbacks or anything like that to acquire work. It's very, yeah, diminishing as a person to have to pay kickbacks in return for work and stuff like that.

And you became aware, as time went by, and as at the purchase of this vehicle for what might be, to many, seemed to be an unbelievable price to pay for a motor car.---Yes.

\$1.5 million.---Yes.

But you had been over time, as it were, drawn into – well, participated in what became a major scam.---Correct.

10 And did you feel at some point you were free to say, enough, I'm walking away from this, or were there other factors working on you which explains why you didn't?---We did, we did, we did, me and Mr Chahine did have enough and we were starting to make provisions to actually exit from doing work for the RMS.

When you say "had enough", you mean - - -?---Yeah, we, yes, Commissioner.

20 That you were fed up with it or you were concerned enough about it to say you were looking to get out?---Had enough, concerned, the burden of it, the burden of having to pay it, having to pay it, you know, it took its toll on many things, Commissioner.

Well, I know it's easy in retrospect to look at these things, but somebody might say, well, why didn't you exit earlier?---It's all I had at the time, Commissioner, like as in workwise. I was pretty committed and I had nothing else to fall back on at that time.

30 Well, I think as you said yesterday, as time went by you became more and more - - -?---Committed.

- - - dependent upon RMS work to the exclusion of all work.---Correct, Commissioner.

Almost entirely dependent upon them in the end, is that right?---Correct.

40 So are you saying you sort of, over time, not only were continuing to participate in this scheme but you were, as it were, hooked up in it and - - - ?---You know, I - - -

- - - you were having difficulties about getting out of it, is that what you're saying?---Correct, Commissioner. I was, I was starting to make moves, me and Mr Chahine, in getting out.

And without going into the detail, when you say started to make moves, what are you referring to there?---That it was one time where I told him that I just didn't want Ozcorp to do any more work. We just had enough. It's just, we're tired. Mentally and physically and kickbacks and stuff like that,

we just had enough. So we wanted out from that company to do work, and then it was just going to, we were just going to do a dominoes effect. And, yeah, me and Mr Chahine were going to get into building sort of our own projects and working for ourself and no one else.

Back to where you started, more or less.---Correct, Commissioner.

10 Approximately when do you think you started to talk in those terms to Mr Chahine?---Me and Mr Chahine spoke about it for a long time and we were just working towards it.

MR DOWNING: Just in that regard, if we could go back, please, to slide 19. You'll see that in terms of the payments that were made from RMS to the different companies, whereas Euro Civil and CBF do continue until May or June 2019, the last relevant Ozcorp payment was made in December 2018.---Yes.

20 So do you say that there was some – you've described a discussion with Mr Dubois where you said you wanted Ozcorp Civil to in effect stop doing the work.---Enough, yes.

Did that actually happen, did the work stop?---I, I believe so.

Do you believe that was a discussion around the end of 2018?---I believe it was around that time, but I do remember a discussion, without a doubt in my life, that me and Mr Chahine told him that we didn't want to do any more work with Ozcorp Civil, it was just, it was just too much.

30 And what was his response?---I don't really remember his response, but eventually he sort of agreed to it, that's it, I'm not going to do any more work with Ozcorp.

Because the way – I'm going to take you to some examples later, but the way it had worked for many years is that when jobs were coming up, he was very often getting all three of your companies to quote against each other. ---Yes, correct. So after, after that initial discussion, as in Ozcorp no longer doing any more work because it was just, you can imagine how difficult it was having to do, take care of three companies and quotes and work and roads and - - -

40 Well, even just the paperwork involved in coming up - - -?---That's, that's what I'm talking about.

- - - with one genuine quote and two dummy quotes would have been time-consuming I take it.---It took its toll physically and mentally. So there was a time where we told him that we didn't want to do any more work with Ozcorp Civil and we were, we were planning a dominoes effect, but that's when sort of Mr Hassan Alameddine started coming a little bit more

frequent because of that, so we finished, yeah, so we finished from the drama and we ended up with another drama.

So is your recollection that having had that discussion with Mr Dubois, you then have more jobs where in effect it's your two companies, so CBF and Euro Civil, and then one of Mr Alameddine's companies, which are the three quoting parties, albeit in a rigged process?---Correct. I'm sure your evidence shows that.

10 Well, we can go to that. But do you say that, did Mr Dubois resist the idea of Ozcorp withdrawing from the arrangement?---Possibly, I really can't remember the actual correct conversation, how it went down, but ultimately that this is just what me and Mr Chahine wanted and were adamant that it was going to happen.

And had you put any sort of time frame around when you wanted to try and extract all the companies or - - -?---It was, it was, we were just waiting, to be honest of you, we were just waiting for – we made a purchase on, at, on the South Coast of a property so we could build a duplex on it, and that was going to be - - -

Sorry, the property you're referring to, it's Erowal, Erowal Bay, was it? ---Erowal Bay, South Coast, yes, correct.

And was the plan that you would - - -?---Once we had the correct approvals and everything like that, we were going to make a move and start our own building.

30 But with a view to developing it and then what?---Developing, yes.

Units or duplex?---A couple of duplexes, yes.

And selling them off?---And then from there we were going to, yeah, get into a dominoes effect with that stuff.

But by 18 June, 2019, that hadn't happened, but you'd bought it but nothing had happened as far as developing it.---It took ages to try and get approvals through the council and stuff, being the hardest council apparently in the whole of Australia, and it was.

40 That's Shoalhaven?---Yes, correct.

And was there an issue with there being an NBN box out the front of it? ---That came later on down the track. When we thought we were going to get the approvals, then thought a NBN box, I think the NBN box came after the search warrant, I think.

And just on that property, if we could go, please, to volume 2.1, page 5. And you'll see this is a land registry search of properties and it does show that the Erowal Bay property was in the name of Chahid Chahine. Is your recollection it was in your name or his name or joint?---It was in both our names.

And what's your recollection as to when it was purchased?---Maybe '13/'14. I can't remember.

10 So that even as at 2019, that is mid-2019, you'd still not been able to take any steps to develop and then sell it off?---When we finally, recently when we finally got our approvals, yeah, there was a giant green box in front of it that NBN have misplaced. That's prolonged at the moment for us to still be able to work.

But do you say that when it was first bought that that was just bought with a view to having something on the side or with a view to actually getting out of the arrangement with Mr Dubois?---It was, it was always to, me and Mr Chahine to start developing so we can start working for our self, yes.

20

I'll come back in a moment to the document showing when it was purchased, but can we go back, please, to slide 19? Now, next car across after the F40 is a Mercedes-Benz C63, and you'll see it shows 124,000 was paid in respect of that car.---Yes.

Can we go, please, to slide 60? And do you recall, it'll come up in a moment, do you recall that this car was somewhat unusual in that this wasn't actually a car that, according to Mr Dubois, was for him, it was for someone else?---Correct.

30

Do you remember who it was for?---It was for Craig Steyn.

And going back through the process, did you have any, did you ever actually attend the dealership or make any enquires about the car?---No.

So was it literally Mr Dubois speaking to you and telling you that something needed to be done to organise for the purchase?---Correct.

40 And did you then organise for a payment to be made for it?---No. I, I, I, I, like, like I, like I said before, I made payments to the car manufacture and Mr Dubois had done - - -

The manufacture or the dealer?---The, the dealership, sorry. And then Mr Dubois was able to do what he wanted. So this, this, I wasn't part of buying the car or anything like that.

Is your recollection though that he approaches you and says that there's a particular Mercedes that he needs to get and it's for Craig?---I do remember him telling me that Mr Steyn wanted a C63 or along those lines.

Was there any communication about whether it was for Mr Steyn or for Mr Steyn's wife? Do you recall anything about that?---I don't, I don't, I don't recall a hundred per cent but I, I, I, I did, I, I, maybe I, maybe I might have heard Mr Dubois say that or something like that but ultimately I just believed that it, yeah, for Mr Steyn.

10

Based on what Mr Dubois had told you?---I heard her name pop up, yes.

Do you recall that originally that the payment was made to Dutton's in Melbourne?---A payment would have been made to Dutton's, correct.

Did Mr Dubois ever say anything to you about the fact that, while it was originally planned to buy it from, from a Dutton's dealership in Melbourne, ultimately that had fallen through and it was being acquired through a dealership in Sydney?---I do remember it being bought from a dealership in Sydney. I think, I think he was looking for a while until he found one.

20

Do you recall if he ever mentioned that it was Mercedes-Benz Sydney at Alexandria where it was ultimately secured?---It rings a bell but I just don't know how.

Did he say anything to you about why it was that he was asking you to pay for a car that was Mr Steyn?---Why I had to pay it?

Why he was asking you to organise for Built to pay for a car for Mr Steyn? ---I, I think the evidence shows that over a certain amount of time I was paying kickbacks to Mr Steyn.

30

Well, you've made reference to paying for certain things - - -?---Yes.

- - - in relation to his house and doing some work, but did Mr Dubois out-and-out say anything about the fact that this was something to do with - - -? ---Why I had to pay for this?

Yes, with work that Craig was in effect involved in.---I think it was, I think it had to do with work that was associated to Mr Steyn.

40

But in any event, Mr Dubois asked and you organised for it to be paid.---I, I, I, I really, I really don't even know if I made a payment reference to this vehicle or Mr Dubois had some money that was in a pool there that he initially made the payment and then sort of got it back or something. I, I, I really don't remember exactly, but - - -

All right. And you've described how at times it wasn't a dollar sum referable to a specific car.---No.

That you would just be told to pay a certain amount.---Yes.

Now, can I then go back, please, to slide 19. And you'll see next car across is a Porsche GT2 with a payment from Built Engineering of 298,000.---Yes.

10 And then if we could go, please, to slide 59. Do you recognise that as a GT2, as a 997 GT2 that was bought for Mr Dubois?---I really, I don't know the models and stuff 'cause I really hate Porsches, to be honest with you. I really hate them to death. They're not my cup of tea, never been. So if you ask me about a model of a vehicle, I'll tell you, yeah, it looks like a bloody Volkswagen or something, so - - -

So you weren't a fan of the particular Porsches that Mr Dubois seemed to like?---Not at all, mate. I hate, I hate Porsches and I still hate them to death. More so now, so - - -

20 Well, perhaps understandably so. But do you recall that there was a request, on more than one occasion, for the contribution by Built to different Porsches?---Correct.

I'm going to suggest with this one that the payment that was made was \$298,000.---Yeah, I believe the evidence.

Now, can we then go, please, back to slide 19. And you'll see next car across is a BMW M3 with a \$90,000 payment.---Yes.

30 And can we go, please, to slide 55. And do you recall this car that Mr Dubois owned at one stage? So it's a hotted-up BMW M3.---And it's the wrong colour.

Oh, this is a different colour. Sorry, this is – oh, no, this is an actual image of the vehicle or it's said to be. Do you say it was a different colour?---It's – yes.

What colour do you recall it being?---I think it was grey.

40 Could it be that Mr Dubois had it painted and - - -?---No, I don't believe so.

In any event, do you recall, though, that at one stage he did get a slightly older model but hotted-up M3?---Yes.

And I'm suggesting to you that Built paid \$90,000 towards the overall purchase price of 130.---Did the purchase for this come out of Built?

Yes.---It did?

It did.---Did it go to that Ronald bloke?

To Mr Laura.---Mr Laura. I remember Mr Laura. He was a nice fella.

So this was a purchase from a private person rather than a dealer?---Correct.

Can we then, please, go back to slide 19. And the next car across is a Ferrari 599 GTB.---Yes.

10

And if we can go, please, to slide 61. And you would have seen that that was a Dutton Garage purchase from slide 19. Do you recognise that car as one of the cars that Mr Dubois had bought in part through Built Engineering?---I, I, I think I've seen this car over there on one of my, one of my times I attended.

At Dutton's in Melbourne?---Yes.

20

And you'll see from the graphics there that what I'm suggesting is that Built contributed \$250,000, but separate to that Euro Civil made a contribution of \$107,347 directly, and Efficient Project Management – which was not your company, it's one of Mr Alameddine's companies – made a contribution as well. Just pausing there, do you recall that Built made a contribution to the purchase of this car?---I, I, I – like I said, Counsel, I remember making payments to Dutton, but I, I was, I wasn't in handle where the payments or what sort of cars they went to or anything like that.

30

In the end, the detail of what payment for what car became a bit lost in - - -? ---I never knew. Sometimes I might have had an idea if I knew that he was paying for a vehicle or something like that, but initially I, I, I would not have a clue where, you know, the sort of payments, like you've got Euro Civil & Maintenance making a contribution of 107,000, see, I don't believe that's true, I just believe that it, that would have been a mistake anyway or, that I made it from Euro, regardless, it's still a kickback, but I don't know if it was for this particular vehicle, any of these payments.

40

Can we go back, please, to slide 19, and you see the last car across is a Ferrari 360, again from Dutton Garage, but you see on this occasion it's a Built Engineering contribution of \$32,000. And if we could go, please, to slide 63. Do you recognise this as one of the vehicle that Mr Dubois obtained?---I don't know if I've seen this vehicle, to be honest of you.

In any event it's, relatively speaking, a smaller contribution to the overall purchase price, only 32,000 out of an overall price of 500.---I, I, I think that's just what he was owed at the time and he wanted it, so I would have just made a cheque.

Can I go back, please, to a couple of the cars, just to go through in a little more detail. Can we go back to slide 57, which is the 997 GT2 that was bought, sold, and bought again. And just in that regard, noting that there's the two purchases, and I've suggested an original one by Euro Projects and then a later one with Built Engineering and Euro Civil contributing, so I'm suggesting that the second purchase was Built Engineering putting in 300 and Euro Civil & Maintenance 115. Can we go, please, to volume 20.2, page 33. Now, you'll see this is a certificate from Transport for NSW in respect of the registration and customer history for a vehicle.---Yes.

10

And you'll see it's a Porsche 997, both at the top and further down the page you'll see it's got, "Vehicle, Porsche 997," and then there's some strange symbols that don't frankly make sense. But do you see, if you look halfway down the page, heading, "Drives," and underneath, "Registration and Customer History for Vehicle?"---Yes.

And then underneath that you'll see vehicle is Porsche 997.---Yes.

20 If you look down the page you will see that the first owner, starting at the bottom, is a Reginald Richard Johnston.---Yes.

With an acquired date in November 2010. But then you'll see the next registered owner is Euro Projects.---Okay.

With the acquisition date 23 May, 2014.---Okay.

And then you will see above that, 10 November, 2014, so only some six months later, it's then acquired through the Porsche Retail Group Australia, trading as Porsche, at Gardeners Road, Alexandria.---Okay.

30

Do you recall that after that first period of ownership by Mr, well, for Mr Dubois but by Euro Projects, it was then sold through Porsche Centre Sydney South at Gardeners Road in Alexandria?---I think so, yes, it rings a bell.

And then do you see up above, then skipping ahead, you'll see that on 27 June, 2016, it shows an acquisition by Italia Motori?---That's the guy at Woolloomooloo.

40 It is. You'll see it's in Palmer Street, Darlinghurst. That's Scuderia Graziani, isn't it?---Okay.

And that's where it was bought the second time round.---Correct.

Can I ask you then to go, please, to page 34, same volume. And you'll see that these are the documents in respect of the sale to Porsche Centre Sydney South.---Yes.

Showing that 4 November, 2014, the owner at that point, Euro Projects, were selling the car.---Yes.

With a valuation of \$340,000.---Okay.

Do you recall that that was – were you involved at the time when it was - - - ?---Being sold?

10 - - - in effect sold back to Porsche Centre Sydney South?---I don't, I don't think so, no.

But do you recall whether you had to have some involvement because Euro Projects was the registered owner?---I honestly cannot remember.

Can you go ahead, please, to page 36. Do you see that the agreement form in respect of this car, it's in the name Alex Swayed but it's using an address that I'm guessing you're going to recognise.---I recognise the address, yes.

20 Whose address is it?---That's Mr Chahine's, yes.

And you'll see that the name Alex Swayed allegedly at that address is selling the Porsche - - -?---Yes.

- - - for \$340,000, subject to inspection.---Yes.

Do you know whether that's a name Mr Dubois ever used?---I think it is, yes.

30 All right. And then if we go, please, to page 37.---Yes.

You'll see that the supplier's name is Euro Projects and it seems that if you look at the signature there, it seems that the same Alex Swayed signature that appeared back on page 36 - - -?---Yes.

- - - if you go back to that, appears.---I can see that.

40 Did you have any discussion when you said to him that he could sign whatever paperwork was required in order to dispose it from Euro Projects? ---I don't think so, mate. I think he just would, just went and done it.

Have you ever seen these documents before?---No, I have not.

All right. And then finally, if we go to page 39. And you'll see that the customer EFT details for the sale indicate that Alex, on behalf of Euro Projects, was giving an account name and detail?---I can see that.

And you'll see that the account ends in the numbers 1-1-8-5.---Okay.

And can I ask you, please, to go to volume 19.1, page 1. And you'll see that this is the account opening form for Euro Projects with the ANZ.---Yes.

And you'll see that that account number is indeed 1-1-8-5.---Yes.

And if you go ahead to page 3, please, you'll see the signatory on the account was Mr Chahine.---Okay.

10 So I'm sorry to jump around, but if we go back, please, to volume 20.2 at page 39. Do you have a recollection that when Mr Dubois traded the car in, you learnt that he had had the money transferred via EFT back into the Euro Projects account?---I don't remember that, Counsel Assisting. I really honestly don't remember the recollection of it or something like that, but I do believe the evidence, though.

But from time to time he would, when he bought or sold cars, you said sometimes the dealer just kept the money, in effect, in credit for him? ---Correct.

20 Do you recall any occasions where the money would come back into either the Euro Projects or the Built Engineering account and then again sit there until his next purchase?---I don't think that happened much, no. I think this – maybe it was the only time or maybe it might have happened once or twice or something like that. I just don't remember it.

30 Then as far as the repurchase, so noting that it's sold, according to these documents, to Porsche Centre Sydney South in November 2014, can I ask you to go to volume 20.2, page 43. And you'll see that now in 29 June, 2016 that Italia Motori is providing the invoice to you for the purchase of the car.---Okay.

And you'll recall, I take it, that this is when it was repurchased through Scuderia Graziani in Woolloomooloo.---Correct.

And you'll see it's the Porsche 911 GT2 RS 997.---Yes.

And if you look down the page, you'll see that it refers to a purchase price of \$735,000.---Yes.

40 With a trade-in equity of \$300,000.---Okay.

So I'm going to suggest that one of the other Porsches was traded in for \$300,000 for this purchase.---Okay.

So that the balance was \$435,000.---Yes.

With a deposit of \$20,000 paid and the balance being made up by a \$415,000 cheque.---Okay.

In that regard, can I take you, please, to volume 20.3, page 12? And do you see that there's a St George bank cheque for \$415,000 to Italia Motori?
---Yes.

And in terms of how that was made up, can I take you, please, back to page 11? And you'll see that the Built Engineering account shows that on 29 June there's a cash withdrawal of \$300,000.---Yes.

10 And that's from the Built Engineering account with St George.---Yes.

And if we go back, please, to the page before, page 10. Well, actually, can we go back to page 9, please? You'll see that this is a St George statement for Euro Civil, so not built engineering but Euro Civil.---Okay.

And you'll see that that's an account ending in 6-0-8-8.---Okay.

And if we go to the next page, please, you'll see that on 29 June, there's also a cash withdrawal for \$115,000 from that account.---Okay.
20

So that the \$415 was made up, I'm going to suggest, from you taking 300,000 from the Built account and 115,000 from the Euro Civil account.
---Where did the 115 from the Euro Civil account go?

Well, if you go back to the bank cheque, it's \$415,000. Go back, please, to page 12.---The bank cheque is from Built Engineering though, isn't it?

No. It's a St George bank cheque. So if you look at the bank cheque, it's dated 29 June and it's in the sum of \$415,000, you'll see.---I see it, yeah.
30

And I'm suggesting that the way you made up that money was withdrawing, first of all, \$300,000 cash from Built Engineering. If we can go back - - -?
---I didn't pull cash, it was a cash cheque.

Well, cash cheque perhaps.---Yes.

But go back, please, to page 11. You'll see that with Built, on that same day as the cheque is drawn, that there's a \$300,000 withdrawal.---The same day, yes.
40

And if you go back, please, to page 10, that on the same day the cheque is drawn, there's \$115,000 withdrawn from Euro Civil, so 300 plus 115 brings you to the precise sum of \$415,000 that made up the cheque paid to Italia Motori.---So why is there only one cheque that says 415?

Because if you go back to page forty - - -?---Are you saying I, I got 115 from here and 300 from over there and made one cash cheque?

Well, in both instances the withdrawals were from St George accounts. There was a Euro Civil account that you took 115,000 from.---Correct, yes.

And a Built Engineering account that you got 300,000 from.---Yes.

St George then drew one bank cheque for \$415,000.---Okay, okay. Yeah, I got you. Okay. I get it now.

10 And if you go back, please, to volume 20.2, page 43, you'll see that part of the receipt from Italia Motori confirms that, on top of the trade in and the deposit, that there was a bank cheque from St George for \$415,000.---Okay.

Now, can I take you to one of the other cars, just to wrap up your evidence in respect of the cars? Go back, if we could please, to slide 59, which is the Porsche 997 GT2. And I know you don't like Porsches but I'm sorry - - -? ---Another Volkswagen.

20 I'm sorry to keep taking you back to them. But with this one, you'll see that the records suggest that it was 298,000 from Built Engineering and 22,000 from Euro Civil and Maintenance. Can I take you, please, to volume 20.2, page 49? And you'll see that this is a contract for the sale and purchase of a used motor vehicle. And you'll see it's from Qld Prestige and in your name.---Okay.

And if you look down to the description of the motor vehicle, you see that it's a Porsche GT2.---Okay.

And the VIN number ends in 4-2-7-1.---Okay.

30 If you go over the page, please, you'll see that the purchase price is \$350,000. I know it's faint but you'll see that at the top left.---I can see it.

With a deposit of \$30,000 so that the balance payable is 320.---Yep.

And it shows it's paid at the bottom.---Okay.

And if you go ahead, please, to page 51, you'll see that at the bottom right, I take it that's your signature.---Which one, which one?

40 Under Customer Signature, bottom right. It's faint but - - -?---That don't look like mine, mate.

Well, have a look at the date of contract. It's 16 June, 2016.---In Queensland?

Yes, the dealer is Qld Prestige in Southport, Queensland. Do you recall ever going up to buy a car?---I've never been to Queensland to buy a car.

All right. Have a look at page 52, please. You'll see that at the time this was purchased that a driver's licence was provided and that's your driver's licence.---Yes, I see that.

Did you ever give it to Mr Dubois so that he could perhaps go and buy a car?---He might have had a photo of it or something. I, I, I, I don't recall ever going to Queensland and buying a car from there.

All right.---Ever.

10

Well, I'm going to suggest that, ultimately, this was financed through 298 being paid by Built.---Yes.

22,000 from Euro Civil. And then the balance perhaps in cash. But just in that regard, noting those sums, can I take you, please, to volume 20.3, page 16. Do you see this is a statement from Built Engineering for May/June 2016?---Yes.

20

And you'll see that on 20 May there's a bank cheque withdrawal of \$240,000.---Okay.

And on 27 May there's a bank cheque withdrawal of \$58,000, so making up 298,000.---Yes.

And can you then go, please, to page 18. And you'll see that there is the \$58,000 St George bank cheque.---Yes.

30

So that do you now recall that you were asked to provide the funds in order to make a payment to Qld Prestige, even if you didn't personally attend the dealership?---Possibly, yes.

And then as far as the contribution from Euro Civil is concerned, if we go to volume 20.3, page 21. Actually, if we go back, just so you're comfortable that I'm showing you the right account, go back to page 20, please. You'll see it's a statement for Euro Civil, account number 6-0-8-8.---Okay.

And then if you go, please, to page 21, you'll see that on 27 May there's a bank cheque for \$22,000 drawn.---Okay.

40

And then at page 22, you'll see that's the bank cheque again made out to Qld Prestige.---Okay.

All right, thank you. Now, I'm going to move, then, from the cars. If I can just briefly go back to some of the evidence you gave about Erowal Bay. ---Yes.

Is your recollection that it was bought in 2013?---'13 or something like that, yeah.

If we go, please, to – if we could just bring up, I think it's an RP Data report in respect of the Erowal Bay. That's an aerial of the property, isn't it? It's in Kallaroo Street in Erowal – sorry, Kallaroo Road?---Yes.

And if you go to the next page, please, again a picture of the property.
---Yes.

And do you see last sale price was 152,500?---Yes.

10

And it shows a settlement date of 15 March, 2013.---Yes.

So, does that sound about right to you now, that you and Mr Chahine have held it for about eight years?---Yes.

And if we go to the next page, you'll see that the ownership is indeed you and Mr Chahine.---Correct.

20

But it was bought in your names, not in any company name, with a view to development. Is that the case?---It was bought in our name, personal names, yes.

Thank you. Now, by the end of 2015 you have all three of the companies, CBF, Euro Civil and Ozcorp all doing RMS work.---Yes.

And it's correct, isn't it, that once that arrangement was in place, all three companies were competing for and doing the work?---Yes.

30

Mr Dubois increased the number of jobs that you and Mr Chahine were awarded?---Yes.

And they became quite frequent, particularly from 2018 into 2019?---Yeah, we were, we were pretty experienced in that aspect of work and stuff like that, ultimately. That's why we were received a lot more work than, you know - - -

40

Now, it's also the case, isn't it, that in that period from – well, really end of 2015 to beginning of 2016 onwards, they were typically quite big contracts?---Yeah. I do remember them saying that there was going to be a lot of work because there's a lot of upgrades and stuff that need to be done on a lot of sites and stuff like that.

So, by virtue of doing bigger jobs and lots of them, that across the three companies you and Mr Chahine operated you were earning quite a lot of money from the RMS in that period once all three companies were doing the work?---We were, we were, we were, yeah, pretty busy.

Now, it's correct, isn't it, that even allowing for the kickbacks you were paying, that you and Mr Chahine earned sufficient money from the work that you were ultimately able to buy some industrial units that became workshop?---Correct.

And they're located at Hephher Road in Campbelltown?---Yes.

And is it Units E3 and E10?---Correct.

10 And it's the case, isn't it, that they face each other across a driveway?---I think we bought them off the plan and we, we didn't want a wall in between or something like that. They're back-to-back.

So, they're back-to-back, are they?---Yes.

But you bought them mortgage free, correct?---Correct.

And the price was \$478,500?---Yes.

20 And do you recall that they were funded by moneys that had been earned by CBF and Euro Civil?---Yes.

So that different funds were obtained from the accounts from each of those companies but ultimately it was moneys from CBF and Euro Civil that made up the entire purchase price?---That's, we were working at the time, yes, and we had the money, so - - -

30 And indeed by that point, that is by the time you bought it in 2016, things had changed so that whilst you had been doing a bit of work – well, when you started out doing work for Mr Dubois back in 2010, you were doing outside work?---Ah hmm.

And it had dwindled but just because you frankly didn't have the time to service the needs of the people with the amount of work and the location? ---Because we were away, yes.

By 2016 you weren't doing any work for anyone other than the RMS, correct?---Correct.

40 And you also, I'm going to suggest, paid the additional costs of legals et cetera that were related to the purchase of the unit through the moneys again from either CBF or Euro Civil?---We were, yeah. I, yeah.

Now, it's correct, isn't it, that you and Mr Chahine have offices upstairs at the Hephher Road location?---Yes.

And is it that you both sit in the same office but on desks, on one side of the room you, and the other side Mr Chahine?---Correct.

And can we go, please, to volume 2.7, page 66? That's a photograph of the office.---Yes.

And it's setup, wasn't it, so that you sat looking from the door to the back of the room, you sat on the left at a desk and Mr Chahine on the right?
---Correct.

10 And it's the case, isn't it, that the way it was set up was that he had his computer and his books and documents on his desk?---Yes.

And you had similar on your desk on the left?---Yes.

And do you recall that as far as computers were concerned, you can see that there was an Apple iMac that is visible on Mr Chahine's desk?---Yes.

But as at the date the search warrant was executed, on 18 June, 2019, do you recall that you also had an iMac computer?---Yes.

20 And do you recall that Mr Chahine also had an Apple MacBook, that is a laptop?---I believe so, yes.

And it's the case, isn't it, that he maintained some notebooks that he made notes in respect of the work?---Yes.

And the computers and the notebooks were seized at the time the search warrant was executed.---Okay.

30 Correct?---Correct.

And the things that were located on his desk were his documents and computers?---Yes.

And in the same way the things located on your desk or on your shelves were your documents and computers?---Yeah, they, we could have mumbled stuff up and stuff like that, but yeah, ultimately.

40 And if we go to the next photograph, please, so page 67. Again that's the same office but from a slightly different view.---Yes.

Now, when you were doing the paperwork, would you often be literally sitting next to each other in the office and talking about the quotes and invoices that needed to be done?---We'd be working together, yes.

So that for instance when there was a job coming up and you needed to generate quotes for Euro Civil, Ozcorp and CBF, you've indicated that you're not much of a typist and it was typically Mr Chahine that did it.
---He typed it, yes, but we were ultimately together, yes.

So you were discussing amongst you the amount that was going to be put in each quote and the wording that would go into the quote.---The wording and stuff, yes.

And was it that location that Mr Dubois would often drop in USBs with the documents that were to be used for the quotes and invoices? Noting that that was only bought in 2016.---I think he used to email, I think, the request to quote or something like that you're talking about or - - -

10

Request for quote, but I mean there were times when he actually gave you USBs that had the quote documents on them. Correct?---I don't, I don't remember him giving me quotes. Why would he give me my quotes on a USB?

Didn't he often receive a draft quote from you and then change things or fix things up or make the wording look more professional?---No, he'll come around and do it right there and then, yeah.

20

So he would literally come to the office and stand over you as it was done? ---He's come to the office a few times just to have a look at it, if we had it printed out or something like that at times, or maybe, possibly could have got a USB, I don't, I don't, I don't sort of recall that.

I thought you'd given some evidence yesterday that there were times when he did drop USBs off with the various quote and invoice documents on them?---Did I?

30

That was my recollection of your evidence yesterday.---Was it? Oh, possibly, that's what I'm saying, yeah, then yeah.

And I also asked you about whether he may have sent them via private emails or via messaging apps like WhatsApp.---Messaging apps, I remember you talking about that, but yeah, WhatsApp would have been like a photo of the quote and see if he was happy with it or something like that, yes.

40

Then just in that regard, can I take you to volume 2.7 – sorry, if you need to have a drink of water or a break, please let me know.---I already did, yeah. No, all good.

Volume 2.7 at page 71. You'll see this is an extraction from Mr Chahine's phone, but he you'll see has engaged in a WhatsApp chat with Mr Dubois. ---Okay.

Alex, personal, and Chahid, owner.---Yeah.

And you'll see that there are attachments to various messages. So for instance you'll see the first message which is the blue one, image 1, and it shows a date, 21 December, 2016.---Okay.

And if you go to same volume, next page, page 72, and you'll see what he's sending is a photograph of a Euro Civil quote, in this instance it's for periodic civil maintenance works STC.---Okay.

10 And if you go ahead, please, to page 73. So that was an image of Mr Dubois sending that document to Mr Chahine that I took you to initially. ---Okay.

But if you go to page 73, you'll see there are two messages here and they are from Mr Chahine to Mr Dubois.---Okay.

And if you go to the pages that follow, you'll see 21 December, 2016. There are photographs of quotes from Euro Civil.---Okay.

20 And then the next page, CBF.---Okay.

And it's the case, isn't it, that you recall from time to time that Mr Dubois would either message you or would message Mr Chahine with drafts and perhaps drafts that he had edited or wanted changes made to?---I think it would have been Mr Chahine sending it to him because he was always anal, he wanted to have a look at it to make sure it was worded correctly and it looked good. I, I, I believe that maybe Mr Chahine might have sent it to him to proof and then he sent it back. Did this come out of, did this come from Mr Chahine or did this come from Mr Dubois?

30 The images, the first one I took you to was from Mr Dubois.---Okay.

And those that I'm now showing you are from Mr Chahine to Mr Dubois. ---This would have been what I'm talking about. Having to look at it, the wording and everything is correct before we submit it.

And if we could go, please, to page 99 in the same volume, 2.7. Do you see on the first message that day, so it's from Mr Dubois to Mr Chahine, on 30 August, 2017, and it attaches a document.---Okay.

40 And if we go to the next page, you'll see that it's a CBF quote. But if you go down through it, it's actually got some red writing on it.---Okay.

And some arrows you'll see on the right-hand side.---Okay.

Do you recall from time to time getting them back with edits literally handwritten onto them that he would send to either you or Mr Chahine? ---Possibly or he could have just called as well.

Or come round and actually stand there and talk to you as he made changes.---Call, he, he would have called as well.

Just coming back, then, to the purchase of Hephher Road in 2016. It's the case that through the work that both CBF and Euro Civil had done that there were sufficient cleared funds in the accounts you had for them to buy that property without a mortgage?---Correct.

So there was no need to borrow any money.---No.

10

Now, separate to that property, it's the case, isn't it, that in mid-2019, you and your wife bought a property in New Zealand?---Yes.

Is it a town called – is it [REDACTED]?---[REDACTED], yes, correct.

Now, it's correct, isn't it, that that was a property that you were looking at, perhaps amongst some others, in mid-2019?---I was looking for it before the search warrant.

20 And that's what I'm suggesting.---Yeah.

That you were looking around before then.---Okay, yes.

But ultimately do you recall that the date of signing the – well, the actual date of the agreement to buy the property was the day after the search warrant was executed?---I think so, because I've already visited New Zealand a million times and I've already seen the property, and there was an agreement to buy it before the search warrant was handed in, yeah.

30 Now, just on that, can we go, please, to volume 3.5, page 36. And do you recall, you'll see this is an extraction from your phone of communications with a particular person, Megan, and do you remember Megan was the agent in New Zealand that you were dealing with at LJ Hooker in [REDACTED]?
---Yes.

And if you – do you see, looking at the numbers there, starting at number 1 on 3 June, you provide your email address?---Yep.

40 And then message 7 on 4 June looks like Ms, well, Megan is corresponding with you about a date upon which to come and look at properties.---Yep.

And she suggests that she'll be busy on the 14th, that is Friday the 14th, but Saturday, that is the 15th, would be better.---Yep.

And you confirm in the next message, on 4 June, message number 8, that that's probably the day you'd come.---In June. I've been there previously before June, I think. This is the time that me and my, me and my partner

might have gone there for me to show her. But I've been there before that to have a look at it.

And were you looking at a number of different properties?---I was looking everywhere, yeah.

If we go to page 37, you'll see message number 16, that Megan refers to the particular property, that is [REDACTED], which was ultimately the property you bought.---Yes.

10

And asks whether you were still okay to meet there, and you confirm that you were, same day, 14 June, but you were just running a little late.---Yes.

I think you say, "Leaving My Cook," probably supposed to be Mt Cook, "now."---Yeah.

And do you recall then that you had some communications on 16 June, so two days before the search warrant was executed, about making an offer? ---Possibly, yeah.

20

And if you look at message 23, message from you to Megan. You indicate that you're pretty sure 340 would secure it.---Yes.

She confirms next message, message 24, same day, 16 June, that that would be a good offer.---Yes.

And you indicate, message 25, same day, 16 June, that you'll do it now. ---Yep.

30 And do you recall if you actually put an offer at that point?---I think so, yes.

Go ahead, please, to page 38. And do you see down at the bottom, the last message, 45, from Megan to you, indicates that offers have been presented. "We'll let you know once I have an update for you."---Yes.

And so that's literally the 17th of June, the day before the search warrant was executed.---Yep.

40 Now, it's the case – or do you recall that there hadn't been some agreement reached at that point, but it was ultimately agreed either on the day of the search warrant or shortly after?---No, I'm pretty sure it was agreed and I was handed paperwork that youse guys took when youse came.

Just on that, can I take you – I withdraw that. Do you say that the price had been agreed but you believe you'd signed paperwork?---I can't remember. But I think so, yeah.

If you - - -?---I got paperwork or something like that that you guys took during the search warrant.

Go, please, to same volume, page 31. And you'll see this is the LJ Hooker Real Estate marketing pamphlet for the property, but noting that it was sold.---Yes.

And if you go to the next page. Again, it's the – so it was a vacant lot that you bought.---Yes.

10

If we go, please, then to page 33, you'll see it's a property value report on this property from CoreLogic, and it indicates last sold on 19 June, 2019, which is the day after the search warrant, for \$341,000.---Okay.

And if we – you'll also note that it shows a settlement date of 18 July, 2019.---Okay.

20

So according to that document it was sold on 19 June but then settled – that is the transaction was finalised with the payment of all moneys – on 18 July.---Okay.

So in terms of the money, do you recall where the funds for it came from?
---Came from works.

That is that moneys that you'd earned through the various RMS works?
---Correct.

30

But do you recall that the actual vehicle you set up to purchase it, and through which the moneys were ultimately obtained, was a company you'd set up called Barrak Investments Pty Ltd?---That was a, yeah, family trust.

And if you go, please, to same volume but to page 39. And you'll see it's a Westpac account opening form for Barrak Investments Pty Ltd.---Yes.

And it shows the company had been incorporated in November 2016.
---Yep.

So was this company the corporate trustee of a family trust?---Yes, correct.

40

And if you go ahead, please, to page 42, you'll see that you sign as the director on 31 January, 2017, to set up the Westpac account.---Yes.

And if we go then, please – sorry. Before we move, you'll see that the account number at the top ends in 6-1-2-1.---Yes.

And if we go then, please, to bank statements, if we could go, please, to page 46, you'll see that on 2 July there's a series of withdrawals and a telegraphic transfer fee charged.---Yes.

So the fee for the telegraphic transfer is \$32 but then there are withdrawals from the Macarthur Square of \$34,038.73 and 306,658.19.---Yes.

And then on 12 July there's a further withdrawal, this time 2,000, and a telegraphic transfer fee of \$32.00.---Yes.

So, they were the funds that you withdrew in order to make a telegraphic transfer for the purchase of the property?---Yes.

10

You've confirmed already that the moneys that were relied upon to buy this property ultimately came from the RMS works.---That's all, yeah, my hard work, yeah.

Now, as far as the decision to buy the property, you say that you'd been looking for some period.---Yes.

20

But in terms of the states, given that the records tends to suggest that the agreement to purchase was entered into on 19 June and it was then settled in July 2019, was one part of the decision to ultimately enter the agreement and purchase the property a desire to perhaps get some money that would be offshore?---No. God, no. That, regardless whether you guys came or not, to my house, that property was going to be bought regardless. Because I was, I was looking at a number of properties before that too, a number of properties. So the, the decision was made by me and my partner at the time that we did have plans to build a home in New Zealand and initially move the whole family there. So that, that was in motion. So we were, we were always, always, always going to buy this property regardless.

30

So do you say that there was no part of the decision to ultimately buy - - -? ---God, no. No. God, no. No.

40

- - - in New Zealand was to try and have funds that might be out of reach of authorities in Australia?---No. Like, do you think, do you think that if somebody wanted to reach my funds, they couldn't reach them anyway? So it wasn't, it wasn't a decision based on moving my funds or anything like that, no. That, you can see that the wheels were in motion before you guys even came. Youse took paperwork for this, for this property as well, during the search warrant. So this decision was made a long time before you guys rocked up.

Can I go back then to a different subject matter? And that is, I want to take you back just to some of the documents in respect of particular jobs that were being performed, really from the point in time that the three companies, CBF, Euro Civil and Ozcorp were operating. Do you remember doing particular works in Daroobalgie, which is a heavy vehicle checking station location, in 2017?---Yes, I am familiar with it.

And do you recall that that was one example of a job where all three quotes were coming from your companies?---Correct.

And if we could go, please, to volume 16.1, page 3. And do you see on 4 May, 2017, Mr Dubois sends to Euro Civil a request for quote in respect of a particular job? Read it to yourself just for a moment, but you'll see it's Daroobalgie.---Daroobalgie. Youse always make a mistake saying it.

I can't pronounce that word.---Youse need to visit it.

10

Well, one's called Garoobalgie on the attachment.---Yeah, you blink and you miss it, so - - -

In any event, do you recall what the works involved?---I remember there was a, a, I'm going to use, yeah, my language, a shitload of excavation, septic tanks, there was site offices, there was concreting pads, there was, yeah, it was a, a fair chunk of work. Line-marking, the whole lot. I'm not even reading it, but I just remember the job.

20

So if you - I can take you to the actual documents that were sent at the time, but do you need to see them in order to recall the job or not?---No, I know the job. There's, there was, there was two jobs there. There was north and south, I think, or - - -

We'll go to the next page, just so that we know which one we're looking at. Do you recognise that as being the location?---Yes. That's Daroobalgie.

And next page, please. Again, part of the - looks like just a lane with some covering for vehicles to pull over.---Yes.

30

And then next page, please. So is it, did the work involve doing an upgrade to what looks like a temporary building?---The work wasn't, had nothing to do with this existing building. The works was on - yeah, you can't see it in the photo.

What was it on?---This side of the, the weighbridge.

All right.---Well, if you're looking this way, you see where that, you see where that police vehicle's parked?

40

On the far right?---Yeah, there.

Right.---Yeah, that's where the works was being undertaken, correct.

And was it to build a structure there?---There was a, to build a lunchroom, toilet/office and all of that, septic tanks, footings for it. There was also another concrete slab to do for the actual weighbridge, to get the right category, so when they're weighed. So, and there was, yeah, lots of line-

marking, and in front of the, and in front of the vehicle where that, you see where that picnic area is in front of the police vehicle, that picnic area?

So further down the road?---That's correct. See that picnic area, it had to be dismantled and removed. And from the police vehicle, all the way past that pole, had to do a hardstand area. That was ultimately excavated with road base and stuff, so it was, it was a, it was a massive job.

So you do recall the job well?---I do.

10

Can we go, then, please, having seen that on 4 May, 2017 there is a request for quote to Euro Civil, can we go, please, to page 14. And you'll see same day the request for quote sent to CBF.---Yes.

And then page 25, please. Same day, a request for quote to Ozcorp.---Yes.

20

Now, there were actually occasions, weren't there, when you would be with Mr Dubois when he would be sending documents to you through all of the different companies? That is, he would be able to, actually be in your offices or at his home when he'd be sending documents that came to you for different contracts?---I, I do recall some instances, yes.

Now, in this instance, obviously where all three quotes are coming, it's -- well, sorry, request for quotes are going to your companies, there would have been some discussion amongst you, Mr Chahine and Mr Dubois about which company should ultimately get it and what it should quote at?---Yes.

30

And do you recall that there was perhaps some delay in this particular job that meant that it wasn't done until quite late in the year and there was another request for quote?---I do remember something that had to do with safety issues, something like that.

Bearing in mind that they were three request for quotes in May 2017, can we go, please, to volume 16.1, page 36. And do you see on 15 December, 2017, there is now a request for quote but you'll see from Mr Dubois to himself but also blind-copied to various people?---Okay.

40

And you know what blind-copied means? It means that you can't see - - -? ---I got no idea, yeah.

All right, well, it just means that it's going to multiple parties but each party can't see who the other one is.---Okay, yep.

But do you see it's to Euro Civil?---So it's a dummy to yourself.

Well, it's to himself but also it's being sent to Euro Civil first of all.---Okay.

CBF.---Yes.

And there's two different CBF addresses.---Yes.

Ozcorp Civil.---Yes.

Then simon@epmd.---Okay.

And harryalameddine@seina.---Okay.

10 So it's actually going to five different people or companies, but ultimately three that you and Mr Chahine controlled and two, I'm going to suggest, that Mr Alameddine controlled.---Two we, three we controlled and two Mr Alameddine controlled, okay.

Now, if we go then, please, to same volume, page 126. You'll see that this is a Euro Civil quote for that location. Maybe if we could just make it a little bigger. You'll see it's 19 December, 2017, and it's for this particular job.---Okay.

20 And if you go down to the bottom of the page, you'll see the price is 218,750 plus GST.---Okay.

If you then go, please, to page 128, you'll see it's a quote from CBF dated 20 December, 2017, so next day, and again for the same job.---Yes.

Go ahead to the next page. And the next, sorry. Thank you. So you'll see the price from CBF was 229,500.---Okay.

So higher than Euro Civil.---Yes.

30 And then if we go, please, to page 132, you'll see an Ozcorp Civil quote, 20 December, 2017, for 227,550.---Yes.

Now, looking at that, you'd know straightaway, I take it, that because Euro Civil was the lowest quoter, it was the company that was going to get the job.---Correct.

40 And that price that you quoted at, 218,750, would have been the price that Mr Dubois specified to you.---It either, it, some, some, sometimes, sometimes the job was worth more.

What do you mean by that?---Like, like, it could have been worth a lot more, right, but you just had to keep it under a certain number. So it, it, it would have been initially, some instances it was worth more, a job, but you just had to do it at a lower rate.

One way or another, he's the one that was setting the price that Euro Civil was going to quote at and win the job at. Correct?---Correct.

And do you say there were times when ultimately you got to the end and you might actually not be able to make any money on that price?---There was, sometimes there wasn't much money left in it, yes.

Whereas with other jobs, it had been, the price that had been set left a big margin. Correct?---Sometimes, yeah, the margin was a lot better and sometimes the margin was not so great.

10 But at the end of the day, once he met with you and told you the price that the winning company was going to bid at, you would then do the job, it would be paid, and he would then talk to you about the amount that was going to be paid as the kickback.---Correct.

And I take it if it happened to be a job where the costs were significant and there was really no margin, you might say to him, "Well, there's nothing left to actually pay in this one."---There would be, yeah, I would just tell him this is, this is all we made from it, 'cause he'll, from time to time, ring me to ask me if we've been paid and for me to work out my costs and stuff.

20

But I think your evidence was yesterday that when you would go back to him and suggest that perhaps there wasn't much left to make a payment, he wasn't generally very sympathetic, he would insist that he get his cut. ---He always, he always got, he always got a kickback.

In any event, if you go, please, to volume 16.1, page 110, and you'll see this is the contract creation document for this particular job at the price that Euro Civil quoted, 218,750. And if you go over the page you'll see signed by Mr Dubois and then approved by Mr Soliman on 21 December, 2017.---Okay.

30

So whilst I'm not suggesting you can remember now the precise sum, once that had been finished, billed and paid, you would have then had a discussion where he tells you how much is to then be paid to him.---Correct.

And that money would then have been transferred across from, in this instance, Euro Civil into Built Engineering.---Yes.

40 And then it would be accessed by Mr Dubois in one of the forms that was demonstrated through what I showed you before, that is the slide, so that either through taking money out via use of a card - - -?---Yes.

- - - or him coming to you and indicating that there was a car that he needed to buy and that there needed to be moneys made available for that.---Yes.

Is that a convenient time, Commissioner, given that we started at 9.30?

THE COMMISSIONER: Yes, I think we should take a break. Yes, I'll adjourn.

SHORT ADJOURNMENT

[11.04am]

THE COMMISSIONER: Mr Downing, just before we resume, there's another matter I need to deal with at 2 o'clock, so we won't resume the public inquiry until a little later, I'll say not before 2.30.

10 MR DOWNING: Thank you, Commissioner.

THE COMMISSIONER: Thank you. We'll go through until 1 o'clock.

MR DOWNING: Thank you. Mr Hadid, you'll recall that just before the break I asked you some questions about a particular job at Daroobalgie.
---Yes.

20 Which is one where all three of your companies, or the companies that you and Mr Chahine controlled, put quotes in and one of those companies ultimately obtained the job?---Yes.

And do you recall that that practice of, in effect, your three companies being against itself, then accelerated from late 2017 into 2018 when it occurred very many times?---Yes.

Sometimes involving some of Mr Alameddine's companies?---Yes.

But very frequently involving just you bidding against yourself?---Correct.

30 And do you recall that that occurred after something that happened in mid-to late-2017, and that was the establishment of a Heavy Vehicle Maintenance Panel?---I do remember that, yes.

Now, do you recall Mr Dubois telling you something about that occurring?
---A panel being set up, yes.

40 And did he explain to you what the nature of the panel, or what the purpose of the panel was?---Possibly to establish a panel so ultimately all the contractors that done work on all of this sort of stuff would be on it and it would be a lot easier to acquire contractors to actually undertake all the work, yeah.

So from your perspective, from what Mr Dubois told you, it would make it easier that your companies could then be allocated part work?---Everyone ultimately, anyone to be engaged, it would be a lot easier, yeah.

And did he encourage you and Mr Chahine to get your tender in?---Of course, yes.

Do you remember there was a tender process where you got alerted to the fact that there was a tender on the electronic tender system and then there was a closing date by which to submit it?---Correct.

10 Did he assist you in preparing the tender?---He, he did help us, yes. It's, it's, it, it really didn't need a lot of help but he was adamant that it was perfect and it needed to be handed in and stuff like that. So, yeah, he did attend maybe a couple of times to check our work, like, for us to put together and stuff, yeah.

By then you were in Hephher Road in Campbelltown?---Correct.

And did he come to the office to, in effect, go through some of the content of the tender document with you?---Yes.

You've indicated before that he liked things in terms of the paperwork to be done in a particular professional way.---Yes.

20 And was it literally the case of him looking over your and Mr Chahine's shoulder as you put the documents together?---Shoulder or give it to him and let him have a look at it but yeah, yeah – what do you mean by shoulder? Like, standing - - -

Well, literally standing in the room while you were on the computer - - -?
---In the room, yeah, yeah. Okay, yeah. Yes.

30 But ultimately before it was submitted I take it he'd gone through it and confirmed he was happy with it?---He okayed it, yes.

Did he explain to you that he was part of the panel that would ultimately be assessing all the tenders to decide who was on the panel?---I think he might have mentioned that he wasn't the only one approving the documents.

Did he mention that Mr Steyn was also one of the people on the panel?---He – possibly. I can't remember but he did mention other guys that I, I didn't know who they were.

40 Did he say anything to you to the effect that he would take steps to try and make sure that your companies, that is CBF, Euro Civil and Ozcorp, all made it onto the panel?---of course.

And ultimately you were all successful in getting on that panel.---Correct.

And I'm going to suggest that you were notified of that on 23 October, 2017.---I believe the evidence.

Now, in 2018, going into early 2019, the number and size of jobs increased, didn't they, for the various companies that - - -?---Repeat that, please.

In 2018, that is in the period just after the panel had been established, I'm going to suggest to you that the number and size of jobs you did increased quite a lot.---I think from my recollection there was an enormous amount of work coming in, in regards to all these sites needing, needing to be done, and there was going to be a lot of work coming through that ultimately needed to be done, so - - -

10

Did Mr Dubois indicate that to you in advance, that is that there was going to be a phase of lots of work that needed to be done?---Ah, possibly, or, or when he found out I would have been told about it or something like that.

But do you recall though that in 2018 that was really a year where the amount of work you did really exploded, there was a huge amount of work involved?---Correct. That's when the actual work really exploded in regards to all these sites needing to be done at that time.

20

And that's across the three of your companies that were doing the work at the time.---Yes.

Can I take you in volume 2.7, please, to page 122. I'm going to take you to tables in respect of each of the companies that show with the particular jobs in 2018, this is a table that shows contracts that were awarded to Euro Civil, you'll see from the top.---Yes.

30

But it also demonstrates, in brief terms, the contract creation details, the purchase order number, a brief description of the job and who the other quoters were, and ultimately who the invoice was from.---Yeah.

And this is just Euro Civil, this is putting aside the other companies. But do you see over the course of that year, this table identifies 10 separate jobs where Euro Civil was awarded the job?---Okay.

And I don't know if you – I could take you to the documents to see if the jobs are familiar to you, but you'll see that for instance number 1 is HVEP modification of protection barriers.---Okay.

40

And you recall doing work on protection barriers at different locations, I take it?---Yes.

And HVEP I think is Heavy Vehicle Enforcement Program.---Yeah.

And you'll see that in respect of that it shows that there were three quotes, a Euro Civil of 211,200, an Ozcorp of 224,400 and a CBF of 217,800.---Yes.

And you would glean from that, that Euro Civil is the lowest quote, so it would be awarded the job.---Yes.

And you'll see indeed when you look across into the Invoice column that it shows there were two invoices from Euro Civil but the total is the 211,200 quoted.---Yes.

And that the payment is then made on 14 March, 2018.---Okay.

10 You'll see going down there that very frequently the jobs involved just quotes being put in by your three companies, that is yours and Mr Chahine's.---Okay.

Do you see for instance the next job down is maintenance works western region contract creation bundle?---Yes.

And it shows three quotes, Euro Civil, CBF, Ozcorp.---Okay.

20 And the next one, Heavy Vehicle Enforcement Program maintenance Narrandera STC footing and TIRTL installation.---Yes.

They're ECM, so Euro Civil, CBF and Ozcorp.---Okay.

And so on as you go down the page. You'll see that there are some where there are other companies involved, but frequently it's your three companies.---Okay.

30 For an example of one where there was another company involved, do you see number 7? That is Albury bunker removal and hardstand.---Okay.

Do you recall that job?---Yes.

And you'll see with that one there are actually four quotes involved, so Euro Civil, 244,000, Ozcorp, 262,900, CBF, 257,400 and EPMD, 271,700.---Yes.

So I'm going to suggest for that job there were in fact four quotes ultimately obtained, three from your and Mr Chahine's companies, and one from EPMD, Mr Alameddine's company.---Okay.

40 But you'll see that the EPMD quote would have been a dummy because it's much higher than the others.---Okay.

And you'll see that the lowest quote was Euro Civil.---Yes.

So can I just take you to one example in respect of, if we go back, please, to number 3, the Narrandera STC footing and TIRTL installation. As far as the quotes are concerned, can we go, please, to – I withdraw that. Can we go, first of all, to the request for quote? So if we go, please, to volume 3.3, part

B, page 84. Do you see contract creation document in respect of this shows that it's Euro Civil that gets the job?---Yes.

In the sum of 190,000 plus GST.---Yes.

And if you go over the page, you would have seen that the contract manager was Mr Dubois but he is the person requesting it and it's signed by Mr Soliman on, both on 26 March, 2018.---Yes.

10 And if we go then, please, in terms of the quotes. Can we go, please, to same volume, 3.3 part B, page 92. You'll see the Euro Civil quote in respect of the Narrandera footings and TIRTL installation works dated 26 March, 2018, and the sum is the \$190,000 plus GST, as referred to in the contract creation document.---Yes.

Then, please, if we go to page 93. I'm sorry, it's just the end of that document. If we could go, please, to page 94, you'll see this is the CBF quote for same thing, the Narrandera gantry footing.---Yes.

20 Dated 25 March, 2018. And if you go to the bottom of the page, you'll see that that is \$192,000, so just slightly higher.---Yes.

And then if we go, please, to same volume at page 96, and you'll see it's the Ozcorp Civil quote, same job, dated 26 March, 2018.---Yes.

And if you go over the page, please, to page 97, you'll see 195,500.---Okay.

So you'll see the quotes are all fairly close to each other in terms of the amount.---Yes.

30 But ultimately Euro Civil was the lowest quoter, at 192,000 plus GST. ---Yes.

And that would have occurred, I suggest to you, as a result of discussions with Mr Dubois, where he says Euro Civil gets this job and this is the price it will bid at.---Yes.

40 Did he actually specify the amounts for the overbidders or was that really left to you to just come up with whatever higher figure you wanted?---I think he left that to us or something, or just said, just Euro do this job or something like that, and I think we might have put that in or – can't really remember, to be honest with you.

You would understand that - - -?---Ultimately, yeah.

- - - you needed to just make the other bid, the other quotes slightly higher? ---Yes.

Did you and Mr Chahine, in preparing the quotes, try and make them look a bit different in terms of the description?---We just done what he wanted. This is what he wanted, so we just done what he wanted.

In any event, if we then go, please, to same volume, bearing in mind that it was 190,000 plus GST, so can we go to page 101? And do you see on 17 April there's a claim for payment in respect of the Narrandera footings?
---Yes.

10 And if you go to next page, please, 102, that's dated 14 April.---Yes.

It relates to the same job, and you'll see that part is for 135,000 plus GST?
---Yes.

And if we could then go, please, to same volume, page 104. And it's the final claim for the Narrandera job on 10 May. This is what the email has submitted.---Yes.

20 And just pausing there. Was Barry Hayden a name that Mr Dubois asked you to use or was it just a name - - -?---It was, it was, it was a name he asked me to use maybe in the beginning because he didn't like my name.

Did he explain why he wanted you to use Hayden?---Yeah. Just - - -

Or Barry Hayden.---It sounded more Aussie.

30 All right. And if we go to the next page, please, you'll see that the invoices for the balance of \$55,000, so when the two are put together, you come to the 190,000 plus GST that was to be – sorry, consistent with the original quote.---Yes.

And there would have been, once those two invoices had been paid, there would have been a discussion where he tells you how much is then to be paid into Built Engineering?---Correct.

40 Can I then take you, please, to number 7, the Albury bunker removal and hardstand? So if we go back, please, to the table at 122. Oh, sorry, volume 2.7, I apologise. 2.7, page 122. So I'm now looking at item 7, the Albury bunker removal and hardstand. Do you recall that this was a job that involved Euro Civil, Ozcorp, CBF and EPMD?---Yes.

Can I take you, first of all, to volume 3.3, part B, page 163? You'll see that this is the contract creation document in the name of Euro Civil, dated 20 March, 2018. Sorry, effective date, 20 March, 2018. And it involves excavation, pavement works, entry and egress bay and bunker removal at – I don't think the word has actually made its way into the document unfortunately. But you'll see that the amount is \$222,000.---Yes.

And if you go to the next page, you'll see Mr Dubois is the requester, Mr Soliman is the approver. So, Mr Soliman signs on 5 September, 2018, Mr Dubois on 4 September. And if we go, please, to same volume, 3.3, part B but page 208. And you'll see this is the purchase order in respect of, I'm going to suggest, that particular job. And you'll see it's for \$222,000 plus GST.---Yes.

And in favour of Euro Civil.---Okay.

10 And if we go to the next page, please. Oh, I'm sorry, I thought the purchase order was there. If we move on just to the quotes. Can we go, please, to same volume, page 171? And do you see this is the Euro Civil quote for those Albury bunker removal and hardstand works, dated 3 September, 2018?---Okay.

And if you go to the bottom, so it's 222,000 plus GST.---Yes.

If we go then, please, to page 175. You'll see it's the, this one is the – sorry 175. The Ozcorp Civil quote. Same job, Albury bunker removal and entry and egress.---Okay.

3 September, 2018. And if you go to the bottom, you will see the sum is 239,000 plus GST.---Okay.

And at 177, the CBF quote for the same job.---Yes.

And you'll see, if you go to the bottom, 234,000 plus GST. And then finally to page 173. And this is actually not one of the quotes that I'm suggesting is from you. This is from Mr Alameddine's company, Efficient Project
30 Management and Deliveries, but you'll see that it puts a quote in in respect of that of that same job in the sum of 247,000 plus GST.---Yes.

You've described how in the later stages there were more meetings with Mr Alameddine there as well.---Yes.

Looking at this particular job involving bunker removal and other works at Albury, can you recall whether this was a job where you met with not just Mr Dubois and Mr Chahine but also Mr Alameddine?---I doubt it. I think it was mainly when we were only using two of our company at that time, I
40 mentioned before why, and Mr Alameddine, he needed the third quote, and Mr Alameddine would be that. That's when he would, he would attend or, or Mr Dubois would relay the information to him.

But you do recall from time to time he would say that, "On this occasion you're going to miss out, Mr Alameddine's company is going to get this job, but I need you to put in the other quotes."---Initially, like, a lot of the stuff, like Alex mentioned in his previous thing that there's a lot of stuff that he just, he wasn't able to do, like that civil stuff and all of that.

Sorry, Mr Alameddine wasn't able to?---Well, in regards to like, a lot of the stuff that I was doing was like, sort of my field more where he was mainly doing steel and stuff like that. If you know what I'm trying to say?

Sure. So just going back, did you have an understanding based on your discussions with Mr Alameddine or Mr Dubois about this, what areas that Mr - - -?---I really can't remember but I know that he was, Mr Alameddine was flat out doing mainly steel and stuff like that, so - - -

10

And when you say steel, that is steel fabrication for installation on different RMS sites?---Correct.

Did you understand that in effect he was doing it himself or that he was subcontracting it out and managing the job?---From my recollection he was actually working with someone from a place in Minto that I visited once before.

So a particular company that was doing steel fabrication?---Yes.

20

Do you remember the name of it at all?---I don't remember the name, I'm not, yeah, 100 per cent with the name. I, I, I know, I know it's in, I know it's in, I know it's in Minto, somewhere around there.

Do you remember if it was a company called Ashflex?---In Minto?

In Minto.---Based in Minto, yeah, around there.

30

Does the name Ashflex ring any bells at all?---No, I don't think it was Ashflex.

Do you remember the name of the person involved?---That wasn't Ashflex, boys.

I'll suggest perhaps another one, but it was a particular company that did steel fabrication.---Yes.

40

And did you go there sometimes when Mr Alameddine was there supervising something or dealing with the staff there?---No, it was, it was under the circumstance that I remember one or two jobs where they were making some sort of steel brackets where I had pipes to go in from my footings after they were installed and I had to run bits and pieces, that was not working, so I had to go there and tell them that it needed to be altered and stuff. I think I've attended there once with Mr Duchesne present and we, we measured and made alterations to certain aspects of a structure or, or, or, or a (not transcribable) or I can't remember exactly what.

And was Mr Alameddine there at the time?---Possibly, yes.

Well, you said you had an understanding that he was involved in fabrication.---Yeah, I think he might have been there, yeah.

And did you understand Mr Duchesne was there doing some particular work as well?---No, we met there for this reason.

10 What did you understand Mr Duchesne was doing?---Mr Duchesne was doing all the quality control for everything, this was a bit of an issue because of the way it was sort of going to get fitted out later.

Did you understand that Mr Duchesne was doing quality works for the RMS or for your companies?---Oh, I understand he was doing work for the RMS.

So you weren't ever paying Mr Duchesne to do work for you?---No, God no.

Did you know his company was M&M Inspections?---Yep.

20 And from time to time is it the case that he would be at the fabricator's when you were there to check that particular works needed doing in a particular way?---I only went there once or twice, yeah.

Could it be that the company was CT Engineering?---I remember the guy's name.

What was his name?---I think his name was Charlie. Was it Charlie or something?

30 But it was a steel fabricator, you believe in Minto.---Yes.

Now, just back then to the Albury bunker removal and hardstand. I've taken you to the various quotes, can I take you then, please, to the invoices. If we go to volume 3.3, part B, page 209. And do you see it's a claim for part-payment in respect of the Albury civil works?---Yes.

And you'll see dated 23 September, 2018, sent by you on behalf of Euro Civil.---Yes.

40 And if we go to page 210, you'll see that it relates to the Albury bunker removal and hardstand works, dated 23 September, 2018, and if you go to the bottom, it's seeking an 80 per cent program payment, so 177,600 plus GST, with 44,400 to still be billed.---Yes.

And if we go then, please, to page 211, you'll see this is then the bill for the final claim in respect of that Albury work.---Yes.

So sent on 29 October, 2018, by email. And then if we go to the next page, you'll see again it relates – so this is dated 24 October, 2018. It relates to that same Albury job. And if you go to the bottom, it's that 20 per cent balance payment of 44,400 plus GST.---Yes.

And consistent with what you've said elsewhere, this was a job, I take it, where once it had been paid, there would have been some discussion with Mr Dubois and then a particular amount that was paid as the kickback into, at this stage, Built Engineering.---Correct.

10

Now, just quickly going back to the steel fabricator, was the person's name Charlie Tan?---I don't know his last name. I do recall that name Charlie.

Was he a man of Asian appearance?---I don't think he was Asian.

In any event, you recall the name of the fabricator being Charlie.---I do remember, I do recall a name, Charlie, that's all.

20

Can I take you back, then, please, to page 122 of volume 2.7, which is that schedule of all of the jobs that were ultimately awarded to Euro Civil in 2018? And you'll see that, as per the table, there's 10 where it obtained the work after there were submitted quotes from either your other two companies, or your other two companies and one of Mr Alameddine's companies.---Yes.

Can I take you, please, then to page 123. And this is now a schedule, again covering 2018, but this time dealing with contracts that were awarded to Ozcorp, so not to Euro Civil but Ozcorp.---Okay.

30

And you'll see that over that period there were nine contracts awarded to Ozcorp.---Yes.

And when you look at the sums involved, again, typically larger contracts, so in the high hundreds or \$200,000 mark. Sorry, range.---Yes. Yes.

Just on that, did Mr Dubois ever indicate to you that the jobs needed to be under a level of \$250,000?---Yes.

40

Did he explain why they needed to be under \$250,000?---I think he told me that he was told to keep them under 250,000.

Did he explain why or who by?---I don't, I don't, I don't recall exactly how the conversation went, but I think he told me that he was told by his boss or something like that to keep the sums under a certain amount.

Do you recall him ever saying anything about there being a need to go to an open tender process if the job value is more than 250?---Yes.

And was that in that same discussion that you were describing, where he says that he'd been told to keep them under \$250,000?---I don't remember, but it possibly was.

Now, with the Ozcorp jobs, look down the page for me and tell me, you'll see that of the nine there are a number that involve Tweed Heads.---Yes.

Both the bunker removal, excavation, road base and then STC TIRTL installation. Do you recall those jobs?---Yes.

10

You'll see there's also a Jerilderie bunker removal and maintenance job. ---Yes.

You'll see there's stage 1 civil works at the Colebee yard.---Yes.

And do you remember the Colebee yard was in Sydney?---Yes.

And then other jobs involving, you'll see down the second-last, Nyngan footing and TIRTL works.---Yes.

20

Do you recall that job as well?---The Nyngan one?

Yes.---Yes.

Just by way of an example of one of the jobs, can we go, please, with number 5, the Colebee yard works.---Yes.

30

If we go, please, to volume 3.6, page 272. And just thinking about Colebee for a moment, do you recall that that was a job that Mr Dubois was in charge or Mr Steyn was in charge of?---I think it might have been a job that Mr Steyn was in charge of.

Do you recall whether there were any other contractors that were working at the Colebee yard at or around the time you were?---Yes. Mr Masters.

The electrician?---Yes.

Did you ever meet any of the other contractors that you understood - - -?
---Oh, maybe - sorry, I cut you off.

40

No, that's all right.---I think maybe Ashley, I might have seen him there or something like that, possibly.

Is Ashley a reference to Ashley Alexander?---Correct,

And did you understand that he worked for a company known as AA Steel?
---Correct.

And that that was a company that was doing some contract work for the RMS through Mr Steyn?---Correct.

Did you ever meet Mr Alexander in the sense of actually speaking to him?
---Oh, we've seen each other many, many times on jobs.

On many jobs?---Yes.

10 So I take it you understood for some years that he was the contractor that Mr Steyn was using?---Yes.

Did Mr Steyn or Mr Alexander ever say anything to you about the nature of the arrangement that Mr Steyn had with Mr Alexander?---No, never.

So, I take it, you say you had no knowledge of any kickbacks that Mr Alexander was paying?---No, no.

20 Did you ever see Mr Alexander doing any works at – I withdraw that – at the house in xxxxxxxxxxxx where Mr Steyn lived?---No.

Did you have any knowledge that Mr Alexander was paying for parts of the works?---Not until this inquiry.

So even though you were being asked to pay for things, you didn't know that Mr Alexander might be?---No.

30 Did you know of any anyone else besides you and Mr Chahine who Mr Steyn was – I withdraw that – who were paying for works that were being done on Mr Steyn's house?---No.

Or for furniture or fittings?---No.

Now, if we could go then, please, to 3.6, page 272. And you'll see it's the contract creation document in respect of the stage 1 Colebee yard works.
---Yes.

Indicating Ozcorp Civil as the supplier.---Yes.

40 With the amount being \$183,000.---Yes.

And you'll see that the requester there is Mr Steyn.---Okay.

And if we go over the page, you'll see that it's signed as the requester by Mr Steyn, 23 April, 2018.---Yes.

And then Mr Soliman approves it on 24 April.---Okay, okay.

Now, can you recall what works were actually involved with the Colebee yard?---There was a lot of Civil in regards to get it up to scratch. It was five acres, the property. The whole area was five acres where the yard was.

What did the clean-up involve?---Machinery, excavators, bobcats, a road base, I know there was fencing as well. A shitload of fencing.

10 So, from your perspective, the works that you can recall Ozcorp Civil doing involved excavating out parts of the yard?---Yes. A lot, and even outside the yard too. Like, it was all part of each other, it was a massive area. It would have been, a few thousand square metres, maybe more.

So excavating and then laying some road base, so asphaltting?---Yeah, it was road basing and, yeah, there was - - -

Fencing?---Fencing. There was all sorts of stuff, yeah.

20 Can I take you, please then, to the same volume but page 285, so 3.6, page 285? And you'll see this is the purchase order notification in respect of that job, so it's sent from Mr Dubois but to Ozcorp.---Yes.

And confirming that the sum is 183,000 plus GST.---Okay.

Can we go then, please, to the quote? So if we go first of all to volume 3.6, page 278. And do you see this is the – if we go back to the top, please – the Ozcorp quote, dated 23 April, 2018, for the stage-one works, Colebee yard. ---Yep.

30 And if you look down through the quote, you'll see a description there of what was involved.---Okay.

You'll see that, in the column with all of the breakdown of the works, it's at 182,000, but then the total below is 183,000. So that looks like there might be a bit of an error in the actual sums of the document. But in any event, the total inclusive of GST is \$200,200.---Okay.

40 And looking at that, the wording of the description, does that appear to be wording that you had come up with, or Mr Chahine and you had come up with, or something that Mr Dubois may have assisted with?---No, it would have been something that we were, we wrote or put together or something.

Can we go then, please, to page 282. And you'll see this is the CBF Projects quote for the same job, the Colebee holding yard stage 1 works. ---Okay.

Dated 23 April, 2018.---Yes.

And then if you go to the bottom, you'll see it's \$192,000 plus GST.---Yes.

And if we could then go, please, go page 280. And you'll see this is now the Euro Civil quote for the same job, Colebee yards. And if you go to the bottom, 186,000 plus GST.---Yes.

And again you'd know, from seeing those three, that because Ozcorp had the lowest quote, it was the company that won this job.---Yes.

And that would have been on Mr Dubois's direction.---Yes.

10

That is, that it quoted the price that he wanted the job to be allocated at. ---Yes.

And if we go then, please, to page 286. Same volume. You'll see it's an email, 12 June, 2018, said to be from Kris Tui, but I take it it would have been from you.---Yes.

Sending the claim for the payment in respect of the Colebee yard.---Yes.

20

And if you go to the next page. Actually, if we go back, please, it's described as the "Colette yard".---Okay.

Do you know, is that likely you that had been perhaps spellcheck corrected and not picking it up in your email?---No, I, I don't, like I said, it would have been me and Mr Chahine sitting down together. Just error, typing error.

All right. If we go to the next page.---Never heard of a Colette yard, so - - -

30

You'll see that the bill, 12 June, 2018, from Ozcorp, and for 182,000 plus GST.---Yes.

Now, can I then take you, please, to the table for CBF for the same year, 2018. And if we go, please, back to volume 2.7, page 124. And you'll see that in that year there are four contracts that Euro – I withdraw that – CBF obtained after quoting against other companies.---Yes.

And you'll see that for each and every one of those contracts that year, CBF was in effect bidding against the other companies that you controlled.---Yes.

40

Do you recognise the jobs, first of all the safety guardrail at Jerilderie? ---Yes.

Then safety guardrail system at Narrandera?---Yes.

Safety guardrails at Eumungerie, Gilgandra, Peak Hill northbound, Cundumbul and Molong.---Yes.

Recognise that job?---Yes.

And then finally the Safe-T-Cam safety barrier installation at Albury.---Yes.

10 Now, I can take you through each of those documents, but again it's the case, isn't it, that for each and every one of those where you were submitting all of the invoices, there would have been a meeting with Mr Dubois – that is a discussion either before you got the request for quote or maybe just after – where he tells you in this instance it's going to be CBF who gets the job.---Yes.

Telling you the price that CBF would quote at.---Yes.

Then once the job had been done and paid, he would then have a discussion, you and/or Mr Chahine, about what his kickback on that job would be.
---Correct.

20 And the funds would then be transferred at this point into Built Engineering.---Correct.

Now I want to take you to one last job. And if we could go, please, to volume 2.7, page 331. And just before I ask you some questions about that, can I ask, when it came to that period in 2018 when it seems there were literally dozens of jobs that, between the companies – that is your companies that you were putting in quotes for – you would have needed to keep track in some way of what you were supposed to be bidding for each of the companies on particular jobs.---Repeat that, please.

30 Well, given the number of jobs that you were being invited by Mr Dubois to put in quotes for, and the fact that with some jobs it was to be a job that Ozcorp was to win the job, others it was a job that Euro Civil was, and others it was CBF.---Yes.

Did you and/or Mr Chahine keep some record, that is of what you were supposed to be quoting and what the price was and who the bidding, sorry, winning bidder was supposed to be?---I, I, I don't really remember. Maybe we might have wrote it down on a, on a, on a piece of paper or something like that during a meeting or, you know.

40 Do you recall whether Mr Chahine ever kept any sort of record on paper or perhaps in a notebook of the jobs and what was involved with each one and who was supposed to win the job?---Possibly.

In any event, can we go, please, to volume 2.7, page 331. And this is, it's one of the 2018 jobs that I took you to in the schedules before. So the request for quote in respect of barrier systems at Albury.---Yes.

And you'll see this is an email sent by Mr Dubois on 7 September, 2018. Do you recall that job, that is the installation of a new safety barrier at the Safe-T-Cam site in Albury?---I do.

And you'll see according to the email, first of all, from Mr Dubois to himself, but blind copied to Euro Civil, Ozcorp, EPMD and CBF.---Okay.

So you'll see from that, that it's to your and Mr Chahine's three companies, plus to Efficient Project Management & Deliveries.---Okay.

10

And as far as the job is concerned, you'll see it requires quotes in by 7 September, 2018.---Okay.

And do you see it enclosed a draft design with the indication that it's to be finalised next week, although it indicates the final drawings won't affect the barrier design and specs required.---Yes.

And if we go, please, to the next page, you'll see that it's the brief with the scope and requirements of work in respect of this job.---Yes.

20

And can I take you, please, to page 338. Do you see that on that page there is a brief description of the location of work, being Albury – sorry, I withdraw that, the scope of works, that is what was involved with this job. ---Yes.

And did the job effectively involve creating new barriers of some sort at the Safe-T-Cam location?---Correct.

And what sort of barriers were they?---They were Armco.

30

Right. So that is the - - -?---Crash barriers.

- - - fabricated steel?---Yes.

Was there also some wire involved as part of it as well?---Correct. Sometimes they specify wire and sometimes they specify steel, depending on the, how far a structure is away from the Armco for the deflection.

Can I take you, please, to page 348, and it may be that you need that to be enlarged a little bit, but this was the drawing that was attached to the document.---Okay.

40

That is the email on the contract documents. Does that assist you in terms of recalling what the work involved?---I do remember the job, yes.

So it involves both Armco and wire barrier. Correct?---Yes.

And do you recall with the Armco, where was that – I withdraw that. Was that something that you would obtain yourself?---No, I'll subbie it out to somebody.

Can I take you then, please, to page 349, and you'll see that on 6 September, 2018, which was the day before the closing date for quotes, that CBF submits a quote on the job to Mr Dubois.---Yes.

10 And if you go to the next page, you'll see there is the quote.---Yes.

Dated 6 September, and if you go to the bottom, \$184,133 plus GST. ---Okay.

And looking at the description of the work, you'll see there is reference there to footings and string cable, tensioning and wire rope barrier system. ---Yes.

20 And where in it do we see the reference to the Armco?---What do you – please repeat that?

You said that the job involved both a wire barrier and Armco.---I don't, I, I, I didn't say it, there was Armco on that job but I did say there were some jobs that were Armco, some jobs that were wire rope, sorry.

Sorry, that's my misunderstanding. I apologise.---Okay.

Looking at that, from the quote does it appear that this was a job that didn't involve Armco, that it was just a wire barrier?---It, it looks like wire barrier.

30 Because I take it if there was Armco involved, there would be some reference to it in the breakdown of the works?---Yes.

So, in effect, what's required here is, establish the site, do some Dial Before You Dig checks, that is to make sure that when you excavate, presumably for the posts, you're not going to hit any services?---Yes.

40 Then in effect then do the works to install the wire barrier, tension it, make sure that it's consistent with the requirements under the – was there a relevant Australian Standard?---Yes.

Do the relevant concerting then to finish it off.---Yes.

Install markers.---Yes.

Reflective markers. Then dispose of what was there before.---Yes.

And clean up.---Yes.

Now, do you recall that this was a job that – I withdraw that. Having seen the CBF quote for 184,133, can I take you then, please, to page 352? And you'll see on 6 September, 2018, so the same day as the CBF quote goes in, that Ozcorp sends a quote as well.---Yes.

Again, in the name of Ms Tui but that would have been you sending it. ---Yes.

10 And if you go to the next page, please, at 353, you'll see that the quote date is 6 September, provides a price of \$193,500 plus GST.---Yes.

So dearer than the CBF quote.---Yes.

And if I could then take you, please, to page 357, you'll see an email from Barry Hayden on behalf of Euro Civil.---Yes.

6 September, 2018, so same day as the other two quotes.---Yes.

20 And it's the quote for this job.---Yes.

And if you go, please, to page 358, you'll see it's the barrier extension work at that site and this one's 196,000 plus GST.---Yes.

So, looking at those three quotes, it would be evident, I take it, that the company that gets it is going to be CBF Projects?---Yes.

30 And again it would have been an instance where Mr Dubois had met with you, said, "I want three quotes from your companies, but the one who's going to get this is CBF"?---Yes.

And he would have indicated the price, I suggest, that he wanted the quote at?---Yes.

Now, do you recall that this was a job that was subcontracted out?---Yes.

And do you recall who it was subcontracted out to?---I think it might have been maybe Protection Barriers.

40 And in that regard, can I take you, please, to page 365? And do you see an email from info@cbfprojects to Jason at Protection Barriers?---Yes.

And it's an email basically asking for a quote for the installation of safety barriers at the Albury Safe-T-Cam location?---Yes.

And Protection Barriers was a company located in country NSW?---Yes.

Was it down around the Albury area?---I don't think they were from Albury, no. I think they were from Grafton.

Oh, so up to the north?---I think so.

But did they do work around the state?---They worked all over the state, yes.

Having a look at that email, you'll see that you set out some detail there – I withdraw that. Do you know whether this was you or Chahid Chahine sending the email?---I, I, I wouldn't be able to tell you, no. I, I rarely wrote, 10 I, I rarely was able to type to be honest with you. I was, I wouldn't - - -

More often Chahid?---Yeah. I, I would have been with him, right there and then, sitting down with him, we would be working together, yeah.

But do you see there's some description there of what's required?---Yes.

But basically it's asking for a quote. You'll see "Based on attached design drawings."---Yes.

20 And likely, isn't it, that what would have been forwarded were the drawings that I took you to earlier with the schematic of the site?---Yes.

And you'll see that with the description of the works there, it looks like that effectively what's being asked of Protection Barriers is that they do the entire job.---The, the, in regards to the wire rope.

That is that in this instance it was wire rope that was being installed.---Yes.

30 And you'll see that here, according to the breakdown, what's being sought is the transportation of protection barrier to site, so that is take it to site. ---Yes.

All utility services.---Yes.

Provide all plant equipment for the purposes of the job.---Yes.

Allowance of a visit for footing and installation, and another visit to drill the post and complete installation.---Yes.

40 And the concreting of the footings.---Yes.

Stringing and tensioning of the cables.---Yes.

Installation of the barrier anchor systems as per the Australian Standard and the RMS requirement.---Yes.

Disposal of all of the unwanted materials.---Yes.

And cleaning of the site and making good.---Okay.

Do you agree that really, with the exception of the application of the reflective markers, it seems that almost everything is being – you are seeking a quote from Protection Barriers that covers pretty much the entirety of the job.---In regards to the wire rope, yes.

10 What other job, what other work was required in respect of that job other than the wire rope?---I remember we were doing a lot of work with footings and, and bunker removals and hardstand areas and stuff like that.

Aren't you thinking of a different job with Albury as opposed to this job?
---No, Albury was one that we done.

Well, go back, please, to the CBF quote, which is at page 350.---Yes.

20 And I'm going to suggest to you that this is not a job that involved bunker removal. The bunker removal in Albury was a different job.---Oh, okay. Yeah, so you, what you're trying to say is that with CBF Projects that this invoice or quote is just for wire rope, correct?

Well, that in effect that what you were quoting to do was almost entirely what you then subcontracted to Protection Barriers.---Oh, in regards to the wire rope, yes.

For this job.---Yes.

30 And I can take you back – well, in fairness, can I take you back to page 122 in volume 2.7. And you'll see there that number 7 is Albury bunker removal.---Okay.

But that's a job that Euro Civil did, not CBF.---Okay, yep, okay.

Now if we go back then, please, to page 365. So that's the initial email sent from CBF Projects to Jason at Protection Barriers, seeking a quote.---Okay.

40 And if we go, please, to page 366, do you see on 4 September, 2018, so the same day that the request was sent, you get an email. It says, "Hi, Woody." I'm guessing that that's someone getting Mr Chahine's nickname wrong.
---Yeah, correct.

It would appear that they're intending to be communicating with Mr Chahine.---Yes.

But it's providing a quote for that Albury job, correct?---Yes, correct.

And if you go to the next page, 367, you'll see the Protection Barriers quote, 4 September, 2018, and the total is \$38,000.---Yes.

Plus GST. And it's marked to the attention of Mr Chahine.---Okay.

But if you go then, please, to page 368, you'll see same day, and after the receipt of that quote, Mr Chahine responds, "I think you've forgotten the median wire rope."---Yes.

So it appears that there was something that they hadn't covered off on in the quote that he wanted as part of a job.---Yes.

10

And if you go, then, please, to page 370, you'll see again on 4 September there's an email, they again get his nickname wrong, but it's from Protection Barriers to Mr Chahine with a revised or an amended quote.---Yes.

And you'll see that when you go to 371, that it is now increased. So 67,500 plus GST or \$74,250.---Okay.

20 And if we then go, please, to page 372, you'll see that an email dated 17 September, 2018, from Protection Barriers to CBF Projects with an invoice in respect of work done last week.---Yes.

And if we go, please, then to page 373, you'll see the invoice is for \$74,250.---Yes.

Which was the sum of the revised quote incl of GST.---Yes.

30 And if we then go ahead, please, to page 375, you'll see on 21 September, 2018, you send on – I withdraw that – Mr Chahine sends on to Mr Dubois the invoice for this job on behalf of CBF.---Yes.

And if you go then, please, to page 376, you'll see that the invoice is for the \$184,133 plus GST that had been originally quoted by CBF.---Yes.

And then finally, if we go, please, to page 377, you'll see that on 12 October, Mr Chahine sends on to Jason at Protection Barriers details of the payment.---Yes.

40 And if you go to the next page, you'll see it's an ANZ lodgement receipt but confirming that CBF had paid Protection Barriers the 74,250 it was due under its invoice.---Yes.

And - - -?---Can, can you, can you go back to Protection Barriers' quote, please?

Sure. The revised quote is at page - - -?---The revised one, yeah.

Is at 371.

THE COMMISSIONER: There was on at 376, wasn't there, was that – sorry.

MR DOWNING: 376?

THE COMMISSIONER: No, I'm sorry, you're dealing with the quote from Protection Barriers.

10 MR DOWNING: From Protection Barriers.

THE COMMISSIONER: Yes, that's right.

THE WITNESS: Okay. Can you see Protection Barriers one?

MR DOWNING: That is the Protection Barriers quote.---Okay. Now go to the CBF one. Can you see how there's a lot of inclusions there that, not with Protection Barriers?

20 But when you go back to the original description in the email as to what you were seeking, wasn't it really covering everything from site establishment right through until the - - -?---Us, yes.

- - - disposal of material and cleaning sites?---Not Protection Barriers, ours.

Wasn't that what – can we go back, then, please, to the email sent, it would seem, by Mr Chahine, rather than you. But if we go back, please, to page 365.

30 THE COMMISSIONER: What is it, 355?

MR DOWNING: 365.

THE COMMISSIONER: 365. That's the quote for 194,133. Is that the right - - -

MR DOWNING: So 365 is the 4 September, 2018 initial email from CBF Projects to Protection Barriers describing or forwarding on the drawings, design drawings, and describing the works. Doesn't that really involve
40 everything from site establishment right through until cleaning up?---Yes, but Protection Barriers didn't do all of that.

Tell me what parts of what was asked of them in the email they didn't do. ---So go back to our quote.

Your quote or your invoice?---Invoice or quote.

So that's the invoices at page 376?---Yes. The removal of the existing barrier systems that were there in place. There was a survey. Survey, location, all of that, I'm pretty sure.

Well, you accept, don't you, though, that the original email asked for provision of utility surveys?---Yes, but they didn't do any of that. We - - -

10 Are you sure about that? It's just not a case of them not covering it in their invoice specifically?---I don't, I don't think so. I, I think that there's a lot of stuff on here that ought to have been done by CBF as well as, sometimes there's lines for where the wire rope go. Just say the wire rope's 40, 50 metres or something. You, you really have to excavate that area and make good of it before the wire rope goes in. So there's a bit of work involved.

But didn't, going back to the email at 365, I mean, you required them as part of their, the description of the works for the quote, that they needed to provide all plant equipment, including excavators and a truck with a Hiab. ---Yeah, but they didn't, they didn't supply any of that.

20 You sure?---Maybe a truck with a Hiab to drop off some materials or something, but initially a lot of the stuff on the invoice would have been done by CBF.

So, for instance, do you say they didn't do any excavating?---They might have done a little bit of excavating for maybe their footings and stuff, but I'm talking about clearing all the lines for where the wire rope went, taking off the old, the old stuff and getting rid of, rid of it and bits and pieces.

30 Mr Hadid, I'll come to the point. Isn't it the case though that what Protection Barriers did was the lion's share of the work on that job?---They done, obviously, yeah, yeah.

But the difference between what they billed, which was \$67,500 plus GST, and what you billed, which was \$184,000 plus GST, it's almost triple. ---Yes.

The difference between what they charged and what you charged is significant?---Yes.

40 And can I suggest to you that that difference didn't reflect the cost of actual work Complete Building Fitout did as opposed to reflecting what Mr Dubois told you he wanted it to be billed at and therefore building in a margin that would be sufficient to pay his kickback?---Correct.

Thank you, Commissioner, if that's a convenient time.

THE COMMISSIONER: I'm sorry?

MR DOWNING: Is that a convenient time?

THE COMMISSIONER: Yes, it is.

MR DOWNING: And I note that we're to resume at 2.30.

THE COMMISSIONER: Yes. Well, not before 2.30 anyway.

MR DOWNING: Sorry, not before 2.30.

10

THE COMMISSIONER: Yes, yes. Yes, I'll adjourn.

LUNCHEON ADJOURNMENT

[1.02pm]