

PARAGONPUB01578  
04/06/2021

PARAGON  
pp 01578-01642

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HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC  
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION PARAGON

Reference: Operation E18/0736

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 4 JUNE, 2021

AT 10.00AM

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THE COMMISSIONER: Mr Downing.

MR DOWNING: Thank you, Commissioner. Subject to any housekeeping, we're ready to resume to Mr Chahine's evidence,

THE COMMISSIONER: Mr Downing, in terms of the timetable today, the intention is to adjourn at 1 o'clock and that I trust is not going to inconvenience anyone?

10 MR DOWNING: Certainly not from my part, Commissioner.

THE COMMISSIONER: Does anybody there want to be heard on that? It's simply the intention, I think we're now into week four, to finish this week's hearing at 1 o'clock today. Is that – Mr Clark?

MR CLARK: No, I didn't wish to be heard at all, thank you, Commissioner.

20 THE COMMISSIONER: All right. No other problems? All right. Then we'll do that, we'll adjourn at 1 o'clock today and resume on Monday, usual time at 10 o'clock. Very good. And I'll have the oath readministered. If you wouldn't mind standing again. Thank you, Mr Chahine. And the Koran is nearby?

MR CHAHINE: Yeah, I've got it.

THE COMMISSIONER: Yes, thank you.

THE COMMISSIONER: Thank you. Just take a seat. Yes, Mr Downing.

MR DOWNING: Thank you, Commissioner. Mr Chahine, late yesterday, I was asking some questions about the early work that was done by Complete Building Fitout for Mr Dubois.---Yes.

10 And I took you to some of the records suggesting some early works involving TIRTLs really in some parts of New South Wales, Bargo, Gundagai, Albury, but also Boggabilla?---Correct.

And when I asked you some questions about whether you could recall the first point in time when Mr Dubois asked for something in return, you identified that you believed it was work involving Taree and Nabitac?  
---Correct, yes.

20 Just in that regard, can I take you, please, to volume 2.1, at page 413? And do you see that that is a letter of acceptance to Complete Building Fitout addressed to you and you'll see at the bottom, the date is 3 August, 2011?  
---Correct.

And indicating acceptance of your quote of the same date of 47,800 for the work at Taree and Nabitac, involving point-to-point TIRTL installations.  
---Correct.

Does that appear to be the job that you are referring to?---Yes.

30 And if I could then take you, please, to the next page, 414, you'll see that there's the creation of a purchase order number in respect of that job, that is point-to-point TIRTL installation at Taree and Nabitac.---Yes.

And if we then go to the next page, you'll see that it appears to be the Complete Building Fitout tax invoice, strangely dated 1 August, 2011. So the tax invoice actually, on the face of it, predates the letter of acceptance.---Yes. Probably just an error on my behalf.

40 But in any event, it's for the work in respect of those two locations, Taree and Nabitac, and ultimately the total is \$49,800.---Correct.

Now, looking at that, you'll see that it shows four TIRTLs installed at the Pacific Highway at Taree and another four at Nabitac?---Correct.

And that the cost, putting aside site establishment and some plant hire variations et cetera, for each location it was \$23,400.---Correct.

So a sum of 5,850, it seems, per TIRTL?---Correct.

So again, does that accord with your recollection that it was this job where he first asked for something?---Correct.

And you'll see that across those two jobs there were eight TIRTLs installed.---Yes.

10 Do you recall, was it some sort of amount of a couple of thousand or a few thousand per TIRTL that he asked for?---It's, going that far back, I don't recall, but, yeah, it was just two to two and a half to three, I just don't remember, but it's per - - -

But did he tie what he asked for to the number of TIRTLs? So it was a certain amount per TIRTL?---Correct.

All right. All right, thank you. Now, you'll see from what I've taken you to that this is work that seems to be done in early August 2011.---Yep.

20 And that's your recollection as to the first time that you believe there was a request for something?---Correct.

I'm going to take you to some documents later that will, I'm going to suggest, indicate that in fact there'd been payments made by Complete Building Fitout.---Yeah, just request made just on the TIRTL works, though. This was not not prior, yeah.

30 Well, do you recall – I withdraw that. The records I've shown to you suggest that the first works in time done by Complete Building Fitout were TIRTL works.---Correct, yes.

There's then some other works involving different types of activities, and some of which involved Mount White. You may recall the work there. ---Correct, yes.

But isn't your evidence that, as best you can recall now, and I accept it's some years ago - - -?---Yep.

40 - - - but as best you can recall, the first approach by Mr Dubois for any form of kickback or cut on the work you were doing was in relation to that Taree/Nabiac job?---Yes.

I'm going to take you to some documents later that will suggest that, in fact, before that job was done, there had already been a payment made - - -? ---Yeah, I, yeah, if you - - -

- - - to Mr Dubois.---If I could go back, I'm saying the first kickback he got for TIRTL works, where he requested money, was the Taree and Nabiac job. I didn't say it was the first time he ever asked - - -

I'm sorry.--- - - - for a kickback, yeah.

All right, well, let me be clear then.---Yeah.

Irrespective of what sort of work was involved, what is your recollection as to when it was and perhaps what type of work was involved in the first ever request for any form of kickback?---The bigger job was the Mount White and the Kankool.

10

And do you recall that, putting aside that TIRTL request in respect of Taree/Nabiac, do you have a recollection either with Mount White or Kankool that there was a request for something in respect of those jobs?  
---Correct.

And when you say Mount White, do you recall that there were two aspects of the Mount White job? I'll take you to the documents in a moment.  
---Yep.

20 One of them involved the comms room and some work done to that.---Yep.

And one involved some actual asphaltting type work involving the, I think the exit lane.---Correct.

And is your recollection that the request was made at around the time of the comms room work or the exit lane work?---I know it was the exit lane work, so I can't recall if it was on the comms room.

30 Can I ask, have you been watching any of the proceedings that have gone on?---Yes, I have, yes.

So I take it you've seen the evidence that Mr Dubois gave.---Correct.

And also the evidence that Mr Hadid gave.---Correct.

Allowing for the fact that you've then heard evidence about these topics, I take it through watching the evidence - - -?---Yeah, but it's just, it's - - -

40 - - - do you nonetheless say that your recollection is that there was - - -?  
---It's slowly coming back, yeah.

But is your recollection, independent of what you heard here - - -?---Yep.

- - - that there was some request for something around the time of the Mount White/Kankool jobs?---Yeah, well, with the previous hearing you brought it to my attention there was a, there was a sum that went into MWK for those two jobs.

Right, well, I'll come to MWK a little later. But if we go back, please, to volume 2.1 and the schedule at page 1. You'll see that page of the schedule spans works really done in the first year of Complete Building Fitout doing work for the RTA, as it then was. So starting in May 2010 and going through to May 2011. Do you see that?---Yep.

And you'll see that for each of the jobs there's a date in terms of the invoice and then the sum involved, a description of where the work was and, in very brief terms, what it was.---Yep.

10

And then the yellow row will set out the record of the payment that was made.---Yep.

So looking at those, does that accord with your recollection, that in the first year or so they were smaller jobs?---Correct.

Often TIRTL-related work - - -?---Yeah.

20

- - - where there was a sum per TIRTL with extras for variations or vegetation removal or something of that nature?---Yeah.

And also in that first year there was that work on the Mount White comms room. Do you recall that?---Yes.

Do you remember if there was any discussion with Mr Dubois in that first year about wanting to keep the jobs under a certain dollar value?---No, not at the time, no.

30

Do you recall that he ever said anything to you about keeping jobs at a particular level?---Later, not, not when we first started, yeah.

And just on that topic then, when do you recall the discussion, are we talking much, much later, towards the end of the - - -?---Years later, yeah, years later.

What did he say about dollar value of work, whether it should be kept at a particular value?---He said jobs under 50,000 require one quote and jobs over 50,000 and under 250,000 require three.

40

And do you recall was that a discussion involving him asking you to prepare quotes for jobs that were coming up?---Correct.

And I'll come to I guess events that happened later, but you know, don't you, that later in time there were multiple jobs where not just Complete Building Fitout and the company that succeeded it, CBF, but that there were three companies that you and Mr Hadid controlled?---Yes.

And in effect they were providing dummy quotes for jobs.---Yes.

Sometimes all three quotes were from your companies.---Correct.

Other times there might be two quotes from your companies and one from a company controlled by Mr Alameddine.---Yes.

But you say that's a discussion about the value of jobs and how many quotes were required, that occurred quite a bit later.---Yes.

- 10 Going back then to 2010/2011, do you recall – perhaps if I take you to some of the documents in respect of the Mount White comms room, first of all you'll see that it's demonstrated on the schedule that that was a job where it appears that a posting date of the invoice of 20 July, 2010 in the sum of \$22,462.---Yep.

And then payment occurring on 22 July, 2010.---Correct.

- 20 Can I take you, please, to volume 2.1, page 45. And do you see that this is an internal document, but a purchase order document for Complete Building Fitout, and you'll see it's the comms room at the back of Mount W.---Yes.

And you'll see that the sum is 20,420, so that when GST is added, \$22,462. Do you see that?---Yes.

And if you go to the next page, please, page 46, you will see the Complete Building Fitout invoice for that job, and you'll see there's a description there of the, well, a line item breakdown of what was involved.---Yes.

- 30 Though there is no breakdown of the costs on a line item basis, it's just a lump sum and then the GST.---Yeah. He requested all the jobs in his PO as a lump sum quote, so - - -

So is that because with Mr Dubois, whenever he asked you to put a quote in, he didn't want the job broken down with costs per line?---I don't know, just always asked for a lump sum quote so, yeah.

Did he ever indicate anything about why that was?---No.

- 40 Did you have a view yourself about why it might be that he wanted it just a lump sum at the end?---Obviously so he could put a bigger kickback for himself, so we couldn't itemise or break those up realistically.

But was that a request that he made of you at an early point in the work you did, that for the jobs where you were submitting an invoice, there would just be a lump sum price on it?---Correct.

And was that also something he requested in respect of quotes, that when you quoted, that the quote didn't break it down into line item costings?  
---Yeah.

Looking at that invoice, noting the sum, are you able to recall – and noting as well that it's 7 June, 2010, are you able to recall whether there was any request for a kickback in respect of that job?---So far back, I just, yeah.

You don't recall?---I don't recall.

10

Can we go then, please, back to volume 2.1, page 2. And this is now the second page of the schedule in respect of the Complete Building Fitout works, and you'll see that in April 2011 the first of the larger jobs occurs, and that's the Mount White exit lane widening job.---Yeah.

And you'll see that there are in fact two invoices there, an initial invoice of 49,500 for a progress payment - - -?---Correct.

- - - and then a second invoice of \$198,000 for the balance.---Correct.

20

And you'll see on the yellow rows there, the payments were made on 26 May, 2011, that is the progress payment, and 20 June, 2011, the final sum of \$198,000.---Yeah.

Just in respect of Mount White, can I take you to some of the documents, please, so that you can re-familiarise yourself with what it involved. You've indicated that you recall doing that work, that is the exit lane widening.---Yes.

30 And I take it you recall where Mount White is?---Yep.

Can I ask that you go, please, to volume 2.1, page 205? Now, do you see that that's a 20 March, 2011, request for tender for the Mount White expansion works, addressed to you.---Yep.

And attaching request for tender documents.---Correct.

40 And you recall, don't you, that with the jobs that you got, typically with the request for quotes or request for tenders, there would be the supporting documents describing the works and often some drawings or plans to give you some idea of the detail of them.---Yes.

And if I could take you ahead, please, to page, same volume, 2.1, page 216. And do you see that with this particular job, the Mount White exit lane expansion, that there's a description here of the works?---Yes.

And if we go ahead, please, to 217, which then goes to 218, but read 217 for a second. You'll see there's a description there of what's involved, but in



the broad it involved doing works to expand the exit lane and do a U-turn bay widening.---Yes.

And if I could then – I withdraw that. Do you recall at the time having any knowledge about whether anyone else was being asked to provide a quote or a tender for this job?---No.

So, you obviously got the email and you were asked to put in a tender on behalf of Complete Building Fitout?---Yes.

10

So, do you not recall any discussion with Mr Dubois at the time about whether he had others that had been asked to put in quotes on the job?---No, no.

Can you recall whether he discussed with you that this was a job that Complete Building Fitout was going to obtain?---Yeah. He told us we were going to obtain a job but I didn't know his process behind it at the time, so - -

20

Can I take you, please, to the same volume, 2.1, page 351? This is a document created by Mr Dubois but it's said to be a tender evaluation report in respect of these works, Mount White.---Yep.

And you'll see at the bottom, it identifies that there were three – sorry – the RTA's estimate for the job was \$250,000.---Yes.

Can you recall him ever saying anything to you about the fact that there was a price that he wanted you to quote at or under?---Yeah, he just - - -

30

For this job, I mean.---Yeah. He, he, we gave him the job, we gave him our cost estimates on what we thought the job was going to cost and then he basically told us, "Quote it at this price."

Well, I'll come to what the price was but is that your recollection, that you had some communication with him where you indicated what you estimated the cost would be.---Correct.

And he then told you to quote at a different price?---Yes.

40

And I take it that was a higher price?---Correct.

And just thinking about the work, it involved asphaltting. I take it that there was a subcontractor that you needed to get in to assist with that part of the work?---Yes.

And do you recall who that was?---I had Talal. I had Ozpave.

Sorry, who was the first one?---Was it Ultimate - - -

Demolition?---Demolition, yep.

That's Talal Rifai?---Correct.

So did he do the excavation part of the works?---Yes. And Ozpave - - -

Did the asphaltting part of the works?---Correct, yes. Me and Barrak done all the landscaping, the concreting for the light works, yeah, just, yeah.

10

So that the parts of the work that you subcontracted for this job were the excavation to Mr Rifai through Ultimate Demolition - - -?---Correct. Yes.

- - - and Excavation, or UDE.---Yep.

And the asphaltting work through Ozpave.---Yes.

Now, just pausing there, did you know Mr Rifai at that point?---Yes.

20

What was your connection with him?---My brother-in-law, my brother's brother-in-law.

So that's - your brother is Chahine Chahine.---Correct.

So is it Mr Rifai is married to - - -?---No, Chahine's married to Mr Rifai's sister. At the time, not anymore now.

But you've known him through that family connection.---Correct.

30

And I take it you knew he did demolition and excavation work?---Yes, yes.

Had you used him before this job?---No, first time I've used him on this job.

And Ozpave, was that a company that you had done any work with previously?---Not really. We got a few quotes for that job and Ozpave come in at the lowest, so that's why we ended up using Ozpave.

40

In any event, you'll see at the bottom it suggests that there are three tenders provided or have been obtained. Complete Building Fitout, TTS Group Investments and BFW.---Yep.

Obviously Complete Building Fitout is you.---Yep.

Did you know what TTS Group Investments was or who was behind that? ---Not at the time, but listening to this inquiry, I do now. And BFW I don't know who that is.

Now, I take it from the evidence you heard, you understand that TTS was Mr Towfik Taha's company?---Correct.

As at this point, that is in May or mid-2011, did you know Mr Taha?---Not at this time, no.

How did you come to meet him?---I don't know if it was on a job or he set up a meeting.

- 10 Sorry, is "he" Mr Dubois?---Yeah, correct. He, Mr Dubois, set up a meeting for us to, to do, to schedule jobs or – I don't, I don't, yeah, just, best of my recollection, I don't - - -

But is it the case that your recollection is that you first came to meet Towfik Taha, one or another, through Mr Dubois?---Correct.

So that, whether it's through a meeting or, a meeting that Mr Dubois set up in respect of a job.---Yep.

- 20 Or actually seeing him on the site on a job.---Yep.

Presumably then being introduced by Mr Dubois.---Correct.

You came to know Mr Taha.---Yes.

And did you come to know that he was providing contract work to Mr Dubois as well?---Yeah.

- 30 If we could go to the next page, please. You'll see that this document suggests that there'd been a pre-tender meeting on 1 April, 2011 in Argyle Street, Parramatta, with Mr Dubois present for the RTA, with Terry Taha from TTS Group, you from CBF, and Mr Rifai from BFW Group. Now, just pausing there, was there ever any such meeting?---No.

You never attended one?---Never been to the RMS office.

And as far as Mr Rifai, you say that he was someone that you'd retained to do the subcontract work on the job?---Correct.

- 40 Is it likely that you may have communicated that to Mr Dubois, that you had some subbies in and that Ozpave was the contractor for the asphaltting and Mr Rifai was going to do the - - -?---I recall I come to the job once and Mr Dubois was there, present at the time, and that's where he met Mr Rifai, yeah.

And did you learn that, subsequently, that Mr Dubois actually used Mr Rifai's company himself on a contract basis on some occasion?---Yes. After, yes.

All right. Now, you'll see down below that there are a list of tendered amounts, and you'll see that Complete Building Fitout is said to be 225, TTS is 250 and BFW is 260.---Correct.

I'll take you to the quotes in a moment, but assuming that that's correct that the quote for CBF was – sorry – Complete Building Fitout was 225,000 - - - ?---Yep.

10 - - - you've indicated that was a price that was ultimately quoted by you at a lower level after you'd done your estimates - - -?---Yes.

- - - and then increased by Mr Dubois.---Correct.

And do you say you had no knowledge of the alleged competitors, that is TTS and BFW?---Yes.

All right, can I then take you back, sorry, to same volume, 2.1, at page 358. ---Yes.

20

And do you see it's a letter of acceptance to your company, Complete Building Fitout, in respect of the Mount White works?---Yeah.

And if you go over the page you'll see the actual letter, which if you go to the next page, you'll see is dated 9 April, 2011, but if you go back to page 359, confirms acceptance of the contract at the lump sum price of \$225,000. ---Yes.

30

And then if you go ahead, please, to page 366, you'll see Mr Dubois sends to you the purchase order number for the job.---Yep.

The Mount White exit lane works. And if you then go, please, to page 367, you'll see on 2 May, 2011, you sent an invoice for a progress payment on the works.---Yeah.

And if you go to the next page, you'll see that it's \$45,000 plus GST.---Yes.

With a breakdown of the work there.---Yep.

40

And if we then go, please, to page 370, you'll see on 24 May you send an email with the invoice for the balance of the works.---Yeah.

And you also note in your email that you still haven't received the progress payment.---Correct.

That is on 23 May, but if you go to the next page you'll see that you send an invoice via that email on 23 May for the balance, being \$180,000 minus, or

sorry, so the 225 minus the progress payment that had been claimed but not yet made.---Yeah.

So 198,000 inclusive of GST.---Correct.

10 And just pausing there, so you've now had, the job obviously has been allocated, you've done the work with the subcontractors that you described when you submitted your invoices, but I want you to think about that job and the process by which Mr Dubois sought a kickback. So thinking about it from literally the first time you were notified that the job was coming up, right through until the point after the payment's made, do you recall at what point he said something to you about the fact that he wanted a kickback?  
---Ah, it would have been at the point of when we'd giving him our cost estimates and then he basically - - -

Tells you to bump it up.---Bump it up, and then, yeah.

20 But I mean you say that you give him your actual estimates and he tells you to increase the price, presumably to the 225 that was ultimately quoted, but does he say anything explicitly then about how much he wants as a kickback?---No.

Does he actually even say then that, "You'll be giving me something out of this?"---Yeah.

Does he say any more than that, just that there will be something that he gets out of it?---Yeah, correct, that's it.

30 Do you then get at a later point to a discussion about the specifics in terms of what he wants?---Not really, he just asked for a cheque for a certain price and just - - -

But at what point in the process is it?---After everything had been finalised and everyone been paid off and - - -

So that after your invoices had been paid?---Yes.

40 And if we just go back, please, to the table at the beginning of volume 2.1, so 2.1, page 2. And you'll see that the dates there in terms of the payment were 26 May, 2011 for the progress payment, and then 20 June, 2011 for the balance that was due. So do you say after the point of payment he then has a discussion with you?---Yep.

And I don't know if you can recall the discussion in this job, but was it typically involving you and Mr Hadid?---Correct.

And where would that occur, would he come to your home, would you go to his home, was it - - -?---That many years ago, but we just went everywhere, wherever we met up, or yeah, could be his place, our place or - - -

And would that discussion then involve him just demanding a figure or would he ask you about what your actual costs had been now that you'd completed the job?---Yeah, would ask the costs, what had the costs been, what are the outlays and then he'd demand his figure.

10 So you would tally up everything that had been involved?---Yep.

And then he would then understand, I take it, what your total cost was?  
---Yep.

Would your cost involve any profit margin or was it literally just the bare costs as you would - - -?---I used to put my 30 per cent profit margin on there, yes.

20 THE COMMISSIONER: Sorry, you used to?---I put my 30 per cent profit margin on there, yes.

MR DOWNING: So that you would add up all of the materials, all of the labour, all of the subcontract costs, add a 30 per cent margin, and then he would then say, "Well, I want X dollars from that"?---Correct.

Did you understand that what he was doing was, that when he originally told you bump up your price, he was doing his own estimates how much it might cost and building in a margin?---Yep.

30 And that when you then had the discussion at the end, what he was doing was checking with you exactly what it had cost.---Yep.

Making sure you had your margin covered.---Yep.

That is a legitimate profit margin of 30 per cent.---Correct.

And then saying, "Well, the balance comes to me".---Yep.

40 And he would then ask for a cheque?---Correct.

Now, that process of telling you to increase your invoice at an early stage, that is when you were in the process of – sorry – telling you to increase your quote at an early stage when you were still - - -?---Fresh, yeah.

Well, at a point where you'd had the request for quote and you were just, you had done your costings and then actually requesting the payment at the end once all of the costs were known and you'd added them up and included your profit margin.---Yep.

That process occurred many, many times over the years, didn't it?---Yes.

So that when he would let you know there was a job coming up, you would have some informal discussions where he would indicate at that early point, before you put in your actually quote to the RMS, how much he wanted your figure to be increased?---Yes.

10 And you'd then at the end have the discussion where he would demand a specific sum, having heard from you what it had actually cost?---Yes.

When you had those – through this system that he developed over the years, what you had that initial discussion where he would tell you the price to bump up, had you normally at that point actually put in a paper quote or had you just told him in oral discussions what your costs were?---Just oral discussions the majority of the time, yes.

20 And can you recall, was that after typically or before you had even received the request for quote?---So the majority of the times when we received the quote, we used to go out and inspect the job, so we used to go drive to the job and look at it and then do our estimates. So, we used to do onsite. Sometimes we'd even talk about it onsite.

But coming back then to this job, you've indicated you had no knowledge at that point of anyone who might be quoting against you?---No.

30 And indeed I think you've said that at that point you had no knowledge that there was a requirement that for above \$50,000 that there needed to be multiple quotes?---Correct.

So, was there a point though, later in the piece, that you – I withdraw that. You've told us that you learnt later that there was that need for multiple quotes over 50 and up to 250.---Correct.

And did that point when you learnt that also coincide with Mr Dubois asking you that, from time to time, you prepare multiple quotes. That is a quote for a company that would get it - - -?---Yeah. On, on one occasion back then, yes.

40 But then that became a pattern over time?---Correct, yeah.

Do you recall whether, at some point in that process of you initially just being asked to put in quote, but to inflate them and then later being told that you need multiple quotes. At some point were you made aware though that some of the quotes would be coming from competitor companies?---Yes.

And do you recall who it was that he identified was the competitor that would be part of that process as well?---Not at the time but I just sort of

realised when he asked for, if we knew anyone that had a company and I mentioned that my brother did and that's when he asked to use - - -

That's your brother Chahine?---Correct, yeah.

And is it the case that your brother had a company, Peregrine Corporation?  
---Correct, yes.

10 So he enquired of you whether you knew another company?---Yes.

And did you give him the details of Peregrine Corp?---Oh, I gave him the name and then he just, yeah, took care of the rest.

Well, there were a number of jobs that you're aware of, aren't you, where when it comes to quotes that are on the system, Peregrine Corp purportedly puts in a quote?---Yes, correct.

20 Did you ever prepare a quote for Peregrine Corp?---I never prepared the quote, quotes, no.

Did you ask your brother at any point to prepare quotes for Peregrine Corp?  
---No.

Did you become aware from Mr Dubois that he was in fact creating quotes for Peregrine Corp himself?---Yes, correct.

30 But putting aside Peregrine Corp, which was never a company that ever did any work, at some point you became aware that Mr Taha was doing work?  
---Correct.

And did you learn through either communications with him or Mr Dubois that he was doing something similar to what you were doing, that is that he was getting work but being asked to inflate his quotes in order to allow for a kickback?---Correct.

40 And did you ever have discussions involving both you and Mr Hadid, but with Mr Dubois but also with Mr Taha being part of it?---I think on one occasion when he set up some meeting, but we never spoke about the kickbacks or – it was about scheduling of works or something, so, yeah.

But you don't recall ever there being a discussion involving Mr Dubois, yourself, Mr Hadid and Mr Taha where he said, for instance, "This job's going to go to TTS" or "This job's going to go to Complete Building Fitout"?---No, I don't remember or recall a conversation like that, no.

But you became aware at some point, though, that another contractor or another person controlling contractor companies that was doing work for Mr Dubois was Hassan Alameddine?---Yeah.



And do you recall how it was you first came in contact with Mr Alameddine?---First time I came into contact with Alameddine was when he tried to poach one of my concrete contractors on a job.

Was that an RTA or RMS job?---Correct. RTA or RMS job, yeah.

10 Do you remember which job it was?---Oh (not transcribable) I think we were doing speed humps or line-marking down at Mount White, doing some arrows, and I just, yeah, I don't recall what it was. It was, yeah.

But was he someone that you met yourself or was he introduced by Mr Dubois?---I'd met him on that job at Mount White once, yeah. Wasn't introduced to me then.

Do you believe it was the Mount White exit lane job?---I, I don't recall exactly what we were doing on the job.

20 But it was one of the jobs.---But I remember it was at Mount White, yeah.

And so did you introduce yourself to him?---I didn't introduce myself to him, no. I didn't know him at the time to introduce myself, yeah.

Did you in some way find out, though, that he was there doing contract work for Mr Dubois as well?---Correct, yes, he was doing signage work.

30 And did you then learn, either from Mr Alameddine himself or Mr Dubois, that he was in a similar arrangement with Mr Dubois – that is Mr Alameddine and his companies – that you were? That is that he was getting contract work.---Yep. Yep.

But that he was being asked to inflate his quotes and, once he was paid, was paying kickbacks.---I just learnt that. I just assumed that, so, yeah, didn't, didn't ask about it.

But at some point did you learn that Mr Dubois was having you and your companies, on the face of it, compete with Mr Alameddine and his companies for jobs?---Yes. Yes.

40 So in some cases that he would put in one or two quotes through his companies and you might be the third one.---Yep.

And sometimes it'd be you putting in one or two and he would put in a third.---Correct, yes.

And it's the case, isn't it, that over time there were meetings involving Mr Dubois, you, Mr Hadid and Mr Alameddine as well?---Yes, correct.

And from time to time, that would involve him talking about jobs coming up and who would get a job?---Yeah, and also scheduling the jobs and what's the process going to be, so - - -

So that there's some scheduling of works.---Yes.

10 And I guess he needed to make sure that, between you and Mr Hadid and Mr Alameddine, there was sufficient resources to actually do what Mr Dubois needed doing.---Yeah, well, the process of what goes in first, who's going to be there, what date, so, yeah, we used to discuss.

But just focusing not so much on the scheduling of works and more on discussions about inflating quotes and kickbacks.---Yeah.

There were discussions, though, weren't there, where he would say, for instance, look, this job – and I'm just going to use a location as an example – this job at Mount White, this is going to go to Complete Building Fitout.---Yes.

20 Or this job is going to go to one of Mr Alameddine's companies.---Yes.

Now, did you learn the names of the companies Mr Alameddine had?---No, not at the time, no.

You didn't, you just knew that he was operating it as a contractor but didn't know the companies?---Yes.

30 Well, do you recall ever learning of the names Areva Corp?---Listening to this, I learnt, yeah.

Only through the inquiry at ICAC?---Yep. Yep.

What about Seina Group? Did you ever - - -?---I've, I've heard of Seina Group before, yes.

And Efficient Project Management & Deliveries Pty Ltd?---Never heard of it.

40 But there were meetings, weren't there, where Mr Dubois would say, for instance, okay, this is going to go to your company, Hassan.---Correct. Yes.

So that I want you – that is you and Mr Hadid – to put in quotes at a higher level.---Yep.

So he would nominate the price of the winning quoter.---Yes.

And would he specify what the high quotes were to be at or did he just say just make them higher?---No, he'll specify.

So each price was nominated by him?---Correct.

And as best you can recall, how, accepting that the evidence seems to suggest that Complete Building Fitout starts doing work in mid-2010 and starts doing bigger work in mid-2011, what's your best recollection of when you first have one of these meetings with Mr Dubois, yourself, Mr Hadid, but also Mr Alameddine?---Oh, Alameddine come later, like 2013 probably, Mr Alameddine, yeah.

10

And then over time, from 2013 through to the middle of 2019 when all of this came to an end after search warrants were executed, on how many occasions do you estimate you had an informal meeting like that, but involving not just yourself and Mr Hadid and Mr Dubois, but Mr Alameddine as well?---Just depended on the work really, what was coming up. So there was a point-to-point job with a gantry install, then there was obviously a meeting to discuss, yeah.

20

And is the reason you say that because you understood that Mr Alameddine did particular types of work?---Well, he installed the gantries, yes.

So that is the steel structures that constitute the gantries, that is the structure that had the camera on them.---Correct, yeah, cantilevers, yeah.

And did he do other sorts of works? I think you indicated, was it signage before?---Signage work, correct, yes.

30

So that where there was that sort of work involved, did you understand in those sorts of jobs it would normally be him that was getting it?---Correct.

Because he had a particular experience in doing that sort of work.---I wouldn't say he had experience, but - - -

Well, did you have a view about the quality of his work?---Yeah.

What was it like?---Shocking.

40

And is that from observing the work he was doing or hearing about complaints?---Oh, just his, he was just very unorganised, very, and you know, he used to call me up and, you know, "Tell him to give me the work," or whatnot, used to - "Mate, I don't ask for work, mate, it's, you need to step your game up, not me." So yeah.

Did he ever speak to you, or to your knowledge, Mr Hadid, about perhaps some help about doing the work or tips?---A lot of times, yeah.

So he'd actually seek advice about what was involved in organising and doing the work?---Correct, yes.

But in any event, do you have a recollection that whether he was good or bad at it, that he typically seemed to get the work from Mr Dubois that involved either gantry installations or signage?---Yeah, correct.

And is it the case that with those sorts of jobs, you would then be asked to provide the dummy quotes?---Correct.

10 And for other types of work which might involve more just civil construction-type work or asphaltting or excavating and asphaltting, was it the case that you typically, that is your companies, that you and Mr Hadid's companies got that work?---Yep.

And that you would understand in those jobs that sometimes you would provide all three quotes?---Yes.

I'll come to your other companies in a moment.---Yep.

20 And other occasions Mr Alameddine's companies would be the one that would provide the dummy quotes?---Correct.

Were there – you've said that there were meetings where you'd talk about the jobs and the fact that you were to get it and what the price was to be, et cetera.---Yeah.

30 Were there times that the job didn't involve a meeting and Mr Dubois would just talk to you and say, "Look, on this one Hassan's going to do the dummy quotes, I want you to put in the price at this much for Complete Building Fitout?"---Yes.

So you met sometimes, but not all the time.---Not all the time, yeah.

Depending on what the job was.---Yeah.

Did you have any knowledge as to whether Mr Alameddine had any particular experience, that is any qualifications, had done an apprenticeship?---I don't know.

40 That is you don't know or - - -?---I just don't know, mate.

But on how many occasions do you estimate you saw him onsite doing work?---Oh, just depends on what job it was realistically. So if we're doing a gantry and cantilever jobs he'll, majority, on the majority of the jobs, yes.

In any event, that process though of then getting – it evolves this way, doesn't it? The early jobs, like the Mount White job, involved you just knowing that you're to put in an inflated quote.---Yep.

And ultimately pay him a kickback.---Correct.

Then later you learn that Mr Dubois needs multiple quotes.---Yes.

So that sometimes you provide all of them through your companies, and other times you provide some of them.---Yes.

And then you then start to have meetings with competitor companies who are also providing inflated quotes.---Correct.

10

And that really was Mr Alameddine and his companies.---Yes.

Then that process as it evolved was repeated again and again and again over many years, wasn't it?---Yes.

And in terms of the size of the jobs, it's the case that they got bigger after initially starting in 2010/2011 with smaller jobs?---Yeah, they just evolved, they just got bigger and bigger, yeah, just more work.

20 But did Mr - I'm sorry.---Yeah.

Well, first of all there were more jobs, they became more frequent?---Yep, yes.

And they also became bigger in dollar value?---Correct.

But did Mr Dubois ever say anything about keeping the jobs under \$250,000?---Yes, in the later stages he did, yes.

30 And did he explain why that was required?---Because he had to put on a public tender.

If it was - - -?---Over 250,000.

So, he'd given you that general suggestion that they needed to be under 250?---Correct.

But then job to job he would be the one that would be setting the price when he told you what to quote at anyway?---Yes.

40

Now, you made mention the Mount White job but also the Kankool job as one that you recall, I think, that there was an inflation of the quote in the process of getting a kickback?---Yes.

Can I take you to that, because it was another one of the early jobs. If we could go, please, to volume 2.1, page 432. And do you recognise that as the request for tender documents for, or email of 21 March, 2011, with a request tender for Kankool?---Yes.

And if we go to the next page, please, you'll see that it attaches a - - -?  
---Yep.

Thank you. So there's a design involving the works, but do you recall what the job involved?---Similar works to Mount White but this had Armco and, yeah, yeah. I need to see the, the quote. Yeah.

10 If we go, please, to page 437, this might assist in describing it. You'll see it's an overhead picture with, it looks like, the actual heavy vehicle facility, the building.---Yep, yep.

But also the exit lane.---Yeah, that's the exit lane, yeah.

And is it the case that again, it involved doing an area of excavation, paving, but also installing - - -?---We didn't do the exit lane.

Sorry?---We didn't do the exit lane.

20 Oh, sorry. What part of it, was it just the building?---We done the entry lane.

Oh, sorry. The entry lane, I apologise.---Yeah.

But was the work similar to Mount White in the sense that it involved excavation, asphaltting - - -?---If I recall this, TTS done that.

That is the exit lane?---Correct.

30 But the actual type of works was similar to Mount White, was it, that you had to do – part of the job was excavation?---Yep.

Part of it was asphaltting?---Correct.

But I think you said also some other safety barriers?---It required some safety barriers, I think some guttering, line-marking. Yeah, it was just, yeah.

40 And do you recall who you used for the excavation? Was it Mr Rifai again or someone else?---I, no, I wasn't there for that job. What date was this, if you don't mind me asking?

This is in mid-to-late 2011, or late 2011.---So we're talking October/November?

November is when the quote is ultimately submitted.---I would have submitted the quote but I wasn't on the actual job.

Is that because you were away or - - -?---I was getting married at the time and then, yeah, I went away, yep.

Well, can I take you, please, to – I withdraw that. It seems from what you've told us that you recall that the job involved two parts, so an entry lane and an exit lane?---Correct, yes.

So there were two stages to the work?---Yes.

10 And can I take you to volume 2.1, page 573? And you'll see that there's another tender evaluation report Mr Dubois's created, this one for the Kankool entry lane, so the entry lane expansion works.---Yep.

And you'll see that the estimate on this job is \$270,000.---Yep.

And down below, the indication in this is that there were three tenders, Areva Corp, Complete Building Fitout and Peregrine.---Yeah, okay. Yep.

20 So if you go over the page you'll see that it suggests there's a meeting on 1 April, 2011, with the people present being Mr Dubois from the RTA, Harry Alam from Areva Corp, Shane Chahine from Peregrine Corp and Mr Hadid from CBF. This meeting didn't occur, did it?---No.

And if you look down below you'll see the summary of the quotes. The quotes are said to be CBF at 255,500, Areva at 265 and Peregrine at 268. ---Correct.

30 And if I could take you then, please, to the quotes. If we go, please, to page 580. And you'll see this is an email - - -?---Yep.

- - - from, it seems, you on behalf of CBF, with the quote for the job. ---Correct.

And if you go to the next page, so it's the Complete Building Fitout quote for that sum that was referred to in the report, 255,000 plus GST.---Yep.

40 Now, just looking at the quote and the content of what's in there, does that appear to be something that you had created or you and Mr Hadid, as opposed to something - - -?---Correct, yes.

- - - that was created by Mr Dubois?---Yeah.

He did, though, from time to time, didn't he, ask that you send him soft copies of quotes and invoices and then come back to you about changing the words?---At, at times, yes, yes.

And do you recall that sometimes that involved him asking you to drop USBs to him?---Yes.

Sometimes that would involve you sending things via email and him then making changes and sending them back.---Correct, yes.

And sometimes him coming into the office and literally getting you to go through things and make edits to them?---Yes.

10 But looking at this, does this appear to be the wording, that is, of what was involved? Your actual wording, not something that he had dictated to you?  
---Yep.

But the sum, I take it, reflects, though, not your original price with genuine costings but your original price with genuine costings plus him then adding whatever he wanted to add to the job?---Correct, yes.

Can I take you then, please, to page 583. And you'll see that this is an email from peregrine\_corp@optusnet.com.au to Mr Dubois.---Yep.

20 Dated 1 November, 2011 and attaching the Peregrine quote for Kankool.  
And you'll see it says, "Hi, Alexandre Dubois. Please find attached quote for Kankool. Regards, Barak Hadid." Although I think he's misspelt – Barrak has two Rs, doesn't it?---Yep.

"Director, Peregrine Corp."---Yep.

Now, first of all, that email address, do you know who controlled or set up that email address?---I would have set it up.

30 So that you did use OptusNet, didn't you, as your - - -?---Correct.  
- - - internet provider at the time?---Yes.

But do you know who sent the email?---Like I said, he would have sent this via a Messenger or WhatsApp.

Right.---And being so late at night and told me "Send this."

40 Right. So that through a non-email form he would send what he wanted you to submit.---Yep.

And then ask you to send it through.---Correct.

So you would have actually physically sent the email, but based on a document that he had - - -?---Created.

Created, right.---Correct.



And if we go, then, to the next page, please, you'll see this is the quote purportedly from Peregrine Corp.---Yep.

And it's signed, or the name at the bottom is "Barak Hadid", again misspelt.---Yep.

But 268,000 plus GST.---Misspelt down there but it's correct up the top, so  
- - -

10 The top where it says "from".---It says "from Barrak" and it's spelt right there.

So it's correctly spelt there. All right. In any event I take it you recall that you ultimately got the job.---Yes.

And in that regard can I take you, please, to page 585. You'll see that Mr Dubois sends to you an email confirming the purchase order number and in the sum of 255.---Yep.

20 And if you go then, please, to page 586, you'll see that Mr Dubois is submitting an invoice from CBF for Kankool stage 2.---Yep.

And then if you go to the next page, it's your invoice for 255,500, and so this is submitted, it would seem, on or about 12 December, because that's when Mr Dubois sends it to the contracts section.---Yeah.

And I take it that consistent with what you've described, there would have then have been a discussion once it had been paid.---Yeah.

30 And there would have been some kickback that was paid to him from that. ---Correct.

Just on that, do you recall that when you would have that discussion, would he contact you and check that you'd been paid, that is that you'd received the moneys?---On occasions, yes.

Or would you let him know when the money had hit your account?  
---We'll let him know when it hit the accounts too. He requested he know when the money hit the account.

40

Is your recollection that when it came to him nominating the sum he wanted, was it specific to a job and an invoice that had just been paid or would it sometimes involve moneys across a number of jobs?---Moneys across a number of jobs.

So where there was a payment it didn't necessarily reflect just that one job, would he sometimes aggregate them so that you wouldn't have a discussion

necessarily after every single payment that Complete Building Fitout had received.---Yeah. It just got out of hand, we couldn't - - -

Keep track of it?---Keep track of it, yeah, so, so it just blew out on us, so yeah.

So sometimes the discussion might involve you looking at say three invoices that had just been paid?---Correct.

10 And you going through your costs in each, him telling you what the sum was to be and then it might all be transferred in the one go.---Yeah.

Now, just going back then to – you've gone through and described with me in answer to the questions I've asked, the process by which he sought kickbacks and ultimately spoke to you about the amount of them.---Yeah.

20 But in terms of how they were paid, can you recall the earliest discussion you had with him about how he wanted to receive the money?---Not really, but we just, me and Barrak were just against cash. Just like, the amount of funds he was asking for was substantial, just to go into the bank and ask, pull out the cash - - -

Did you have some understanding that there were reporting requirements the banks had if you withdrew more than a certain amount of money?  
---It was over \$10,000, yeah, I knew that, but it wasn't the issue, it was just going in and I feel uncomfortable asking for that much cash.

30 But do you recall whether initially Mr Dubois indicated that he wanted payments in cash or whether he indicated some other form?---No, we were just against going cash. So I think at the start he was getting a couple of little cash payments here and there, but it was more just cheques, our company cheques, yeah.

40 Well, as far as cheques are concerned though, do you recall a discussion with him where he indicated something about where he wanted the cheques to be drawn to? I mean one option would have been obviously just pay him a cheque in his name.---I don't, it was just, he had a company, I didn't know who was the director of that company, we just paid it to the company he requested to.

And again you may, I take it you've heard some of the evidence, so you may have heard the name suggested, but do you recall now what the company was that he asked for the money to be paid into?---Yep.

And what was that?---MWK.

Did he say anything to you about whose company it was or what it did?  
---Not at the time, no.

Did you learn at some later point who was involved in it?---Only through this investigation, so - - -

So at no point during the period when you were giving him cheques to MWK did he say anything to indicate for instance who had set the company up?---No.

10 Or did you even know who had control of the bank account?---No. I assumed he did obviously 'cause that's where his money was going, so yeah.

And where you would meet with him and then work out the sum, that is he would tell you how much he wanted, would it literally then be a case of on the spot drawing a cheque?---Yes, the majority of the times, yes.

And just handing it to him?---Handing it to him, or sometimes if one of us were going out that way and bumping into him, we'd just pass it on to him.

20 Did he say anything about why he wanted it drawn in this company name rather than in his own name, did he ever explain that to you?---Obviously he didn't want kickbacks going from a company that's doing work for the RMS, so yeah.

Now, I just want to take you, please, to some records in respect of the payments. Can I take you, please, to volume 5.1, page 1? You'll see this is an account opening form for an ANZ account for MWK Developments and it's dated 31 May, 2011.---Yep.

30 And the account number ends in 4-5-6-9.---Yep.

And I take it, first of all, that's the name of the company that you drew the cheques to?---Correct.

And you'll see down below, in terms of who was to sign, it provides anyone to sign. But if we go ahead, please, to page 3, you'll see that the two signatories authorised on the account were Mr Taha as director and Hassan Habbouche as the third party?---Yep, yeah.

40 And you understood Hassan Habbouche was Mr Dubois's name as had been given to him at birth?---Correct.

But you say that you weren't informed at the time of his asking for the cheques that he and Mr Taha controlled the account?---I wasn't informed, no.

And he didn't say anything to you about the fact that it was Mr Taha who had set the company up?---No.

Did Mr Taha ever mention anything to you about him having any involvement in MWK?---Not really, no.

Can I take you then, please, to page 4? Oh, sorry. Before I do that, you say, “Not really.” Did he - - -?---No, well I’ve only, I only recall ever speaking to Mr Taha two or three times and it was never about payments or anything like that. So - - -

10 What sort of things did you discuss with him? Was it just - - -?---Just, I, I don’t know. At the time – I, I can’t recall at the time, but I’m pretty sure it was never about payments or, we never really discussed with other contractors and, yeah.

I take it from your point of view it wasn’t something that you were overly keen that you and Mr Hadid let onto other people?---Yeah. We were embarrassed, yeah.

20 Because you knew that what was being paid was kickback to Mr Dubois, you know, who was a public official at the RTA?---Yes, correct.

Can we go, please, to page 4 of volume 5.1 and you’ll see this is the account for that bank account for MWK, with the account number ending in 4-5-6-9.---Yep.

There’s a number of highlighted credits there but you’ll see one of them is 22 June, \$73,150.---Yes.

30 And I’m going to take you to some records but I’m going to suggest that was the first record of a payment into MWK from Complete Building Fitout.---Are all the ones highlighted from Complete Building Fitouts if you don’t mind me asking?

No. No, no, no. There were others from other companies. The first one that there is a record of, you’ll see, is on 21 June, \$52,000. I’m not suggesting that’s from Complete Building Fitout. The first Complete Building Fitout payment is \$73,150.---And is any of the other ones from Complete Building Fitouts?

40 I’ll take you to which ones were. I don’t know whether you would be please or - - -?---No, because at, at times, he used to make me write two separate cheques, hey. He would give me, like, a sum of 127,000 and he made one as 60 and the other one as 70. So, that’s what I’m saying. So - - -

So he would sometimes ask you to break up the total of the kickback he was getting?---Break up the amount on the cheques, correct, yes.

But did you have any knowledge at the time that he was getting cheques into MWK from other contractors?---No.

Given that you knew that, first of all, Mr Taha was doing work and you also knew, from a relatively early stage, that Mr Alameddine was doing work?  
---Yep.

Did you wonder whether they may also be making similar payments?  
---Yeah. Of course, yes.

10

And I take it over time you met other contractors on the job that were doing work for Mr Dubois?---Correct,

And, for instance, you learnt that Mr Rifai, after you'd used him at Mount White, had been retained by Mr Dubois for the RMS?---Yes, correct.

Did you ever know for a fact that anyone else was paying money into MWK?---I just assume they were but, yeah.

20

No one ever told you they were?---I think I had this one conversation with Mr, Mr Rifai and he just basically said he done a job, he asked for an X, certain amount of money and he just said, "Eff that," and he didn't want to continue.

So, Mr Rifai told you that he'd done a job for the RMS?---Correct, yeah.

For Mr Dubois?---Dubois, yeah.

30

And that Mr Dubois had asked him for money?---Yeah, a certain amount, it's pretty high. Like, I don't know the amount. And Mr Rifai just said, "Stuff that," and, yeah.

So, he did inform you that he'd been asked to make a payment?---Sorry?

Mr Rifai told you that – that's one contractor who did tell you. You didn't just suspect. He told you that he'd been asked.---Yeah, well, he told me that, he asked for this certain amount of kickback, and Mr Rifai didn't want to do work for him after that, so - - -

40

Right, so – all right.---I think that's why they had a fallout.

Did any other contractor, though, tell you that they had been asked by Mr Dubois to make a payment?---Not really, until later stages, so - - -

Well, who told you later?---Well, obviously Mr Alameddine.

So you learnt that through him later?---Yep.

But no other smaller contractors doing work at an early stage?---Not to the best of my knowledge, no.

Just tell me if you're aware of these people doing work. Were you aware that there was a Mr Najjarin who was doing some electrical work, Bilal Najjarin?---Yeah, I know Bilal Najjarin, yes.

10 Did you know that he, at a fairly early stage during the period of your work – that is in 2010-2011 – was doing some electrical work for Mr Dubois?  
---Yeah.

Did you have any knowledge of him being asked to pay or in fact paying a kickback to Mr Dubois?---I didn't know if he was paying a kickback at the time, no, but I had Mr Najjarin do a couple of fit-outs for me on my own personal jobs as well at the same time, so - - -

20 So when you say personal jobs, do you mean - - -?---Well, we weren't just doing job for the RTA at the time. We were also doing a couple of BP service station fit-outs. So I had Mr Najjarin do the electrical fit-outs after I met him on this job.

And just on that front, when you first spoke to Mr Dubois and got your first work in, I'm going to suggest, mid-2010 - - -?---Yep.

- - - the company, that is Complete Building Fitout, had already been operating for a couple of years?---Correct, yes.

And you're doing work for a number of other clients.---Clients, yes.

30 Were you busy by that point?---Yes. Fairly busy, yeah. Six days a week, so  
- - -

But it's the case, isn't it, that from that point in mid-2010, when you first started doing the work - - -?---Yep.

- - - gradually the RTA work squeezed out everything else you were doing?  
---Yeah, we were on the road all the time, so, and our clients weren't going to wait for us, so - - -

40 So by about 2014/2015, it had moved to the point where you were doing nothing but RMS work, correct?---Correct, yeah, too busy.

All right. Just going back, then, to whether you had knowledge of any other contractors doing work and perhaps being asked to pay or paying kickbacks. Did you know either Abdula or Gamele Nachabe?---I, I know them but I didn't know if they were paying kickbacks.

Did you know first of all that they were doing some work for Mr Dubois?  
---Not at the initial stages, but later on I did, yeah.

When you say “later on”, are you talking about through this inquiry or in the course of works?---No, ‘cause I used to have Mr Nachabe ring me up and – he didn’t get along with Alex, so, yeah.

Sorry, is that Abdula or - - -?---No, ah - - -

10 Gamele.---Gamele, yeah. Did not get along with him.

All right. Did he – putting aside any personal dislike - - -?---Didn’t know of any kickbacks he was given, no.

He didn’t say anything about - - -?---No, he never mentioned anything to me about that, so - - -

20 And then at some point did you become aware of Mr Goldberg, that is Hussein Taha, who – I take it you know he changed his name to John Goldberg?---Yep.

Did you become aware of him, through a company, doing RMS work?  
---Yes.

And did you become aware of him having been approached to pay and in fact paying kickbacks?---I didn’t know if he was – I thought he was involved with, with Alex, to be honest with you, so, ‘cause he - - -

30 THE COMMISSIONER: You thought he was involved - - -?---Oh, he had a company involved with Alex. ‘Cause they also said they purchased a couple of cafés together as well, so, so I thought they were just in business together with each other.

MR DOWNING: And when you say in business together, what form of business do you mean?---Well, they were doing the café work and then he opened up a company that also done work for the RMS.

40 So is it that you were aware that they had some business relationship in a café?---Yep.

And did you know where that café was?---One in Kirrawee and one in Bankstown, yes.

So My Caffeine Romance in Kirrawee.---Correct.

And Coffee Boss in Bankstown.---Correct.

Were you aware of a bakery as well?---Not the bakery, no.

But you knew about that and you then learnt that Mr Goldberg had a company who was doing RMS work?---Correct.

And did you wonder whether, in effect, Mr Dubois might be a silent partner in that in some way?---That's what I, I thought at occasion, yes.

Just going back to Mr Gamele Nachabe.---Yep.

10 You've – I withdraw that. You've indicated that you didn't know of him being asked to pay or paying any kickbacks, but did he ever say anything about what was behind his dislike of Mr Dubois?---Just his attitude, really.

So there was no more than that communicated by Mr Nachabe?---Yeah, that's it.

Well, if we could go back then, please, to volume 5.1. So I took you to page 4 and showed you the cheque for 73,150. If we just go back to that page, please. 5.1, page 4. Thank you. So again, just to remind you, payment of  
20 73,150 is shown as a credit into that account for MWK Developments on 22 June with a deposit at the Westfield Centre Court branch.---Yep.

And if I could take you then to page 8. And you'll see this is an ANZ record, but you'll see that it confirms the sum of 73,150 down the bottom. ---Yep.

And in terms of account numbers, you'll see the first number, the 4-5-6-9, is the account number for the MWK Developments account I just took you to. ---Yep.

30 And at the bottom you'll see there's a number 4 – sorry, 6-5-7-5.---Yep.

And do you recall that that was the account number for CBF's account that you - - -?---CBF Projects or Complete Building?

Sorry, Complete Building Fitout.---Yeah.

And I – yeah, sorry, yeah. Complete Building Fitout, not CBF Projects. ---Yes.

40 And that was an account that you'd opened with the ANZ, correct?  
---Correct, yes.

And if we then go, please, to page 11. You'll see that it confirms that that cheque, that deposit on that occasion, 22 June, was via – using a card but also it's a cheque deposit, 73,150.---Yes.



So pausing there and noting that the first deposit is made into the account on 22 June, that is literally two days after that \$198,000 payment is made by the RMS to – sorry, the RTA as it then was – into the Complete Building Fitout account.---Yep.

10 But can you recall, first of all by reference to memory and perhaps by reference just to the sums involved, whether that cheque reflected just the kickback for the Mount White job or a kickback that related to a job that had been going on for a while?---Probably Mount White and Kankool job together. I don't, I can't, I really can't give you answer on that.

Well, Kankool is a bit later, actually. I'll - - -?---Yeah, so probably just that and - - -

By that point I can just remind you, if we go back to volume 2.1, page 1. ---Was any jobs done between that?

Well - - -?---Yeah.

20 In fairness, I'll take you to it so you can see. So if you look at page 1, you'll see that, starting May 2010, there are, there's various jobs with the TIRTL installations in Bargo, Boggabilla, Albury and Gundagai.---Yep.

And there's two payments on each that have been broken up into two invoices. Then there's a Mount White comms room had been done and paid for.---Yep.

30 Then there's a job – I'm not sure of the location. Cabinet installation. ---Yep.

A small job of only \$7,588.35.---Yep.

Then some concrete rectification works, Albury and Bargo.---Albury and Bargo.

You see \$13,156. Then some work on the Mount White brake tester and then the Bell brake tester.---Yep.

40 And then if you go over the page, then we get to the two Mount White lane widening jobs, and you'll see the second of them, a bigger payment, 198,000, is 20 June. And then that is two days before that first CBF payment is paid by cheque into the MWK Developments account. So it may be it's too far back to recall.---Yeah.

But I'm just trying to get a sense whether you can even base your answer perhaps just on the amount that's involved, given that the overall price of the Mount White lane, exit lane widening job was 247,500 - - -?---Yep.

- - - whether the 73,150 likely reflected just the kickback that Mr Dubois asked for from that job, or perhaps one that went back to some of the earlier jobs, including things like - - -?---I believe it would have went back to the brake testers as well. Yep.

And you've already given evidence that you believe that there was a request for a kickback in respect of the TIRTL works at Taree and Nabiac.  
---Correct.

10 And if you go ahead to page 2. Oh, sorry, were on page 2 of it. What you will see, 1 August, 2011, is when – I withdraw that. The posting date of that invoice is 30 September, 2011.---Correct.

And then the payment is made, \$4,780, on 6 October.---4,000, I, I don't - - -

Oh, I'm sorry. I think there's a typo there. It's 54, sorry. It's my eyesight, it's not a typo. \$54,780. So the amount that had been billed was the amount that was paid?---Yep.

20 So, just bear that in mind. So that then shows that there was, in terms of dates of payments, there are some payments made in – going up higher – July and August. So there's some dates with the works involving some Marulan works, Jones Island works and Raymond Terrace works in July and August.---Yep.

And then you get to the works for the Taree/Nabiac, where the payment's made on 6 October.---Yes.

30 But can I take you then to the record of the next payment made by Complete Building Fitout. And if we go, please, to volume 5.1, page 26. You'll see it's a bank statement again for MWK for that account ending 4-5-6-9.  
---Yep.

And the next highlighted deposit is 15 August, 35,750.---Yep.

So just bear that date in mind, 15 August.---Yep.

40 And if you then go, please, to page 27. And if we just enlarge that you'll see that the ANZ record relates to that deposit, 35,750, and you'll see the first account number, 4-5-6-9, is the MWK account and the account number at the bottom, 6-5-7-5, is the account number, I'm going to suggest, from Complete Building Fitout.---Correct.

And if you then go, please, to page 29, you'll see it confirms that that was a cheque deposit on 15 August.---Yep.

So going back then, please, to volume 2.1, page 2. And bearing in mind that that's a deposit that's made on 15 August. Is it likely that that then relates

to the kickback from perhaps an aggregation of those jobs that had been paid over July and August? That is the Marulan job, the Jones Island job and the Raymond Terrace job. So that the deposits made - - -?---35,000, he made, do you reckon he, 35,000 from those jobs?

Well, I'm asking you. You have a better idea.---Yeah, I, I, look, I can't recall going that far back but, I, I can't, I can't give you a hundred per cent,

10 Did the ratio of his kickback to the overall size of the job vary quite a bit from job to job?---Yes.

So that there were some perhaps where, when you added up all your costs at the end and put your 30 per cent margin, there wasn't a lot left over?---Yes.

But others where he'd made an estimate at an early stage that was significantly high?---Correct.

20 So that when you got to the end and you did your sums and included your 30 per cent margin, there was a big leftover?---Big leftover, correct.

So that you can't just discern from comparing the cost of the jobs as billed and paid, and the cheque that you handed over necessarily, which jobs it related to?---Yeah.

THE COMMISSIONER: Mr Downing, we might take a morning tea break, I think.

MR DOWNING: Thank you, Commissioner.

30 THE COMMISSIONER: Very well. I'll adjourn.

#### **SHORT ADJOURNMENT**

**[11.34am]**

THE COMMISSIONER: Mr Downing, were there exhibits you wanted to tender? I have a list here of some documents, I don't know if you want to deal with that later, if you like.

40 MR DOWNING: Not at this point, Commissioner, I will deal with it later. Thank you.

THE COMMISSIONER: Thank you. Yes.

MR DOWNING: Thank you, Commissioner. Mr Chahine, just before the break I was taking you to some of the records in respect of payments Complete Building Fitout made to MWK.---Yes.

And I took you to two. I want to take you then to a third payment, and can I take you, please, to volume 2.1, page 26. I'm sorry, 5.1, I apologise, 5.1, page 26. Sorry, that is not the reference. Thank you. You'll see this is now another bank statement for MWK Developments, the account number ending 4-5-6-9.---Yep.

10 And you'll see that there is a deposit – no, I'm sorry, I have taken you to the wrong page, it should be 30, that's a page we've been to. If we could go to page 30. You'll see so it's MWK Developments account for 4-5-6-9, and covering the period December 2011. You'll see that there is a deposit made of \$50,000 on 28 December.---Yep.

And it shows card entry at Bankstown branch. If I could take you then, please, to page 31, and you'll see that the account number at the top, 4-5-6-9, is that MWK Developments ANZ account.---Yep.

The account number at the bottom is 6-5-7-5, which was the ANZ Complete Building Fitout account.---Yeah.

20 And it shows that the sum is \$50,000. And if you go, please, to page 35, you'll see that the ANZ record shows that it was a cheque deposit using a card on that occasion.---Yep.

And just to remind you, so that this is a payment which is made on 28 December, 2011. Can I take you back, please, to volume 2.1, page 3. You'll see that just before that on 23 December, the Kankool payment was made.---Yeah.

30 And it's \$281,050.---Yeah.

But if we go back to the page before, to page 2, please, you'll see that in recent months since the August payments that were made, you'll see that you were paid for the Taree and Nabiac job, that happened on 6 October. ---Yeah.

40 And then on 3 November there was a job that was paid involving point-to-point TIRTL installations at Port Macquarie, Woodburn and Wardell. So noting that since the last payment had been made to MWK on 15 August, that there had been payments for the Taree/Nabiac job, Port Macquarie, Woodburn and Wardell job, and then the Kankool job.---Yep.

Are you able to assist us as to whether that \$50,000 that was paid to MWK on 28 December, so just before the end of 2011, likely related just to Kankool or to perhaps - - -?---Likely related just to Kankool probably, yes.

But you do say you have a recollection that he did ask for something in respect of Nabiac/Taree.---Yes.

Well, I can indicate to you that there's no record of any other transfer to MWK between it being paid on 6 October and then this payment which is made on 28 December. Could it be that there was a cash payment in respect of that or was it always - - -?---No, it would have probably come later through - - -

Accumulating jobs.---Yeah, accumulating jobs.

10 Now, do you recall that you made payments at the request of Mr Dubois into MWK Developments for a period during 2011-2012?---Correct.

And do you also recall that at a point in mid-2012 you took steps to establish a new company, CBF Projects?---Yes.

And if we could go, please, to volume 2.1, page 36. You'll see that CBF Projects is set up, that is registered on 13 July, 2012.---Correct.

20 And then if you go over the page – or sorry, you would have recognised, I take it, the address as your address?---Yes.

And you'll see that – sorry, if you go back to the page before – I'm sorry, ahead to page 37, that you were the director and secretary.---Yes.

And you're also the shareholder.---Yes.

Now, when that change is made from Complete Building Fitout to CBF Projects, again it's you who is officially on the record the person that's the director, secretary and shareholder.---Yes.

30 But it's correct, isn't it, that as with Complete Building Fitout, it operated with you and Mr Hadid jointly controlling it?---Correct, yes. Yes.

So that you did all the work together.---Yes.

You bid for work together.---Yeah.

You both sought work.---Yes.

40 And you shared whatever money it made.---Correct, yeah. It's just 'cause Barrak had been liquidated in his previous company with his family, I don't think he could have put his name 'cause, I don't know, he was still in the process of – yeah.

Well, your evidence yesterday was, wasn't it, that with Complete Building Fitout, that when you first set it up, it was intended just to be a company for you to operate.---Correct, yes.

But shortly afterwards, Mr Hadid effectively said that he'd had some problem with his family business.---Yep.

And he was coming in with you.---That's, and just ultimately we just - - -

But is it the case that here, even though it was now a new company being set up - - -?---Yeah.

- - - you didn't create it with him as a director - - -?---Yeah.

10

- - - because there was still some concern about whether he was able to be a director?---Yes, yeah.

But as you confirmed, it operated effectively just as a replacement for Complete Building Fitout?---Yeah, we just, it was too long and it was just easy to abbreviate and to show people we're doing more projects and not just fit-out work anymore, so, yeah.

20 So at this point, that is when this is set up on 13 July 2012, is it the case that you were still at least doing some outside work from the RTA or RMS at that point?---Yes.

Although it then dwindled as you got busier and busier with Mr Dubois?---Correct. Yes.

And so you say that that setup of that company, that wasn't in any way related, on your evidence, to some concern about paying kickback cheques through Complete Building Fitout?---No.

30 And it's the case, isn't it, that in fact Complete Building Fitout actually, you're aware, made some kickback payments itself through the form of cheques to MWK?---Yes.

And just in that regard, if I could take you, please, to volume 2.1, page 65. I'm sorry, I've done it again. 5.1, page 65. And you'll see there a series of deposits there on that page. But again, it's the MWK Developments bank statement.---Correct.

40 And you'll see it's for the account ending 4-5-6-9.---Yep.

And you'll see the first one on that page, 2 October, 2012. A card entry for Sydney Airport branch of 75,900.---Yes.

And if I could take you, please, to same volume, but page 66. You'll see the ANZ record confirms that that sum, 75,900, first of all, first account number 4-5-6-9 is the account it's going into for MWK.---Yep.

And then do you recognise down below that the bottom number, 2-1-6-3, is actually the account that had been set up for CBF when it had been established?---Yes. Yep.

Again it was with ANZ, wasn't it?---Yes.

And you'd set up the account.---Yes. I would have transferred the moneys from Complete Building Fitout to the new account, and then there was probably money there left for - - -

10

It's the case, isn't it, that - sorry, finish, finish - - -?---Yeah, for Dubois' kickbacks, so we paid into it.

It's the case, isn't it, though, that once CBF had been set up, you stopped doing RMS work through Complete Building Fitout?---Correct.

But it wasn't actually deregistered until the following year. Was there some reason?---We just let it lapse out. Instead of deregister, just let ASIC deregister it on its own, yeah.

20

Can I take you then, please, to page 69. And you'll see it's the ANZ record confirming that it was a cheque for 75,900 that was deposited via swipe card on 2 October.---Yep.

And if we go to the next page, you'll see the actual cheque is available in this instance, so a cheque drawn on the CBF account.---Yep.

26 September, 2012.---Yep.

30 For 75,900.---Yep.

And do you recognise that as your signature?---Yep.

And you'll see that the account number in the cheque, you'll see, ends in 2-1-6-3.---Where was this deposited at, if you don't mind me asking?

Well, if we go back, please, to page 65, so it's drawn 26 September, but it's deposited, go to the top of the page, please, 2 October at the Sydney Airport branch.---Yeah, okay. Oh, just the initial on the top, so yeah.

40

But in any event, you gave that cheque to Mr Dubois and it reflected the kickback that he sought at that point.---Correct, yes.

By reference to the work that you'd been doing by then through CBF. ---Correct, yes.

Now, just pausing there, you'll see that there are a number of Visa debit card entries on the page using a card number 8-0-2-4.---Yeah, yeah.

You'll see for instance just under the entry of your deposit, there's some debits there of payments at Porsche Centre Parramatta.---Yeah.

Now, did you ever become aware that Mr Dubois had a debit card on the MWK Developments account?---On the MW, no.

So not your account, but the MWK Developments account.---No.

10 In any event, can I take you then, please, to same volume, page 65 again, while we're still there, and you'll see there is then a deposit of 121,000 on 10 October.---Yep.

And if I could take you then, please, to page 72, and you'll see that the record indicates that – so into 4-5-6-9, that is the first account number, a deposit of \$121,000.---Yep.

20 But you'll see at the bottom that sum is made up in two parts. There's one part which is \$77,000 with an account number 5-6-5-4.---Yep.

And then the last sum is \$44,000 with an account number 2-1-6-3.---Yeah.

And you'll recall from the cheque I just took you to, 2-1-6-3 is the CBF account.---Correct.

If we could then go, please, to page 74. And you'll see that the ANZ record indicates a cheque deposit on that date, 10 October, 2012, of \$121,000.---Yeah.

30 And then if we could go, please, to page 78. And you'll see it's an MWK Developments cheque drawn 9 October, 2012, dated - I'm sorry, dated 9 October, 2012, in the sum of \$44,000.---Yeah.

And I take it you recognise that it's signed by you?---Correct.

40 And just so that you understand how then the 121,000 is arrived at, can we go back, please, to page 77. And you'll see that on 9 October, 2012, there is a separate cheque drawn not by CBF, but by TTS Group Investments for \$77,000, so when you add them together you get the sum that was deposited that day.---Okay.

Now, I haven't taken you to all of the deposits, but you recall, don't you, that between June 2011 and October 2012, you gave a number of cheques to Mr Dubois when he asked for them in the name of MWK Developments? ---Correct.



Do you recall though that there was some discussion in mid to late 2012 about, that is with Mr Dubois, about him wanting the moneys to be paid differently?---Mid 2012?

Mid to late 2012.---Mid to late 2012. There was no discussion, I don't remember the discussion, no, but - - -

10 Did he ever – I'm going to suggest to you that after October 2012, payments were made in some different form, but do you recall Mr Dubois speaking to you about how he wanted the payments to be made?---Not to my knowledge, no. I don't recall, no.

Do you ever recall a meeting that Mr Goldberg was present at, where there was some discussion about the way payments might be made or something to do with one of your companies?---Ah, yeah, I remember it was a evening we were called up to go. He wanted to see us in the evening once.

20 Is that Mr Dubois?---Mr Dubois. We didn't know what it was, but that was the first time I met Mr Goldberg.

So you were asked to come to a meeting. Where was the meeting held?  
---At Mr Dubois' premises.

And so did you and Mr Hadid go together?---Yes, he picked me up and we went together, yes.

So you go to Mr Dubois's residence and then who's there when you get there?---Mr Dubois, Mr Goldberg and Harry, Mr Alameddine.

30 And I take it by then you knew Mr Alameddine from the work?---Yes.

But is it the case you had never met Mr Goldberg before?---Correct.

Do you recall what name he was going by at the time?---I think it was Huss or something.

Did you understand that his name, at least at one point, was Hussein Taha?  
---Well, at the point, no. I just knew him as Huss, yeah.

40 Did you know at that point, or perhaps at some other time, that he was the brother of Towfik Taha?---I, I was told at some point he was the brother of Towfik Taha, yes.

Now, having been asked to go to Mr Dubois's house, you've described who was present. Can you recall what then occurred?---It was basically, "Give me control of Complete Building Fitouts" - - -

Just pause for me. Who is talking in the way you're describing at the moment?---Well, Alex said that Humphrey wanted to say something or - - -

And just pause there. Who is Humphrey?---Well, this Huss or Goldberg or, whatever the name you might call him.

Was that a nickname that he was known by?---Whatever you want to know him by, Mr Goldberg. I don't know. He wanted to say something and he started talking about he wanted to liquidate the companies to remove traces of Alex's involvement in these companies.

Did he indicate which companies he wanted to have liquidated?---Well, he wanted to liquidate one of my, my – my first company, which was Complete Building Fitouts.

And Mr Alameddine was there as well?---Correct.

Did he address that to him as well?---Yeah, well, it was like they've already spoken about it before we'd got there, me and Barrak. Like, we got there, like, late. This was like 9.30/10.00pm in the evening.

And Mr Goldberg, Mr Dubois and Mr Alameddine were already there?  
---Correct.

So, he indicates that he wants to liquidate Complete Building Fitout?---Yep. And he wanted the fee.

Did he explain why he wanted to liquidate Complete Building Fitout?---To remove any traces of Alex's and their names.

And by that point, you had been making some payments to MWK?  
---Correct, yes.

Did you wonder why, though, that it needed to be liquidated, given that it was through MWK? Did Mr Goldberg explain anything about that?---It had something to do with a link with his brother. So, yeah.

Did he explain what that link was?---Payments going through the account. So, by that time I had learnt that Towfik was the account holder of MWK. So, yeah.

Did you learn at that meeting or before then?---No, at that meeting.

So, is it Mr Goldberg said something about the fact that his brother actually was the person that had opened the accounts for MWK?---Yes.

And was that the first time you'd learnt that Towfik was actually the person behind the MWK account?---Yes, yes.

And presumably the company?---Correct.

So, he says he wants to liquidate your company, Complete Building Fitout.  
---Yep.

So that there's no evidence of payments being made that could be traced back through his brother and then to Mr Dubois?---Correct. Yes, yes.

10 And then you say he wanted a fee. Did he specify what his fee was?  
---Yeah, about 40,000. I remember that night clearly.

Did you and Mr Hadid ask to speak privately or did you just talk amongst yourselves?---We just told him, "Mate, we'll take care of it ourselves," and we left. And we basically just said, "Mate, it's a rip, he's trying to rip us."

Was that the conclusion you drew at the time?---Yeah, that's it. He was trying to rip us off basically, yeah.

20 You said he told him at the time that you would take care of it yourself?  
---Yep.

Did either he or Alex then say anything further about it, that - - -?---Oh, the, we felt a lot of pressure, you should do it and whatnot, but we just, just went, turned a blind eye to it, just didn't want to have a bar of it.

As best you can recall, was this at a time when you had already established CBF Projects?---Yes. I'm pretty sure, yes.

30 So this was a point in time when Complete Building Fitout still existed but was no longer doing the work?---Correct.

So, from your point of view, letting it lapse wasn't a particularly difficult thing to do.---No. I just let it lapse. I wasn't hiding nothing, so, there's, there's no way you can remove traces.

And did Mr Goldberg say anything more to explain how he was going to remove traces, whether something was going to happen to make that occur?  
---He said he was going to liquidate it and that he knew someone. So, yeah.

40 Like, we're very street educated guys, so we, me and Barrak are not stupid when it comes to stuff like that. It's obviously, yeah, it's just, we found it, we just found it a rip. He wanted to just rip us off in some way.

Did Mr Alameddine say anything about what he was proposing to do during the course of the meeting?---I'm pretty sure he went through it.

Did he say that's something at the time that he would let Mr Goldberg take -  
- -?---Oh, he, he complained to us at one stage about him having to pay it,  
and Alex forcing him to pay it, basically, yeah.

Did Alex say anything during the meeting, though, when you and Mr Hadid  
expressed some reluctance to go along with what Mr Goldberg was  
suggesting? Did Mr Dubois make any comment about what he wanted you  
to do?---Oh he was, they were just pretty adamant that we should do it, and,  
but, yeah, I just, I wasn't having a bar of it.

10

So after that meeting, you're now aware that Mr Taha – that is Towfik Taha  
– had some involvement with - - -?---Yes, correct.

- - - with MWK?---Yeah.

And you're also aware that he's doing work at the time for the RMS?---Yep.

Did you know what company he was doing the work through?---That TTS.

20

And had you learnt that by this point, this meeting?---No, I knew TTS  
before I was doing the work, but I didn't know, I learned that he was also in  
charge of MWK at this meeting, so, yeah.

Was anything said at the meeting about the fact that MWK had actually  
become a contractor for the RMS itself, separate to its role in receiving  
money?---No. No.

So you never learnt that?---No.

30

You then, I take it, continue doing the work through CBF?---Correct.

That is you and Mr Hadid.---Correct.

Do you recall, though, at some point in 2013, Mr Dubois asks you about  
making payments into some other entity?---Yeah. Yes.

Do you remember what it was?---Another company that he had partnered up  
with that Mr Goldberg.

40

Do you recall the name now?---Wilsons or something, Wilkins.

Wilkins Corp?---Correct, yep.

And was it literally, did Mr Dubois explain to you why it was he wanted it  
paid that way or what Wilkins Corp was?---He just thought he was under  
the impression that Mr Humphrey has got someone on the inside and he can  
take care of all the paperwork and leave no trails and whatnot, so, yeah.

Is that something he said to you at the time?---Yeah.

So did he say, “From now on I want you to make the payments no longer to MWK. From now on it’s going to be to Wilkins Corp”?---Correct.

“So give me cheques in that company’s name.”---Yes.

And he said something to you about the fact that Humphrey has some contact, you say on the inside?---Yes. Correct.

10

Did he say on the inside of where?---No, yeah, just contact somewhere, so - -

So that he wanted, from that point, payments to be made to Wilkins Corp. ---Yep.

And that Mr Goldberg was going to have some role in - - -?---Moving the funds to Alex, so it’s not contactable, traceable.

20

So by this point you’d learnt that for a period the funds had been paid into MWK.---Correct.

Which you learnt at that meeting Mr Towfik Taha had seem to have set up the bank account.---Yep. Correct.

And then you had this further conversation with Mr Dubois, I’m going to suggest, in mid-2013.---Yep.

30

So the year after Wilkins Corp – I withdraw that. The year after MWK ceases to be used for payments.---Yep.

And he then says that from now on the payments are to go into Wilkins Corp.---Yep.

And you understand that Towfik Taha’s brother, Hussein Taha or John Goldberg - - -?---Correct.

- - - seems to be involved in Wilkins Corp.---Correct.

40

And did you then continue to make payments as requested so that cheques were drawn from CBF in the name of Wilkins Corp?---Correct, yes.

And that was over, I’m going to suggest, a period of about 2013 or, sorry, May to July 2013?---Correct.

And they were fairly substantial sums, weren’t they?---Yeah, he was charging us GST this time.

Right. So you were paying GST on your kickbacks?---Correct.

Did he ask for a tax invoice?---No, I was asking for tax invoices, so he was charging us GST on the kickbacks.

Right, okay.---Which I found just as a more money grab from him, so, yeah.

10 Notwithstanding I take it you being unhappy about that, you continued to make the payments, though?---I continued, yeah. It was the only form of work we had at the time. We've lost all our clients previously. We were pretty much stuck (not transcribable)

So had you then, by mid-2013, then really reached the point so that over three years you'd gone from the RTA initially being a small client and you doing work for mainly other people - - -?---Yep.

- - - to the RTA or now the RMS being your only client?---Correct. We were just on the road 24/7.

20 But you were also, it's fair to say, isn't it, that through the volume of work and your normal margin of 30 per cent, you were earning reasonable money through the work?---Correct, yes.

Now, do you recall then at a point I'm going to suggest in 2015, taking steps to establish – or actually, no, I withdraw that. I'll go back a step. Do you recall that also in late 2012 you established another company, but not a contractor company?---Correct.

30 And do you remember what that project – sorry, I might have given it away - - -?---Euro Projects.

Euro Projects was set up.---Correct.

And can I take you, please, to volume 3.1, page 5. 3.1 page 5. This time it was the right number.---May I explain the reason for opening this or, this company?

40 Let me just show you the, just to give you the time frame, let me just show you that first. So you'll see this is a search for Euro Projects. It's registered 23 November, 2012.---Yeah.

And you'll see the registered office and principal place of business is your address.---Correct.

If you go over the page, you'll see from the record that initially, that is from November 2012 to December 2014, you were the director.---Yeah.

And then Mr Hadid takes over on 2 December, 2014.---Correct.

And that was the same in terms of who was secretary.---Yes.

It went from you to Mr Hadid.---Correct.

And with the shares, you'll see it was just a \$1 company on the bottom of the page.---Yeah.

10 And over the page, that you were the shareholder initially then Mr Hadid took over.---Correct.

Now, you wanted to say something as to why it was set up. Why was Euro Projects set up?---We set up Euro Projects to start construction on our houses so we could separate the cost from the actual company, so that didn't interfere with our tax for the company. And also we were going to use Euro Projects because people found the abbreviation for CBF Projects rude.

20 All right.---I don't know if you want me to say the abbreviation, but they found it rude, so we thought we'll start using Euro Projects later on down the track, but then eventually it got just taken over.

So you say it's set up, as I've shown you on the record, November 2012. ---Yeah.

And do you say that the intention was that you're running CBF as the business in effect?---Yeah.

30 And the intention was to transfer money from CBF into Euro Projects which you could then use for - - -?---Construction.

- - - works on your own houses.---On our own houses and start building and construction.

Do you mean, well, for who?---For ourselves.

All right. But it's the case, isn't it though, that notwithstanding being started in November 2012, I'm going to suggest that by April, 2013 it's being used as a vehicle for kickbacks to be paid to Mr Dubois.---Correct.

40 And how did that come about, how did the change occur?---He had a fallout with Mr Goldberg I think, so he had no other way of receiving his kickbacks, I think.

Are you sure – I withdraw that. So you say that in terms of time, do you say that the payments were made into Wilkins Corp for a period, and then as a result of a falling out you start using Euro Projects?---Correct, I'm pretty sure.

And do you recall what the fallout was about?---Something over cafés or not receive moneys from – he basically got ripped, I think that’s it.

Sorry, who got ripped by who?---Alex got ripped I think.

So did he tell you that there was some issue about the café businesses that he and Mr Goldberg were operating?---Correct, yes.

10 And he asks you then to use some other company so that instead of the money being paid into Wilkins Corp, he wants it to be paid into some other non-contractor company?---Correct. And he ended up using Euro.

Did he ask you if you had another company he could use?---Yeah, well, he knew about Euro, yeah.

20 How did he know about Euro Projects?---I don’t know, it just got mentioned or brought up during a conversation between the three of us, so – because we were talking about changing from CBF Projects to starting to use Euro because of the abbreviation.

So, there’s a period where he’s asking you to give him cheques drawn in favour of Wilkins Corp, Mr Goldberg’s company?---Correct, yeah.

Then he reports to you, on your recollection of events, that there’s been some falling out with Mr Goldberg?---Yes.

And he then says, “I want to use your company”?---Correct.

30 And you then, in effect, volunteer Euro Projects to fulfil that role?  
---Correct.

And just in that regard, can I take you, please, to the slides and to slide number 13? And you recall, don’t you, that there was also a bank account opened for Euro Projects?---Yes.

And it was an ANZ account?---Correct.

And you’d opened that?---Yes.

40 Sorry, if you just give us one moment. So, you’ll see, this is a slide from the opening, but it indicates that the RMS makes payments into CBF Projects, although that sum that you’ll see in the slide, \$13,341,176.20, involved both Complete Building Fitout and CBF Projects.---Correct.

But I’m going to suggest that the records demonstrate that CBF Projects then makes payments in to the Euro Projects ANZ account, totalling 1,458,109.66.---Yep.



And as far as that money then, do you recall how it was then channelled to Mr Dubois?---Oh, I don't, I think at one stage I had given him a debit card because I refused to go into the bank and pull out cash. So I gave him a debit card.

Just on that front, can we go then, please, to slide number 14? And you'll see that the records indicate that there were EFTPOS cash withdrawals and also purchases.---Yep.

- 10 So, do you recall that perhaps you had two cards, that you gave him two different cards, that is debit cards, on that account?---Two cards?

On the ANZ account for - - -?---Was there two cards?

Both numbers 9-0-4-5 and 5-0-4-0.---(No Audible Reply)

Just pausing there. Thinking about Euro Projects, you weren't using that as your personal bank account, were you?---No.

- 20 So that where it came to paying day-to-day expenses, like restaurants or travel, you weren't using it?---No, I wasn't going nowhere near it, no.

So that any cash withdrawals that were being made from that account would have been by Alex, I suggest?---Correct.

Because you weren't operating it?---Yes.

And nor was Mr Hadid?---Correct.

- 30 And that with EFTPOS purchases, you'll see – sorry. Let me go back. With the cash withdrawals, you'll see that the sum total shown by the bank records is \$177,042.---Yes.

Were you even seeing bank statements for Euro Projects or - - -?---At one stage I did and I just shook my head. So, it was just like nearly every day he was – because I, he made me up the, the EFTPOS amount for cash withdrawals at the ATM.

- 40 The daily limit?---I think it was, like, 2,000 you can go up to and then you can see he was just taking out 1,900, 1,900, 1,900. Yeah.

And so did he have you increase it to something higher?---He made me increase so that he can take out, instead of him going into the bank, he could just withdraw it from an ATM.

And you'll see that the records suggest that there were purchases on those cards of \$28,261.43.---Yep.

And it's the case that you weren't making purchases on the account for Euro Projects?---No, no.

And nor was Mr Hadid?---No.

So again, I take it you would see from the statements that there were substantial EFTPOS purchases being made as well as cash withdrawals?  
---Correct.

10 Did you make anything attempt to at least tally up how much he was taking out with his cut for the various jobs?---Like, the money in there was his. That's - - -

Right, and so at the end of the day - - -?---At that point there was no attempt.

- - - did you take the attitude that it wasn't worth trying to keep a record of it?---Yeah, just, yeah. That's it.

20 Do you recall also that there were funds used from that account to buy, for the first time, the Porsche 997 GT2?---I don't recall me purchasing it. Maybe that was - I don't recall Euro paying for it. I remember Euro putting it in its name, registering it in it, in its name. That's about it, not - - -

When it came to the cars, was that something that Mr Hadid tended to deal with with Mr Dubois?---Yep.

Or did you also get involved with it?---More Hadid, Mr Hadid, yeah.

30 And just going back to the cash withdrawals.---Yep.

Did something happen with Euro Projects and the bank, where you had some contact with the bank about the money being taken out?---Correct, yes.

And do you recall you were the person that was a signatory and the person that opened the account.---Yep.

40 Were you contacted by ANZ?---I was sent a letter by ANZ, yes.

And what did the letter say?---It said to their discretion that they'll be closing down the Euro Projects bank account. That's it. That's all that was said.

Did they explain why?---No. To their discretion they closed it, that's it.

So did you then have to get the money out and - - -?---And I contacted the bank and said they can't (not transcribable) we can't explain to you any

further. We'll be sending a cheque, the remainder of the balance, and that's it.

And what did you do with the cheque once you got it?---I didn't get a cheque. I, the, the account were linked, CBF and Euro, there was, 'cause it's on the same app, you can just swap, so I just got the money transferred back.

Into the CBF account.---Yes, correct.

10

Although, because the money in there was actually Mr Dubois' - - -?---Yes.

- - - did it then go somewhere else?---Yeah, I don't know how he got rid of it after that, so, yeah.

Well, just on that front, if we go back, please, to slide 14, you'll see from the chart there that the record suggests that separate to the payment through Euro Projects for the Porsche 997 GT2 - - -?---Yes.

20

- - - from Euro Projects, that is - - -?---Yep.

- - - that there was a direct payment from CBF Projects to Dutton's in Melbourne for a different Porsche, for a Porsche 993 RS.---What date was this on?

I'll need to check that for you.---So was it like a cheque or a transfer?

I suspect that was a cheque that was drawn but we can confirm that. But do you recall ever being asked to make a payment from CBF Projects?---No.

30

Or perhaps Mr Dubois saying, well, the money that's gone from Euro Projects to CBF, I want it to be spent in this way?---No, I just don't remember giving a cheque from CBF to Dutton's.

Did you ever go down to Dutton's in Melbourne?---On one occasion, yes.

And do you recall what that was for?---For me to purchase a car.

So not for Mr Dubois?---No.

40

All right, okay. Now - - -?---It was a Japanese car, not the Europeans. I don't like that.

Was that a GTR?---Yes, correct.

A Nissan GTR?---Yes.

Right, thank you.---Which I didn't end up purchasing, so, yeah.

You did?---I didn't.

All right, okay. All right, so for a period Euro Projects is used as the vehicle – I'm sorry to confuse the terms, given that we're talking about cars a lot.  
---Kickbacks.

For kickbacks.---Yep.

10 Then you're told that the account is to be shut down.---Correct.

And then do you recall what then happened after that?---Just blurry moments there. I don't, I really don't recall, no.

All right, well, let me go back in time a bit. Do you recall that after operating purely through Complete Building Fitout for a period and then CBF for a period - - -?---Yep.

- - - you then set up some other companies that became contractors?  
20 ---Correct, yes.

And I want to suggest - - -?---On their request.

- - - the first in time was Euro Civil.---Correct.

And if we go, please, to volume 3.1, page 14. You'll see that Euro Civil is registered 24 March, 2015.---Correct.

30 And if we go over the page, you'll see that the directors or director and secretary are Mr Hadid.---Yes.

And he's also the shareholder.---Correct.

Now, is it the case though that notwithstanding it being set up by Mr Hadid, it operated where both you and he ran the company?---Correct.

In the same way that Complete Building Fitout and CBF had been.  
---Correct.

40 Do you have some recollection that by this time that whatever problem that Mr Hadid had in terms of whether he could be a company director seem to have resolved or - - -?---Resolved, yes.

- - - passed through time?---Correct, yes.

Was the desire then to have in effect one company doing the work that's under your name, if anyone looked, and one that's under his name, if anyone looked?---On their request, yes.

Now, whose idea was it that this second contractor company would be set up?---Craig and Alex's.

Now, do you recall – I withdraw that. That's the first time that you've mentioned Craig. I take it you're referring to Craig Steyn?---Correct.

Just assist me with that, please. When do you recall first meeting Craig in the course of the works that you were doing with the RTA and RMS?

10 ---When he was doing his pool house.

All right. I'm going to suggest that - - -?---I don't know what year that was, but yeah.

Well, the records indicate that the approval for that was obtained in 2013. ---Yeah.

20 So again, accepting that it seems your work through Complete Building Fitout seems to start in 2010. Does that accord that it would be about three years down the track?---Correct.

And how did you first come to meet him?---Oh, it would have been a job we were doing at either Urunga or Valla in New South Wales, so - - -

And do you remember what sort of - - -?---It was doing some venting works around generators, containers.

30 And was Mr Steyn present on the job?---Correct, he was a project manager on the job, yes.

Was Mr Dubois also present?---He was present, towards the end of the job he came, yeah.

And did you introduce yourselves to Mr Steyn, did he introduce himself to you or was it Mr Dubois that introduced you?---Oh, just, yeah, just being on the job, we done a toolbox talk and he, yeah, so - - -

And you understood that this was his job?---Yes.

40 And, all right. But I take it it's a job that you had obtained though through Mr Dubois?---Correct, yes.

The reason that you were there was that you'd been asked to quote and put in a quote to Mr Dubois.---Correct.

All right. So you meet Mr Steyn. Did you understand through talking to him that he had a particular role at the RMS?---Yes.

And what did you understand it to be?---Same role as, pretty much as Alex.

Is that - - -?---Project manager.

Looking after projects.---Yes.

Did you have any discussion with him then about you doing work for him in his areas of responsibility?---No.

10 Well, you meet him then, he seems to be involved in that job.---Yeah.

Does Mr Dubois then tell you anything about him?---No, not really, no.

Well, then you say you learn something about him having works done to his pool.---Yeah, well, he was looking for contractors to do work on his house and he recommended that he use us.

Sorry?---Dubois recommended that he use us, so we went and looked at it for him basically, yes, and provided him with contractors and whatnot.

20

But sorry, look at it for the purpose of you doing work or paying for work? ---Well, we were initially going there to do work to get paid for and then it just somehow ended up being funds getting through the RMS.

So do you say that when you first – I withdraw that. Do you say Mr Dubois tells you that Mr Steyn is having some work done to his house?---Correct.

And what, asks you to go and see him about something?---Well, go there and quote the works, yes.

30

And do you remember what works – I withdraw that. You go to the house in [REDACTED].---Yeah.

And what was the state of it at the time, what was - - -?---Just a grass, land, nothing, yeah.

And do you recall did you meet and talk to Mr Steyn?---Correct, yes.

And did he indicate what he wanted done?---Yes.

40

And what was it?---It was a pool house and a in-ground pool.

And did he indicate what type of work that he wanted done?---Yeah, well, he just said if we knew any contractors or who he can use or, yeah. So we helped him with that.

Helped him in what way?---Gave him our contractors.

And do you remember which contractors?---Carpenters, would have been our carpenter, Dave, my pool guy, Johnnie, and my excavator at the time I think would have been Who Excavations.

Sorry?---My excavator.

Was who?---Who Excavations.

10 Right. And so you in effect put him in contact with those people to do the work?---Correct.

Do you know whether those people were paid?---Yeah, they were paid, yes.

But by who?---I don't, I don't remember if I paid them or it was him who paid them. I can't recall that, sorry.

20 But at some point, do you get approached not just to provide recommendations for contractors but to actually – that is you and Mr Hadid – to pay for things?---Correct.

And how did that come about?---Through Alex.

So again, as best you can, I know it's some years ago, but recount to me, what does he say to you?---Oh, just, "How much was it?" And, and he will make allowance for it later. So we were in credit.

30 Sorry, just explain that a bit. So, work is - - -?---So we done the work and we paid the contractors or bought materials. If we, you know, just say a figure of 15 or 20,000 - - -

But are you talking about work for Mr Steyn?---Correct, yes.

But does Mr Dubois say to you that in the past – I withdraw that. In the past he's asked you to go and see Mr Steyn about organising for people to do work and you say you put him in touch with carpenters and excavators et cetera?---Correct, yes.

40 But is it now a discussion where Mr Dubois comes to you and says, "Craig needs" – I'm just going to use an example – "some bricks," or "Craig needs some paving done"?---Correct.

And does he ask you to organise for the person to do it?---Yes.

Does he say anything to you though about who's to pay for it?---Well, not really, not at the time. We, we paid for it initially and then we realised we were getting the funds back through the RMS.

And how did you come to realise that?---Because he would make allowances for it in the jobs.

Who would?---Alex.

So that it's work in Mr Steyn's house?---Yep.

You pay for – well first, you organise for contractors that can do particular things?---Correct.

10

Does he sometimes give you bills, for example, in respect of bricks or something?---No. He never gave us bills, he never – we literally, Alex didn't like us talking to Craig directly. So anything that happened had to go through Alex.

So, for example, with respect to bricks, how does it come about that you end up paying for bricks?---It's a conversation that probably Alex and Barrak had, so yeah. I wasn't involved in a lot of the discussions, yeah.

20

But do you say you had a conversation where Alex says that in effect whatever you're paying for with respect to Mr Steyn's house you can make up for through projects that you're doing to do?---Correct.

And did you ever keep some record of how much was being paid for things related to Mr Steyn's house?---Not really. We just, by what we paid, it just shows on the bank statement. So we just say, there's really no records. It was just on the bank statements.

30

And then having done that work, do you see Mr Steyn at jobs from time to time, that is RMS work?---Yes, correct.

And were you sometimes working on projects where they were actually jobs you understood he was responsible for?---Correct, yes.

Did he ever speak to you directly about the things that you were paying for him?---No.

Was it always Alex that you spoke about that?---Correct.

40

Now, just to go back, please, for a moment. I suggested to you before that there were some direct payments made by Euro Projects – sorry, I withdraw that – CBF Projects for a car.---Yeah.

Can I take you, please, to volume 20.3, page 26? And you'll see this is a bank account for CBF Projects, so the account ending in 2-1-6-3.---Yep.



And do you see on that statement, on 28 October, there's a number of different transactions but one of them is a card entry at the Revesby branch for \$76,370?---Yes.

Can I take you, please, to page 27? And you'll see that on that same day, ANZ draws a bank cheque for Dutton Garage in exactly that sum, \$76,360. Sorry, it looks like there's a \$10 for the bank cheque being drawn.---Yep.

10 If you go back to the transaction, sorry, the statement at page 26, the debit was 76,370 but the cheque itself is 76,360.---Is this through which company?

This is through CBF Projects. You'll see, if you go back to the statement. ---Yep.

So this is the account, there was an ANZ account that had been set up for Complete Building Fitout.---Yep.

20 And then when it ceases to operate and CBF Projects takes over, this is the account that you'd set up, correct? The ANZ account 2-1-6-3 is the account number?---3, yep, correct.

So on 28 October, 2016, there's a card entry so that there's a withdrawal of 76,370.---Yes.

And you'll see, when you go to the cheque, the very same day an ANZ bank cheque is drawn for 76,360. So just \$10 less.---I had access to CBF Projects. I don't recall getting this cheque.

30 But you were the person that - - -?---Yeah, I was the signatory, so, I just don't recall doing this, yeah.

But that doesn't assist at all, knowing now that it was October 2016? ---Yeah, but why would I go to Revesby? I was living in Campbelltown. It doesn't make sense.

40 Well, I can't explain that, but can you think of any other reason why someone would have been drawing funds out and getting a bank cheque for Dutton's Garage at the time, other than to pay for a car for Mr Dubois? ---Oh, just, do they know who's the, withdrew the cheque or no?

Well, it looks like it was a branch transaction, probably with a withdrawal of cash and then immediately having a bank cheque drawn. Well, can I ask this, did Mr Dubois ever have access to the - - -?---No.

- - - the card for CBF Projects?---No.

So it really was you who had access - - -?---It had to be me but I just don't remember doing, doing that.

As far as a car is concerned, can I take you, please, back to the slide. Slide 62. That's the actual car. Now, I know you said that you've never gone down with Mr Dubois to obtain cars, but you'll see, according to the records, that's paid in part from a cheque from CBF Projects of 76,360 and also a cheque from Euro Civil of 255,500.---Okay.

- 10 So in this instance the records indicate that the payments came directly from contractor companies, rather than through non-contractor companies. ---Yeah, I understand, but we didn't know what we were purchasing. It was just put his money here, and what he purchased with it, he purchased, so, yeah.

Well, when it came to cars, is the way that it would typically work is Mr Dubois would just tell you he'd identified a car?---No, just put his money there, that's it.

- 20 But there are instances, weren't there, where Euro Projects, and I'm going to suggest later Built Engineering, paid for particular cars for him?---On one occasion, yes.

Sorry, one occasion - - -?---Euro Projects on one occasion, yes.

But then Built Engineering on a number of occasions, correct?---Correct.

- 30 And when that happened, is it the case that what would normally happen was that he would just tell you he wanted a cheque drawn in favour of a particular owner or a dealer?---No. For Euro Projects?

Right, tell us.---I wasn't a part of those transactions, so couldn't tell you.

And with this car, that seems to have been purchased through CBF Projects and Euro Civil.---Yeah, but we don't know what he purchased with this, with the kickbacks, so yeah.

- 40 But would he nominate who he wanted the cheque drawn in front of, drawn for, and then simply just asked for a sum of money? Or were you not part of these discussions?---We're not part of these discussions, no.

Was this typically between Mr Hadid and Mr Dubois?---Correct.

Now, having set up Euro Civil in March 2015, do you recall then a further contractor company was set up?---Yes, which I was against.

Well, first of all, can I take you to the record. So volume 3.1, page 33. ---Yes.

And do you see it's the search for Ozcorp Civil?---Yep.

That's the contractor company that is the third that was used by you and Mr Hadid.---Correct.

And you'll see it was registered on 8 September – I withdraw that – 21 August, 2015.---Yeah.

10 So about five months after Euro Civil had been set up.---Correct.

Now, and sorry, before we go to background to it, if you go to the next page you'll see that the director and secretary were Ms Tui.---Correct.

Which is Mr Hadid's partner.---Correct.

And with the shareholding, if you go right to the bottom of the page and then over, you'll see that Ms Tui also owned the shares.---Correct.

20 Now, do you recall how it was that this company came to be established?  
---Just they wanted to have three companies so that can do the dummy quotes as well.

Who's they?---Craig and Alex.

Now, when it came to the discussion with both, with respect to both Euro Civil and Ozcorp, you've referred to both Mr Dubois and Mr Steyn.---Yeah.  
The reason - - -

30 Was there some discussion - - -?---The reason, the discussion was that - - -

Well, first of all, who was present for the discussion?---It was just Alex.  
We didn't really speak to Craig about these things, so he didn't like us speaking to Craig at all, so - - -

But what did, first of all thinking about the discussion when Euro Civil was set up, what did Mr Steyn, sorry, what did Mr Dubois say?---Well, it was mentioned by Mr Steyn as well, so, that in the RMS they've got a board with contractors and the amount they earn each financial year, and then, you  
40 know, he goes, "You can see that CBF's getting \$1 million worth of work," compared to the other companies it looks like they were favouring the one company, so to open up the other two companies to spread the amount of work so it didn't draw any attention.

Well, the records indicate that in 2015, two new companies are set up.  
---Correct.

So up to that point it had just been the one.---Yes.

It had been either Complete Building Fitout or CBF.---Correct.

Then in March, Euro Civil opens.---Yes.

And in August 2015, Ozcorp Civil opens.---Yes.

10 Do you recall was there a discussion early 2015 about opening two or at that point was there only a discussion about opening one more?---There was no discussion, is was just do this and then do this.

I'm trying to understand who was present for the discussion, because you've referred both to Mr Dubois and to Mr Steyn saying something about this. ---Mr Dubois will refer to saying that Mr Steyn says that we should do this, or he recommends that we should do it like this, and the reasons being was that, so - - -

20 But is there just one discussion in early 2015 that leads to the two companies being set up, or is there a discussion with Mr Dubois, you set up Euro Civil, then a further discussion and you set up Ozcorp Civil?---Correct, yes.

The latter? So he first of all speaks to you in 2015 about opening up the second company?---Correct, yes.

And that becomes Euro Civil.---Correct.

30 And then having done that, he then speaks to you again in the same year and says you now need a third company.---Correct.

And that becomes Ozcorp Civil.---Correct.

And on each occasion was it a discussion only with Mr Dubois?---Yes.

Well, Mr Dubois, you and Mr Hadid?---Correct.

But do you say that during those two separate discussions he indicated that it was something that he wanted?---Yes.

40 But also something that Mr Steyn wanted?---Correct.

And did he explain that that's because there is this board or list that's been kept by the RMS so that they can monitor how much work any individual company is doing?---Correct.

And the concern that he expressed, said to be both his and Mr Steyn's, was that if you've only got the one company and there's so much work going, it

might bring attention to it.---No, it's just that they will look like they were favouring the one company because - - -

Of how much work it's getting.---Of how much volume of work it was getting, correct.

So in effect he says you need a second company so that the work can go - - - ?---Spread the load.

10 - - - between the two without making it look like anyone is being favoured.  
---Correct.

And then there's a further conversation later that year where he says there needs to be a third.---Correct. I don't know why there needed to be a third. I don't know if he was having issues with Mr Alameddine at the time and Mr Steyn, so yeah, just he wanted a third company after that too, so he can, yeah.

20 Was there any discussion at the times he talks to you, that is Mr Dubois talks to you about opening a second and then a third, about the fact that there was going to be more work coming the way of you and Mr Hadid?  
---It wasn't about the more work, it was about just spreading the load. It wasn't for more work, it was just to spread the amounts so it doesn't look like CBF's being favoured.

So, by the time of Euro Civil having been set up, you've got CBF, which is under your name, and you've got Euro Civil, which is under Mr Hadid's name.---Correct.

30 Was there a discussion then when Ozcorp Civil was set up about having to come up with someone else?---Yeah. That's what I would have thought, yeah. But, yeah.

Well, you indicated you were against it.---Yeah, way against it, yes.

40 Well, did Mr Dubois say that, "We need to come up with someone else," because in effect if either you or Mr Hadid were down as the person as the director, secretary and shareholder in Ozcorp Civil, then whatever you're trying to do to demonstrate that there's three separate companies is going to be made obvious?---Correct, yes.

That, in fact, there was one person or perhaps you could both be - - -?---We were only two guys. How were we going to run three companies?

So did he ask for you to come up with not only another company but also that some separate to be the office holder of that company?---Correct.

And who was it that nominated Ms Tui?---Barrak.

Now, you knew Ms Tui was his partner?---Correct.

And you say you went off?---Yes.

What did you say at the time?---Well, just blew up. I just, there's too many swear words to - - -

10 Well, what was your concern?---Just, like, why the eff are we doing this?

But were you concerned for her or concerned that it might - - -?---Oh, for her as well, and just getting her involved and just, you know, just felt like puppets all right to be honest with you. We were just being controlled left, right and centre. I just wasn't having a bar of it.

Well, was it Alex who said that someone separate needs to be the director and secretary of the company?---Yes, correct, yes.

20 But you say it was - - -?---But I wasn't a part of the third, conversation about the third company. So - - -

I know, I understand – well, sorry. Weren't you present for that?---I wasn't present for that, no.

So do you say - - -?---It just happened.

30 How did you learn about it afterwards?---I learned about it when he first came and he had company, something, it had a funny name, North Star or something and I said, "Mate, what the hell does mean?" I didn't know who he had registered it under.

Who is "he," who are you talking about? Is that - - -?---Barrak came back saying he registered a company called North Star.

Well, go back, please, to the search, volume 3.1, page 33.---Yeah, that's it.

And you'll see that, in terms of the organisation details, that the name originally was Northstar Maintenance and Civil?---Yes.

40 And then it changes and becomes Ozcorp Civil?---Correct.

So do you say that you're not present for this discussion with Mr Dubois that leads to Ozcorp being set up?---No.

But Mr Hadid comes to you and says that Alex had wanted a third company?---Yep. And Alex was present at the office at the time, yes,

When he tells you this?---Yes.

And does he tell you – sorry. Does he tell you that it’s called North Star Maintenance and Civil or does he - - -?---Yeah. I just said, “What the,” - - -

- - - show you a document?---And then he tells me it’s called North Star and I go, “What the hell is North Star?” And then we just, I don’t know what he done, he gone back and changed it. So, yeah.

10 But does he also tell you at that point that it had been set up under Ms Tui’s name?---Yes.

And you say you’re not happy with that?---Yes.

And you tell him so?---Yes.

Without using the exact words.---Yep.

But in any event, after that the company name changes to Ozcorp?  
---Correct.

20

Whose idea was Ozcorp?---I think it was Alex’s idea.

And it then does become a contractor?---Correct.

Now, does Ms Tui ever have anything to do with it?---No.

So, is it, whilst she is down officially as the director, shareholder and secretary, was it operated in the same way as CBF and Euro Civil?  
---Correct.

30

That is it was run by you and Mr Hadid?---Hadid, yes.

And you share all of the money it makes?---Correct.

And that company then having been set up in August 2015, it’s the case, isn’t it, that over the years from that point onwards, frequently you were asked to provide more than one quote on a particular job?---Yes.

40 And I take it that’s when you learn that Mr Dubois requires three quotes for jobs over \$50,000?---Yes, correct.

And there were many, many occasions when all three quotes came from your three companies?---Correct. And other times when one of the quotes might come from – well allegedly from a non-contractor company like Peregrine?---Not 2015 and on, no.

Was that earlier?---Peregrine was earlier, yeah. So, yeah, not – after we had created those three companies, yeah, just, it was just me, my, the, the three companies and Mr Alameddine’s companies at the time, yes.

So that whilst there wasn’t any genuine competition occurring, the companies that were being on the records asked to quote and quoting were either your companies or Mr Alameddine’s companies?---Correct.

10 Now, do you recall also in 2015 that another non-contractor company was set up?---Yes.

And that’s Built Engineering.---Correct.

And if we could go, please, to the search at volume 3.1, page 30. You’ll see that the company is registered 9 June, 2015.---Yep.

And if you go over the page, please, you’ll see that it’s Mr Hadid is the office holder.---Correct.

20 And also the shareholder.---Yes.

And do you recall what the reason was for setting this up at that point in mid-2015?---To, for Alex to get his kickbacks through.

And was this because you’d had that problem with the bank with Euro Projects?---Do the dates coincide with that or - - -

30 I’m going to suggest that the payments through Euro Projects came to an end in July 2015, and that Built Engineering is set up just a month before. ---Yep, that’s about the time, yep, that’s correct.

So is it the case that you’d been using Euro Projects for a period - - -? ---Correct.

- - - in order to funnel what was, at that point, payments just coming from Complete Building Fitout, sorry, CBF.---Yep.

40 You then have the problem with ANZ so that the account is shut down. ---Yep.

And you then have to come up with a new entity.---Correct.

So in terms of Built Engineering, was it set up from the outset to be a vehicle through which kickbacks were to be paid?---Correct.

So that it was never set up for any other purpose?---No.

Commissioner, is that a convenient time?



THE COMMISSIONER: Yes, it is, thank you. Mr Chahine, you'll need to return on Monday.---Yep.

10 o'clock start.---Okay.

Thank you. Nothing else?

MR DOWNING: No.

10

THE COMMISSIONER: I'll adjourn.

**THE WITNESS STOOD DOWN [1.02pm]**

**AT 1.02PM THE MATTER WAS ADJOURNED ACCORDINGLY [1.02pm]**