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PUBLIC
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 MONDAY 7 JUNE, 2021

AT 10.00AM

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

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

THE COMMISSIONER: Yes, good morning.

MR DOWNING: Good morning, Commissioner. Apologies for the slightly delayed start. We just had some technical difficulties, but have been overcome.

THE COMMISSIONER: Yes, that's all right. I understand the problem's been fixed and we're ready to proceed.

10 MR DOWNING: We are.

THE COMMISSIONER: Now, I'll have Mr Chahine re-sworn. Would you mind standing, please?

MR CHAHINE: Yep.

THE COMMISSIONER: I think the Koran is nearby there.

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

MR DOWNING: Thank you. Mr Chahine, you might recall that on Friday, you gave some evidence, and this was in the context of questions I asked you about Mr – I’ll withdraw that – questions I asked you about Euro Civil and then OzCorp Civil being opened up.---Yeah.

10

And you gave some evidence about discussions with Mr Dubois but also Mr Steyn that led to those companies being added to the roster, if I can describe it that way, after you’d already had Complete Building Fitout and CBF. ---Yes.

And you made mention in your evidence that both men, that is, Mr Dubois and Mr Steyn, had mentioned to you that there was a board of some sort with companies on it and the amounts that they’d been paid by the RMS in a financial year.---Yes.

20

And some concern that if there was one company that had too much being paid to it in the financial year, it might raise some concern about it being favoured in some way.---Yes.

So did you understand from those discussions that there was some form of whiteboard or perhaps a blackboard in the RMS offices on which there was some list of the different contractor companies?---I, I didn’t, I don’t know what, in what form but just they said they have a list of all the contractors and their financial earnings. Not just us, others as well, so - - -

30

But in the terms that it was described to you – and I’ll come to Mr Dubois and/or Mr Steyn, as to who it was or whether it was both of them in a moment – but did you understand it wasn’t just something recorded on a piece of paper, that there was some board that listed things, from what they said to you?---I don’t recall how it was listed, they just said it just shows a graph of all the contractors and the amount they earned at the financial year.

Let me just read your answer from Friday, and this is at transcript 1636.38. ---Yep.

40

I asked you, “First of all, thinking about the discussion when Euro Civil was set up, what did Mr Steyn, sorry, what did Mr Dubois say?”, and your answer was, “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 know, he goes, you can see 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 the other two companies and

spread the amount of work so it didn't draw any attention."---Yeah, that's right.

So is it your recollection though, that it was described to you in the terms of there being some board in the office?---Correct.

And do you say that that was mentioned to you by Mr Dubois, first of all?
---On occasions, and Mr Steyn, yes.

10 So independently, they each referred to this board with a list of contractors?
---Yeah, correct.

And it was on the back of those discussions that you then set up Euro Civil, that is you and Mr Hadid set up Euro Civil?---Correct. Yes.

And in due course set up OzCorp Civil.---Yes.

20 All right. Thank you. Can I take you to a different topic, and that was late in the day on Friday, I was asking you about the two non-contractor companies that were ultimately used to pay kickbacks.---Yes.

And the first in time was Euro Projects.---Yep.

Second in time was Built Engineering.---Yes.

30 And you gave some evidence that, with Euro Projects, your recollection was that it was set up arising out of Mr Dubois disclosing that there'd been some disagreement between him and Mr Goldberg so that he couldn't use Mr Goldberg's company anymore.---Correct.

And he wanted a different company that could be then used for him to receive kickbacks.---Correct.

And you indicated that while Euro Projects had originally been set up so that you and Mr Hadid could use it to in effect receive money from CBF and then use that money to do work on your houses - - -?---Correct.

40 - - - that it then became, not long afterwards, a vehicle for paying kickbacks.
---Correct.

And you also confirmed that you'd set up the original bank account for Euro Projects, it was an ANZ account.---Yes.

And you said that you had given Mr Dubois a card to use on the account.
---Yes.

And you confirmed that over time you saw at least one or two statements, and I think you indicated some shock at the amount of cash that was being taken out.---Correct.

And then that ultimately led to the bank sending you a letter basically saying it was going to, in its discretion, shut down the account.---Correct.

10 But I asked you this, and I just want to confirm that your evidence is that all money that went into Euro Projects was money that had been earmarked as a kickback for Mr Dubois?---Not at the beginning, no.

Was there some period early on when there was money that went in actually for the purposes of work on your house?---I don't recall. I'm pretty sure there was. I, I can't be 100 per cent certain, it was so far back, so yeah.

20 But your evidence is, isn't it though, that whatever that intention and period where there was some money that might have gone in for work on the house, it pretty rapidly became the vehicle for receiving kickbacks?
---Correct.

And that when we then see frequent cash withdrawals, that they were Mr Dubois making them?---Correct. We didn't take any cash out, so we usually wrote cheques with our contractors, so there was no cash withdrawals from Euro from us.

So just thinking, the CBF Projects, or CBF as I've been referring to it, is the contractor company.---Correct.

30 So that I take it where it earned income through the RMS, it was paid into that ANZ account.---Correct.

And where it had expenses it needed to pay related to its actual business, they were paid out of that account?---Correct.

When you and Mr Hadid had money that was being paid to you as your income from those companies, whether it was in the form of a dividend or a wage, did you then pay it into other separate accounts?---Yes.

40 So any money that was transferred from CBF Projects into Euro Projects wasn't money that was representing any earnings for you?---It was, what do you mean by earnings, like, as in?

Well, let me break it down a little bit. Where you had – I withdraw that. You'd run CBF - - -?---Correct.

And before it, Complete Building Fitout, as a profit-making business?
---Yes.

And there was profit that it made on jobs.---Yes.

And once you'd obviously paid all of your costs on particular jobs, there was some money left over.---Correct.

And you've described how some of that money went to Mr Dubois in the form of kickbacks.---Yeah.

10 And I take it other of that money, that is your 30 per cent margin or so that you tried to work off, then became income that was split between you and Mr Hadid.---Correct, but we, at the end of the financial year we'll get told by our tax agent how much we got in the reserves to split.

But you obviously lived off things from month to month to pay for groceries, to pay for a mortgage, to pay for phone bills et cetera.---Yeah, correct.

20 Where did that money go after it went into CBF, that is the money that you were then to live off?---Into our personal accounts.

So not into the Euro Projects account.---No.

So that where we see first of all cash coming out of Euro Projects, that's Mr Dubois.---Yep, correct.

And secondly, when we see EFTPOS purchases being made on the Euro Projects account, that's Mr Dubois?---Correct.

30 Could it be that you or Mr Hadid ever went to the bank to get cash out for him and then give it to him?---I don't recall. I've never, never gone to the bank and personally gotten cash out.

And I should be clear, I'm focussing just on Euro Projects at this point, so that's the account that you did set up.---Correct.

But you don't recall ever going to the bank and getting cash out for him?---No.

40 Is it the case that your recollection is that he had the card so he could take care of that himself?---Correct, yes.

Can I take you, please, to volume 19, part 1, page 1, and you'll see that this is the account opening form for Euro Projects.---Yes.

You'll see it's dated 15 April, 2013.---Yep.

And you'll see it has the account number ending in 1-1-8-5.---Yep.

And you'll see it's marked in terms of who can operate the account, "Anyone to sign."---Yep.

And it's set up at Macarthur Square.---Correct.

I take it that was your local branch?---Yes.

Can we go then please to page 3, and you'll see it's you who signed as the only signatory on the account.---Correct.

10

THE COMMISSIONER: For some reason it's not coming up on my screen. I don't know if others are having a similar problem with it.

MR DOWNING: No, Commissioner, we're all seeing it, and I think the other rows of the bar table. That's a problem if you can't see it. Apologies, Commissioner.

THE COMMISSIONER: No, it's all right. We'll get someone to look at it.

20

MR DOWNING: And unfortunately I did want to take Mr Chahine to a number of pages in this part of the evidence so - - -

THE COMMISSIONER: We might need to adjourn shortly.

MR DOWNING: Perhaps, I mean we do have a hard copy that we could make available, if that's - - -

THE COMMISSIONER: Yes. Well, why don't we do that, I think that might be the - - -

30

MR DOWNING: Even if we just adjourn just for a very short period, Commissioner, and then we can have the two parts to it, if they could both be made available.

THE COMMISSIONER: All right. Have we got the hard copies ready at hand?

MR DOWNING: We do have to get them from elsewhere in the Commission.

40

THE COMMISSIONER: I see. Look, I'll adjourn so that can be fixed up and perhaps the technical problem with the screen can be investigated.

MR DOWNING: Thank you, Commissioner.

THE COMMISSIONER: Yes, all right, I'll adjourn.

MR DOWNING: Thank you, Commissioner.

SHORT ADJOURNMENT

[10.22am]

THE COMMISSIONER: I see the problem has been fixed.

MR DOWNING: It has, Commissioner.

10 THE COMMISSIONER: Good.

MR DOWNING: And hopefully that's the last we have them today.

THE COMMISSIONER: Very good.

MR DOWNING: Apologies, Mr Chahine. Can I take you back, please, to volume 19, page 1. It's just that account opening form that I took you to. And if you can just bear in mind that account number for Euro Projects, 1-1-8-5.---Yep.

20

And also you confirmed that the Macarthur Square Branch where this seemed to have been opened by you was your local branch.---Yes.

But can I, just to try and better understand the use of card, at least in the early period, can I take you, please, to page 10, same volume. Now, you'll see first of all the highlighted entry is a payment from the RMS.---Correct.

And you're aware, so this is March 2013 or March to May.---Yes.

30 And you'll see it's an 18 April payment of 107,800 and CBF Projects by this point have taken over from Complete Building Fitout and was doing RMS work.---Correct.

And so there were frequent payments from the RMS, I'm going to suggest, from this point, May 2013, right through until 2019 - - -?---Yes.

- - - because CBF Projects was doing quite a lot of work.---Correct.

And the amount of work increased over time.---Yes.

40

But you'll see there a number of debit entries on the account for CBF Projects. And I take it these are all expenses that relate to the business.---Correct.

So things like the purchase of materials, building materials, petrol where, for the, for your vehicles that you were using for the purposes of the business.---Correct.

And for instance you'll see there's a Bunning Campbelltown entry there on 15 April. That would have been some materials relating to CBF work.
---Correct.

Can I take you, then, please, to page 14. And you'll see again there are a couple of credit entries there, 14 June and 17 June, showing payments made by the RMS.---Yes.

10 And that's for jobs that Complete Building – I withdraw that. That CBF had done for the RMS.---Yes.

You'll also see that there's one fairly significant debit entry on that page, and that's also on the 14th of June, and that's a payment to Country Pavement Services. Do you see that \$40,800?---Yes.

And Country Pavement Services was one of the asphaltting or pavement contractors that you used for different jobs, correct?---Yes.

20 So this would have been their subcontract fees for a particular RMS job or perhaps more than one job.---Yes.

So if I could then take you, please, to page 15. And you'll see on this page there is, on the 24th of June, 2013, a significant payment from RMS, \$361,460.---Yes.

Again relating to RMS work that's been done.---Correct.

30 Can I move then, please, to page 19. And you'll see on this page, so we're in the same account. That is, if you go to the top, you'll see it's the account for CBF.---Yes.

And the account ending in 2-1-6-3.---Yep.

But you'll see a last entry on that page, if we go to the bottom, it's a 13 December entry, and this time it's a debit, and you'll see it's a transfer to the account ending in 1-1-8-5.---Correct.

40 And you'll recall from this statement – I withdraw that. The account opening form I took you to, that's the account for Euro Projects.---Yes.

I'm going to suggest this is the first of what became, well, what became a number of transfers. But the payment from CBF into Euro Projects, first of all you recall making those transfers?---Yes.

Electronic transfers.---Correct.

And I suggest to you that each time one was made, it represented you paying into the Euro Projects account - - -?---Yep.

- - - a sum of kickbacks due to Mr Dubois.---Correct.

So that in this instance it was \$50,000, and I take it it would have occurred after there'd been perhaps one job or more than one job that had been paid, and you'd had a discussion with Mr Dubois, correct?---Yes.

And he had then, in effect, worked out what he believed his margin was from either one or more jobs.---Correct.

10

So the money then goes in for him to use.---Correct.

All right. So can I – and you'll see so this is the first of those transfers, 13 December, 2013, of \$50,000. Can we then go, please, to page 21. And you'll see this is now 20 January, 2014.---Yep.

And there's a transfer again into 1-1-8-5, that is the account for Euro Projects, this time a bigger sum, \$130,000.---Yes.

20

And again that would have represented exactly the same thing, wouldn't it? ---Correct.

That is, Mr Dubois talking to you after one or more jobs has been paid, nominating what his cut is.---Yep.

And you then allocating into Euro Projects so that he can access the funds. ---Yes.

30

Can I take you then, please, to page 34. And I should be clear, I'm not taking you to every one of the transfers.---Yes.

There were quite a number of them over time and I take it you recall that. ---Yes.

You'll see I've now moved ahead to October 2014, and this, on this occasion, 10 October, 2014, you see a debit of \$227,000 into that account ending in 1185.---Correct, yes.

40

And again, it would have represented the same thing as the other two I've taken you to.---Yes.

And you'll also see that there are other debits there, typically with much smaller amounts, but they would have been the various expenses relating to you running CBF Projects.---Correct.

Can I take you, please, then to page 45, and you'll see that I've now skipped ahead to April 2015, it's the CBF Projects account again for the account ending in 2-1-6-3.---Correct.

And on this page, you'll see two things. First of all, on 8 April, there is a credit with a payment from RMS of \$273,020.---Yes.

But the day before, on 7 April, there had been a significant debit transfer of 350,600 to account 1-1-8-5, that is, the Euro Projects account.---Yep.

And you'll see that the balance of the account, that is, at the top of the page, for 7 April was a significant credit balance of just over \$1.66 million.---Yes.

10

But this payment of 350,600 would again have represented Mr Dubois telling you what was due to him on one or more jobs.---Correct.

In this instance, you can infer, can't you, from the sum that that had to have been more than one job?---Yes.

Because typically, consistent with the way Mr Dubois had communicated with you, he kept jobs under \$250,000.---Yes.

20

So that where his cut is \$350,000, that had to represent adding together of multiple jobs.---That was a multiple series of jobs, yes, correct.

Can I take you then, please, to the same volume but page 71, and you'll see that I've now moved from the accounts for Euro, I withdraw that, for CBF to now statements for Euro Projects.---Yes, correct.

And you'll see it's the account number 1-1-8-5, consistent with the account opening form I took you to.---Yes.

30

And you'll see this is for December 2013 to February 2014, that is, this page of the statement.---Yep.

Now, first of all, do you see on 24 December, 2013, there's a cash cheque for \$10,600?---Yep.

If I could take you, please, to page 79, you'll see that's the cheque itself, dated 24 December, 2013, it seems signed by you, and written to cash.---Yep, correct.

40

Looking at that and thinking of the time period, so that this is in December 2013, some eight months after the Euro Projects account being open, are you able to say why you were drawing a fairly significant cash cheque at that time?---I wouldn't recall, no. Don't remember.

Is it likely to be that it was a payment, that is, converting, drawing the cash cheque, getting the cash, and then giving it to Mr Dubois?---Yep, possibly, yes. I just don't recall.

Can we go back, please, to page 71, and you'll see, if you look at the other transactions on that page, there are a number of other debit items there.

---Correct.

And for instance, on 17 December, that is 2013, there's a purchase of something at Workwear Yagoona.---Yes.

Was that a company that sold industrial clothing and apparel?---It's a – yes, correct.

10

Just looking at that then, is it likely that that was a purchase that you had made for something to do with your business or perhaps a personal expense?---Nah, I would have went to my local Workwear in Campbelltown, so not Yagoona.

What about Mr Hadid? Do you have any knowledge as to whether he was using it for work-related purposes at any point?---I would not recall, I don't know if he even had a card, so, I don't know, yeah.

20 You'll also see that on 30 December there's, it's only a small purchase but a Visa debit purchase at Sydney International Airport, looks like the car park. ---Yep.

Your evidence is, you've told us that you weren't using this account for personal purposes.---Yes.

Although you believe there may have been a short period where it was used for work on your house.---At, at the beginning, yeah, correct. Yes.

30 But do you think that's a purchase, that is a Visa debit purchase that you made or that it's likely Mr Dubois made?---Likely Mr Dubois. Are these ANZ, are they two \$1,000 debits been taken out?

You'll see down below there are two \$1,000 debits, that is on the 28th – or first of all, on 10 January there's a \$1,000 withdrawal on the card.---Yeah.

40 Indeed on 27 December there's a \$1,000 withdrawal on the card.---Yes. That's Mr Dubois (not transcribable) 'cause then he would have told me, would have been telling me saying he can only take 1,000 bucks and I called up the bank and got it increased to 2,000.

And do you recall that you subsequently got it increased to a larger sum? ---I think it was 2,000, yes.

Is that for card withdrawals using the ATM?---Card withdrawals, correct.

As opposed to going into the branch and getting cash out.---Yes.

You'll also see on 5 February there appears to be a debit purchase at Jasmin 1 First Bankstown. Was that a Lebanese restaurant, Jasmine Restaurant?
---Correct, yes.

And do you recall that you sometimes went there with Mr Dubois?---Yes.

But looking at those transactions, you'll see on 10 January using card 9-0-4-5, withdrawing \$1,000?---Yes.

10 And you'll see also 27 December, \$1,000 withdrawal, that's also 9-0-4-5, the card that it refers to.---Yes.

And then on 28 January there's another withdrawal of 2,000 using card 9-0-4-5. Is your evidence that based on your recollection of discussions with Mr Dubois at the time, that was him using the card?---Correct.

Can I take you then, please, ahead to page 80. And you'll see that we've now moved from late 2013/early 2014 to October/November 2014.---Yes.

20 And you'll see that on this page there are a number of fairly significant withdrawals. Non-highlighted, but you'll see there's some 2,000, three lots of \$2,000 withdrawals all using card 9-0-4-5 in October and November.
---Yes.

And then you'll see that the withdrawals become significantly larger.---I remember this now, yes.

You'll see there's also a significant credit payment in from Porsche Centre, it looks like Porsche Centre Melbourne.---Yep.

30 Do you recall a time perhaps when Mr Dubois traded-in a car or sold a car and money was being paid into the account from the Porsche Centre in Melbourne?---I don't recall it.

You said you do remember this though. You'll see that there are then multiple withdrawals of 10,000, 9,500, 9,500, 9,500, going down the page, and it finishes with a \$9,000 withdrawal.---Yeah.

What do you recall about this?---Were they cheque?

40 They appear to be branch withdrawals rather than cheques, because cheques normally show up as cheque with a number on the account statement.
---Yeah, okay. So I thought I'd signed a few cheques by the chequebook for him to go in and take larger amounts of cash out, so I didn't know they were card withdrawals.

Well, can I take you, for example, to page – well, first of all, before we move, you'll see the \$10,000 withdrawal on 10 November?---Yeah.

And if you go, please, to page 87, you'll see that this is a branch – sorry, I withdraw that – an ANZ record, and it shows that on 10 November there was a cash withdrawal and it's a cash withdrawal of \$10,000 in \$50 notes. You'll see it's got hundreds, zero, fifties there's 10,000, twenties, zero, tens, zero, fives, zero.---Correct.

10 Does this assist at all that Mr Dubois was using a card in a branch in order to make significant cash withdrawals, to your recollection?---I don't know he could have gone into the branch though and done that, so - - -

THE COMMISSIONER: Sorry, what did you say, you don't know?---I don't know how he went into the branch, unless he can just use the card and put the PIN code in, so - - -

Well, that shows, with all those withdrawals in November/December, 9,500, there's about \$76,000-odd there he withdraw in a matter of two or three weeks.---Correct, yes.

20 MR DOWNING: Which is why I really wanted to ask do you recall whether – it's your account, you had the card on it and you had been the signatory for it.---Correct, yes.

Do you recall whether you had gone in – and this would suggest on multiple occasions - - -?---Actually, I don't - - -

- - - making large cash withdrawals to give to him?---I would have remembered doing that. I don't remember doing that at all, no.

30 Do you recall any discussion with him where he indicated that he was signing as you, using the card he had?---No, I didn't know if he was signing as me.

Just thinking about the card you gave him - - -?---Correct.

- - - I take it it was one of the cards that had been issued on the ANZ account given to you?---Yes.

40 Did you sign it or did you leave it for him to sign?---I don't recall. I don't recall, no. I don't recall that I signed the back of it.

Do you recall whether you set up a PIN on it or whether you gave it to him?---I would have set up a PIN on it, yes, correct.

Presumably you told him what the PIN was so he could operate it.---Yes, correct, yes.

But you can't recall if you signed it?---I can't recall if I signed it, no.

Is this your evidence, that looking at the, noting your history of the account being set up by you - - -?---Yes.

- - - and you being a signatory, and the card being given to Mr Dubois - - -? ---Yep.

10 - - - there's really two explanations as to where this money was coming out or how it was coming out. It was either him going into the branch and getting it out or you were doing it and giving it to him.---Well, if, if that's the card he was using, obviously it's him going and getting it out. But I don't know how the bank would have allowed him to go in and pull out large sums like that without providing ID. That's what I'm saying, so, 'cause when I usually go in, you've got to give them your card plus a photo ID showing that you've pulled out money, and usually they scan it or write it on the back of a receipt.

THE COMMISSIONER: But each of them is a large withdrawal.---Correct.

20 October/November '14.---Yep.

You say it certainly was not you withdrawing the money?---Correct.

And you don't believe it was Mr Hadid? He didn't have any, did he have a card for this account?---I don't recall if he did. I don't, I don't remember. Apparently there was two cards, so I don't know who had the other card.

30 MR DOWNING: Just on that withdrawal of the \$10,000, which is 10 November, you indicated that you recall that they asked for some ID when you're making the withdrawals.---Correct, yes.

Well, can I take you, please, having taken you to the page showing that it was \$10,000 cash withdrawn in fifties - - -?---Yep.

- - - can I take you to the next page, please, page 88.---Yep.

And you'll see that that's a record for 10 November.---Yes.

40 With the 10,000 withdrawal and it seems to suggest that they had some ID given to them at the time from Mr Hadid. But do you recall him having the authority to operate the account?---No, he's not a signatory, was he, or - - -

Not according to the bank records.---Is it, what time is this? Is this after the change of directors, though, or - - -

Well, I can take you back to the company search, but a company search is not really relevant to what the bank has. The bank, you'd set up the

account, and according to the account you were the only signatory - - -?
---Yeah.

- - - on that. That is the bank record.---Unless he's changed it somewhere. I don't, I don't recall, but, yeah, so, this is just not to my knowledge. I don't recall this, so - - -

10 And just to take you to another example, if I could, please. If we go back to page 80 of the same volume, which was the page I took you to before with the multiple withdrawals.---Yes.

And you'll see that on 12 November - - -?---Yes.

- - - there are a series of withdrawals, including two lots of \$9,500.
---Correct.

There's also an ATM withdrawal of 9, sorry, of \$2,000 on that day.
---Correct.

20 But you'll see below that then the two withdrawals of 9,500.---Correct.

And if I could then take you, please, bearing in mind again that it's 12 November, to page 102, and you'll see 12 November that there's a record of it being again all withdrawn in \$50 notes, \$9,500.---Yes.

30 And if we go over the page, and if we'd just enlarge that a little, please, you'll see that the record for 12 November indicates that there was ID obtained, a NSW driver's licence from Mr Hadid showing the expiry date, et cetera on there, in confirmation that it's a debit for Euro Projects.---Yep.
Oh, just probably between Alex asking Barrak, "Bring me the cash," and he would have done these withdrawals, but I would have been against it, so that's probably why I have no knowledge against, about this, so - - -

But I take it you did see – you've confirmed that you saw the statement and saw the number of withdrawals going out.---Not, not these large cheques. I was seeing, like, the \$2,000 withdrawals that I mentioned before.

40 All right, well, I'm suggesting these weren't cheques, these were branch withdrawals of cash.---Yeah, correct, but I didn't know there was these branch withdrawals, so - - -

So you say you don't recall seeing that at the time?---No.

Well, can I take you ahead, please, to page 60, sorry, 133, same volume, and you'll see that we're now in November going to December 2014.---Yep.

And again, there are multiple withdrawals of \$9,500.---Yes.

As well as some – if you look down the page, please, further down, under the highlighted section, you’ll see there’s also a number of withdrawals using card 9-0-4-5, taking out \$2,000 each time.---Correct, yes.

And do you say you don’t recall being aware of these?---Not at the time, no. Just don’t recall.

10 You don’t recall any discussion with Mr Hadid though, where he was indicating that he was getting out cash for Alex and giving it to him?---I don’t know, there was a discussion once at Parramatta Westfield’s about he’d bought him cash, and I was, oh, like, me and Barrak were against it, and he basically just smashed the table in the middle of the food court and said, “I want my fucking money,” basically, and I think Barrak’s just started giving him cash, so - - -

But you don’t recall a discussion with Mr Hadid where he indicated to you that that’s what he was doing?---I don’t know, nah, I don’t recall a discussion, but maybe he just done it just to keep the peace, so - - -

20 But you had no knowledge – well, first of all, you weren’t withdrawing any cash at that sort of - - -?---No.

- - - or any cash from this account?---No.

And you had no knowledge of Mr Hadid doing it for his own purposes. ---No.

30 Can I take you, please, then to page 175? And you see this is a further statement for Euro Projects December 2014, and again there’s multiple withdraws of 9,500.---Correct.

And also a couple of ATM card withdrawals of \$2,000.---Correct.

Just looking at the location though, on this occasion where you see the 9,500 withdrawals, it indicates that it’s a card entry at Campbelltown, Macarthur Square, Campbelltown, Macarthur Square.---Yep.

Now, Macarthur Square was the branch where you had opened the account. ---Correct.

40 Could that have been you, do you think, or do you say you just don’t recall? ---I don’t recall, yeah.

Can I take you then, please, to page 128 – I’m sorry, 198. Sorry, there are two numbers on the page. And you’ll see again, multiple withdrawals, \$9,500.---Yep.

And they seem to move between the Campbelltown branch and the Macarthur Square branch. And this is later in December, but you'll see there's significant numbers of withdrawals in December 2014.---Yes.

THE COMMISSIONER: What's the magic number 9,500 represent? When I say "magic number", you can see it - -?---It's to keep it below the 10,000 so it doesn't ring any alarm bells.

10 - - - there's seven, eight, about 12 on the screen there. There's about nine withdrawals between the 16th and 13th of December, each of them being large amounts. Most of them coming out of the Macarthur Square Branch. ---Correct.

And you say that's not you making those withdrawals?---Pretty sure, yeah. 'Cause I don't recall, unless he - - -

20 Well, you would remember, wouldn't you? I mean, it's a fairly sizeable amount of money to be withdrawn.---Yeah, I just, I don't recall ripping out that, that amount of money, so if I did I did, but I don't recall doing it.

MR DOWNING: Well, on that page, the total is 85,500.---Correct.

But it's not only a sizeable amount, it's literally going in day after day after day to get it out.---Yes. Correct.

I take it if you'd been going to the bank that often to get that sort of money out, you'd recall doing that.---Yes, I just don't recall doing that, mate.

30 All right. You must have had some knowledge, though, that first of all significant money was being transferred from CBF into Euro Projects. ---Correct, yes.

And you knew it was then being used in some way by Mr Dubois.---Correct. So it was just his, his money. I really didn't look at how he was spending his money, to be honest with you, so, he's basically just taken over it, so I just left it to him.

40 But you recall a discussion in the food court at Parramatta where he got upset and banged the table about wanting access to his money.---Yes.

And do you say that you'd expressed some reluctance about him being given cash?---Cash and the amount in kickbacks we were giving him. And he just, it was just in one ear and out the other, so me and Barrak just flew back off our chairs.

Can I take you then, please, to page 244, same volume. And you'll see again the Euro Projects bank statement, this time for the end of December 2014 and into January 2015.---Correct.

And there are then multiple withdrawals, mostly 9,500, although there was a little bit of variety, the occasional 9,400 or 9,000.---Yep.

Also one for \$10,000.---Yes.

And you'll see that they again rotate between the Campbelltown branch and Macarthur Square.---Yes.

10 Now, Barrak didn't typically use the ANZ, did he? St George was his bank of choice?---Correct, yes.

Macarthur Square was your local branch.---Yep.

Was Campbelltown a branch you sometimes went to?---Just depends where you are at the time, yeah, but they're only, like, four kilometres apart, so - -
-

20 So on this page the total for that period, in December 2014/January 2015 is 132,900.---Yes.

But you simply say you can't recall going into the branch to get that sort of money out?---Yes, yes.

Can I take you then, please, to page 318. And you see we're in January 2015, going into February 2015.---Yes.

30 And there are again multiple withdrawals all between 9,000 and \$9,500. ---Yes.

Again from the same branches over that period of time.---Correct.

But I take it your evidence is no different to before, that you don't recall being the one making the withdrawals.---I don't, I don't recall doing these withdrawals, no.

Can I take you then, please, to page 398. And you'll see we're now in the latter part of February, going into late March, 2015.---Yes.

40 And again multiple withdrawals across Campbelltown, Macarthur Square, between 9,000 and – mostly between 9,000 and 9,500 but with a couple of smaller ones, 5,000 and 8,000.---Yeah, correct.

And I take it again your evidence is the same as before, you don't recall being the one making them?---Correct. Unless I was told to get some out, I don't, just don't recall it. 2014 so - - -

You can see now though that in a period of months from 2013 to 2014 to early 2015 there's almost daily attendances that someone had to be making to the bank to get the money out.---Correct, yeah, I just, yeah, I don't remember going daily and taking out that amount of money, no.

Can I take you then to page 483, and you'll see this is now April to May, 2013, and again significant withdrawals, although on this occasion all \$9,000.---Yes.

- 10 Separate to, you'll see there is also some ATM use again of \$2,000 sums. ---Yeah.

Although you'll note that this time that the card number that's shown for those withdrawals is 5-0-4-0 instead of 9-0-4-5, which was the card number I took you to before.---Yep.

So I'm going to suggest that you actually gave Mr Dubois a couple of cards. Does that accord with your recollection at all or not?---I don't recall, no.

- 20 I take it from what you're saying though, you're not denying that you might have, you just don't recall now?---Yes.

Can I take you, please, to page 529, and you'll see it's a statement for the early part of May 2015 and there are multiple withdrawals of either 9,000 or 9,500 from Campbelltown and Macarthur Square.---Correct.

And if I could take you, please, to page 555, you'll see this is a statement for that Euro Projects account, but for mid-May 2015.---Yep.

- 30 And there are again multiple withdrawals of \$9,000.---Yes.

And your evidence as you gave it on Friday was that you recall that at some point you were contacted by letter by the bank and the bank indicated at their discretion they were shutting it down.---Yeah, obviously (not transcribable) yes.

And that your evidence was I think that you then transferred the money into the CBF account.---Correct.

- 40 But it was ultimately money that wasn't to stay with CBF, it was Alex's money so it then went in one form or another to be used for his benefit. ---Yes.

Can I then move from Euro Projects to Built Engineering, and you confirmed in your evidence on Friday that once Euro Projects ceased to be used as a vehicle for kickbacks because the account had been shut down, that Built Engineering was set up and it then became the vehicle for kickbacks.---Correct.

And it's correct, isn't it, that Built Engineering had continued to be used right through until the period when Mr Dubois had the search warrants executed on him and the whole scheme came undone?---Correct.

Can I take you, please, to slide 17 from the opening. And you'll see that banking records indicate that after RMS made payments to each of the three contractor companies that had been set up by the end of 2015, that is CBF Projects, Euro Civil and also OzCorp - - -?---Yes.

10

- - - money was then paid by each of them into Built Engineering.---Yep.

And I'll take you in a moment to another slide with where it then went, but that accords with your recollection I take it, that it was all three companies, once they'd been set up and were doing RMS work that were then paying into Built Engineering.---Correct.

20

And it's the case, isn't it, that they paid substantial sums over that period from about, well, July 2015 in the case of Euro Civil, right through until 2019.---Yes.

And you'll see that, according to the banking records, that Euro Civil paid in, over that period, \$1,616,460.---Yes.

OzCorp paid in \$161,462.---Yes.

And you'll see that OzCorp ceases making payments in December 2018. It doesn't continue into 2019.---Yep.

30

And CBF Projects pays in \$1,139,936.25 - - -?---Yep.

- - - from, well, it goes over the period through until 2019 I'm going to suggest.---Correct.

As far as the money that goes into Built Engineering, it's correct, isn't it, that every dollar that went in from whichever of those companies represented kickbacks for Mr Dubois?---Every dollar that went to Built, yes. Correct.

40

Yes, from either, well, from those three companies. So CBF Projects first in time, then Euro Civil and then OzCorp Civil.---Correct.

So that the process by which money went in, I take it, was the same as had been the case with Euro Projects before. That is - - -?---Yep.

- - - you would have a job that had been done.---Yep.

Before the job had been done, Mr Dubois would tell you in effect what he wanted you to price it at.---Yes, correct.

Which you understood was to include whatever the real price was but with a margin.---Correct.

You'd then finish the job and be paid.---Correct.

10 He would then tell you either specific to the job or perhaps after a number of jobs - - -?---Correct, yes.

- - - what his cut was.---Yes.

And that would then involve a transfer being made from one of the companies into Built Engineering.---Yes.

And it was then in that account to be used for his benefit in one of a number of ways.---Correct.

20 And it was a St George account Built Engineering had set up.---Yes.

Which Mr Hadid had set up.---Correct.

And you were aware, weren't you, that Mr Dubois also had a card on the Built Engineering account? Sorry, yes, the Built Engineering St George account.---I wasn't aware till I heard it in the hearing, yes.

But had Mr Hadid ever told you that he'd given him a card?---No.

30 I take it, though, you assumed that in the same way that he'd had one and was using it to take out cash and make purchases with Euro Projects, that he was doing something similar with Built Engineering?---Correct. Yes.

But do you say you've never explicitly discussed it with Mr Hadid?---Oh, maybe but I just don't recall a conversation about it, no.

40 Do you recall learning from Mr Dubois at the time the search warrants were executed that he actually cut up a card and disposed of it, that is the Built Engineering account?---No. No.

So you didn't know about that at all?---No.

All right. Can I take you then, please, to slide 19. And you'll see that after, on the chart, there is a breakdown of the moneys going into Built Engineering. There is then below it a summary in terms of how the money was then used.---Yes.

Do you say that as far as any use of money through cash being withdrawn or making EFTPOS purchases, you weren't aware of what was happening with the EFTPOS card on the account?---No.

And it's the case, isn't it, with the cars, they were typically something organised between Mr Hadid and Mr Dubois?---Oh, I wouldn't say between Mr -- we didn't know what cars he had purchased. He just, his money just went into, his kickback went into that account, and what he purchased or what he done with his money, we don't - - -

10

But from time to time, I'm going to suggest that cheques were obtained in order for different cars to be bought.---Like I said, he just, we just wrote the cheques, put it into the account, and what he done with it, he done. We don't know what actual vehicles he was purchasing at the time, so he just - - -

You're aware that Mr Dubois was buying cars from time to time.---Correct, yes.

20

But when he was looking at a particular car, was that something he discussed with you or did you understand from Mr Hadid that he talked about it with him?---He sometimes wouldn't even discuss it with us. We don't know what cars he was purchasing.

But moneys in the account with Built Engineering for his benefit.---Yes.

Were you involved in drawing cheques to buy particular cars or to be paid to particular dealers?---Drawing cheques to - - -

30

From Built Engineering to then pay for cars.---No, never, I wasn't a signatory on Built, so - - -

So do you say that you don't recall any discussions with Mr Dubois specifically about cars he wanted and moneys he wanted to be paid in order to buy those cars?---No. Never spoke to me about cars.

But you're aware that he was talking to Mr Hadid from time to time about cars he wanted.---Correct.

40

And did Mr Hadid tell you that from time to time he was drawing cheques for dealers so that cars were being bought?---No, he was just drawing cheques so he just, what he done with it, he done with it, so - - -

Did Mr Hadid, for instance, ever tell you that there were cheques being drawn by him in the name of car dealers?---Yes, oh, yes.

But you weren't aware of the specifics of individual cars that were being bought, I take it, from what you're telling us?---Yes, correct.

So it's the case, isn't it, that by the end of 2015 when you've got all three of the contractor companies doing work, the volume of work increases from that point right through until 2019.---Correct.

And the jobs, they were already significant but they tend to become consistently bigger jobs?---Yes, correct.

10 And is it the case that in 2017 that the three companies were put on the Heavy Vehicle Maintenance Panel?---Correct.

And the work became even more regular after that.---Yes.

Just thinking about the Heavy Vehicle Maintenance Panel, do you recall communicating with Mr Dubois about that at the time?---Yes.

20 And tell us what's your recollection in terms of what he told you or asked you to do at the time?---I remember he had given us a USB with the documents a week prior for us to get ready, because we had the three companies to put in, so - - -

You had quite a lot of paperwork to prepare.---Yes, correct, yes.

So did he actually give you a USB with draft documents - - -?---Yes.

- - - for each of the companies?---Correct. No, for what was going to be, what the panel or paperwork, what the paperwork was needed for the panels.

30 That is the actual forms that you needed to complete and then submit? ---Yes, correct.

But was there a set for each of the companies?---No, it was just the one thing to show us what we needed so we can get prepared to do three companies.

And did you then use that in order to prepare the paperwork for the three companies?---Correct.

40 Now, you've indicated in your evidence, and indeed Mr Hadid has as well, that of the two of you, you were the one who was better on a computer and with word processing skills.---Yes, yep.

Did it then mean that it went to you to actually do the - - -?---Yes.

- - - preparation of those documents?---Correct.

So you had to complete tender documents for CBF. Correct?---Yeah.

Euro Civil and OzCorp.---Correct.

But with the guidance of the documents Mr Dubois had given you on the USB.---Correct.

10 Had he said anything to you about what would happen when you submitted the tender documents?---I didn't – no, we didn't know the process, but he said he was going to be on the panel and Mr Steyn on the panel as well to pick the contractors.

Did he say something to the effect that get the paperwork in and that you would be on the panel?---Basically, yes.

And you completed all the paperwork.---Yes.

And you then submitted it.---Correct.

20 And did you have any communication from Mr Dubois at the time about what was going on or it's being considered or was it simply you then heard that - -?---It was just wait, just waited till basically just sent a letter of acceptance, to be on the panel, yes.

And you then received letters of acceptance via email. Correct?---Correct.

Each from Mr Dubois?---Yes.

30 Confirming that you'd been accepted on the panel and you had to sign some paperwork to confirm that you would do the work.---Correct.

And it's the case, isn't it, that once that had occurred, it simplified the process in terms of what you would get each time for a job.---Pretty much the same honestly, it was pretty much the same.

You don't recall that there was any change in the contract documents you would get each time?---No, it's just the same, still request, RFQ, quote the job, letter of acceptance, purchase order, it was still the same process, we were just on a panel this time.

40 And as far as the process then of Mr Dubois seeking kickbacks and obtaining them, did that process stay the same as well?---It just changed over time and it just, later on it just, wouldn't even know how much his kickback was, we'd just do a job and then he'll say, "I want this much," after a couple of jobs, and that increased as well.

So that eventually what, he stopped having that initial conversation with you where he would tell you how much to quote, or did that still occur?---No, it

still, it still occurred with the quote, but the initial amount of kickbacks just, it was out of our control, we just didn't have any, any control of it.

But tell me how that changed, because I thought the process had always been, you have an initial discussion - - -?---It just, it just, after the panel, it just significantly increased, his kickbacks, so - - -

The sum of them?---Yes, the sum of his kickbacks, correct.

10 So is this the case, once the Maintenance Panel happened, you would have that initial discussion around the request for quote, whether it'd either just come in or was about to come in, and he would tell you what he wanted it quoted at?---Correct.

And you'd get to the end and then you'd work out all your costs and he would specify a figure.---Yes.

20 But do you say that the actual proportion of the payment got bigger?---The figure, correct.

That is, his proportion of it towards the end.---Yes, correct.

Did he ever discuss that with you out and out in specific words? Or is it something you just noticed, that the actual dollars - - -?---Just noticed, yeah. Probably him purchasing these vehicles, so (not transcribable)

30 THE COMMISSIONER: Did you understand that establishing this Maintenance Panel and using it was something that you perceived was a mechanism set up for his benefit?---Correct.

Or for your benefit – when I say you, I mean contractors' benefit – or for both?---It was more for his benefit, Commissioner. We, we, we, me and Barrak were happy running the one company, where we're having the three, it increased our workload, also trying to show a face for OzCorp was – there's only me and Barrak legitimately running these companies, and to show a face for OzCorp as well was hard enough, so we were happy with the one company. There's basically – us doing these three companies was for their financial benefits, not our.

40 In what way did he benefit from this brilliant idea of establishing the Maintenance Panel?---Well, it was getting more work and, you know, more kickbacks from each company for himself.

Do you say that's what you came to see, over time?---Yes, correct.

This is not something you imagined was working to his benefit, you say you saw evidence that it worked for his benefit.---Correct.

And again, you say the benefits worked to his benefit in that, what, to him?
---To him, to receive more kickbacks from the three companies.

Was it made easier for him to secure greater amounts of kickback, once this panel was set up?---Correct, yes.

10 Do you know how that was achieved? How did that additional benefit flow to him through this panel?---Well, he didn't like dealing with me on me giving kickbacks, because I always used to argue with him over it. So with him having these other two companies, I really didn't know how much in kickbacks he was receiving, because I didn't have any gain of the financial documents with the other two companies. I didn't have access to them.

But did you see evidence of him receiving larger amounts by way of kickback after the Maintenance Panel was established, or not?---I've seen evidence, because he will tell us, when we were quoting.

20 When you were quoting, it became obvious to you, is that what you say?
---Correct, yes. Yes.

MR DOWNING: You say that in effect it became obvious because he would be telling you to up your quotes even more than he had been in the past, I take it.---Correct, yes.

30 But did he ever say anything to you, just in relation to the Maintenance Panel, that once it was up and running that it would make it easier to allocate the work to your companies? Do you recall him ever saying that?
---I, wasn't making it easier, it's, I felt like it was the same process, because the works that we were doing was the same work, so - - -

THE COMMISSIONER: Was there anything associated with this Maintenance Panel or what's sometimes referred to as a closed shop, that is, that you formally have your stable, if you like, of contractors, and then you can feed all the work out to the members of the stable, as it were.---Correct.

40 Was that the concept that was behind this also?---The concept was to have all the works for the gantry and the TIRTLS go to these three companies, and that way, that's why you ended up getting all three companies quoting and invoicing, or quoting the jobs.

MR DOWNING: I understand you say that from your perspective it didn't make it any easier, it was still the same process.---Yeah.

But did he ever say anything to you that, at his end, by having the panel set up and all of your companies on it, that it made it easier to allocate the work? Do you recall him ever saying that, or not?---No, no, I don't recall that, no.

Now, separate to the kickbacks that you were paying, you and Mr Hadid were paying to Mr Dubois, initially through Euro Civil and then through Built Engineering, it is the case, isn't it though, that through your three companies that you weren't sufficient that you were ultimately able to buy the units that you have operated from since 2016? That is, the industrial units.---Correct, yes.

So that's at Hephher Road in Campbelltown.---Yes.

10 And it's two units, isn't it, E3 and E10 in the same complex.---Correct, yes.

And are they back to back or facing each other?---No, they're, they're, they're two units. They're called larger units and smaller units, but they had two separate titles, but it was just one large unit, yes.

And you funded them through moneys that had been earned from RMS, from CBF and Euro Civil.---Correct. Yes. Yes. Our, like, the reason for purchasing was our overheads got a lot bigger. We had a truck, we had a ute, we had a lot of materials, leftover materials. We needed somewhere to
20 store these things, so it was practical to have that.

Where had you been storing trucks and materials before then?---Side of our house, side of Bazza's house. Just, we had no more room, so we needed to purchase a factory. We were originally going to rent one out, but it come, seeing as we had the money in the accounts, it was easier to buy a unit to store our goods.

And I take it by that point, I'm going to suggest that the purchase occurred in mid-2016.---Yes.
30

By then you'd had almost, coming up on 10 months, almost a year of the three companies operating.---Correct.

So you're doing more work.---Yes.

And I take it it got to the point where you needed vehicles.---Correct.

And you needed somewhere to store all the material that you're doing across the multiple jobs.---Yes.
40

I just want to now go away from the evidence in terms of the payments being made in kickbacks, but just to the work itself.---Yep.

There were many, many jobs, weren't there, OzCorp Civil being the last of three set up, where you were, in effect, bidding against yourselves on all three – in a sense providing all three quotes for the job?---Yes.

And you've confirmed there were other occasions where you might provide two and Mr Alameddine's company might be the third.---Correct.

But where there'd been a discussion so that you knew on that job whether it was to be your company or his company that would be the winning quota.
---Yes.

So that the other two would know that they were dummy quotes.---Yes.

10 And can I take you to work being done at Daroobalgie. And I take it you recall that town in New South Wales where – or it's probably overstating it to call it a town.---Yep.

Location where there was some works that you did.---Yes.

And do you recall that it involved a heavy vehicle checking station?
---Correct.

20 And do you recall doing works there, I'm going to suggest, in 2017?---Yes.

And do you recall what the nature of the works was?---Oh, it's a big job. There was a, a concrete pad we had to do for, to categorise the trucks. It needed to be a level thing, it was a big slab, pretty thick. There was a parking bay, septic tank, installation of an office or a changeroom, and removal of an existing toilet and just a massive area, yes. It was big, yep.

30 Can I take you, please, to volume 16.1, at page 3. And you'll see this is a 4 May, 2017 email from Mr Dubois to Euro Civil in respect of this job, I'm going to suggest. And you'll see from the attachments - - -?---Yep.

- - - there are some of the documents, that is a plan of the site, and other documents that are attached, including some JPEGs.---Correct.

And you'll see that in the email, if you just read it to yourself, it does describe the, in brief terms, the nature of the work involved.---Yep.

Just tell me when you've read through that.---Yep.

40 I can take you to each of the attachments, but even from the words in the email, do you recall that was the, that that was the job done at Daroobalgie. ---Yeah, but there's no mention of the concreting for the weighbridge (not transcribable)

I'm going to take you to some documents to suggest that whilst there was an initial request for quote sent out in May - - -?---Yep.

- - - it seems for some reason the job was delayed and there was then a further request for quote sent out in December of the same year.---Yep.

But perhaps just in fairness to you, if we could go, please, to the pages that follow, to the next page, do you recognise the photograph of the location?

---Oh, I think it's the other side. I think that's the wrong side, so - - -

If you go to the next page, please. And then the next.---Yeah, that one I do, yeah.

10 And you'll see across the road it looks like there's a police car of some sort. Was the work that was being done where the temporary building is or across on the other side, near where the police car is? And you'll see some grass and trees behind it.---Oh, it looks similar to me. I don't know if it was this side or that side, so - - -

But - - -?---But, yeah, yeah. I know the job but it, they just look both the same, just in opposite directions.

20 But was there some building work in the sense of doing some work for the facilities? That is, the building and some toilets and plumbing, et cetera? ---Correct, yes. Yes, yes.

But also some work that involved creating a slab for the trucks in order to stop and park.---Yep. Correct. The parking bay, yes.

And if we go to the next page, please, I'm not sure if looking at the plans will assist at all, but you'll see that it does show the highway with, it seems, works on either side.---Yes.

30 So that there was a stopping facility – that is a truck stopping facility – on each side of the highway.---Correct.

All right. Can I take you then, please, to page 14, same volume. And you'll see also on the 4th of May there's an email in identical terms, but this time sent not to Euro Civil but to CBF.---Correct.

Again asking for the quote.---Yes.

40 And then if you go, please, to page 25. Same day, this time the request for quote is sent to OzCorp.---Yep.

But in identical terms.---Correct.

Now, can I take you then, please, to page – sorry, volume 16.1, page 36. And you'll see it's now some months later, 15 December, 2017, and it's an email from Mr Dubois to himself but blind-copied to a number of people. ---Yes.

And you'll see that that includes, so Euro Civil, CBF.---Yep.

Well, there's two emails to CBF. One is info@cbfprojects.com and one is cbfprojects@bigpond.com.---Yes.

But also to OzCorp.---Correct.

Then you'll see simon@epmd.com.au.---Yep.

10 And I'm going to suggest that was one of Mr Alameddine's companies, but EPMD standing for Efficient Project Management and Deliveries Pty Ltd. ---Yes.

And then you'll also see too Mr Alameddine, @seinagroup.com.au.---Yes.

And I think your evidence is, isn't it, that you remember Seina but you don't recall, is it EPMD?---Yep.

20 But even though you wouldn't have been able to see this at the time, that is who else was being sent this email, because it's blind-copied - - -?---Yep.

- - - you were aware as at 2017 that there were occasions when it wasn't just you quoting, sometimes it was Mr Alameddine as well.---Yep.

And in terms of quotes, you know that ultimately it was one of your companies that obtained this job?---Yes.

Can I take you, please, to volume 16.1, page 126. And you'll see this is the Euro Civil quote dated 19 December, 2017.---Yes.

30 And if you go down to the bottom of the page, you'll see \$218,750 plus GST.---Yes.

And if you go back up to the top, you'll see that it does break down the works, so first of all the toilet cubicle, meeting room and civil works.---Yes.

And then separately the concrete pads you've described for the weighbridges.---Yes.

40 So they were the two elements of the work.---Yes.

And looking at the breakdown there of the work in terms of how it's described, does that appear to be your wording - - -?---Yeah.

- - - or something that Mr Dubois either wrote or edited for you?

---No, it would be my wording, it just would have been something that he would have just proofread to make sure it was - - -

But when we go to the bottom and the sum, that sum would have reflected your original price then with his uplift on top of it.---It was probably included in that, I don't - - -

Sorry, that was a clumsy question. You would have come up with an earlier price that was less.---Yes.

You would have told him.---Correct.

10 And you would then have had him instruct you as to what the figure was to be.---Correct.

Now, this is December 2017, if you go to the top you'll see it's 20 December, or sorry, 19 December, 2017.---Yeah.

So a couple of months after each of your companies were successfully placed onto the Maintenance Panel.---Yes.

20 And your evidence is that by this point he was upping the ante when it came to the amount of his margin.---Yes.

So by this point when it came to discussing the price of the job, you would give him your actual figures and there was a significant increase in what he wanted as his margin.---Correct, yes.

Did you ever push back and suggest that the price he was telling you to price at or to quote at was just too high to be credible?---Many occasions, many.

30 And what did he say?---It was just in one ear and out the other, you couldn't, you couldn't, couldn't get through to him. In many occasions me and Barrak just kept telling him, like, "Enough, like, slow down," and we - - -

40 But was your concern that in effect by pricing it at such a level, that is so far above what your genuine figures were, that someone was going to wise up to it at some point?---Not wise up to it, but I liked doing the work we were doing, you know what I mean, it was, we'd been doing it for a period of 10 years, we just loved doing it, and, you know, to lose it now was just, just, yeah, at the end of the day it's just, I don't know how to explain, it's just - - -

Well, your evidence is, isn't it, that throughout the period of work, the actual margin that you and your companies got, that is you and Mr Hadid, didn't change, that you would price it - - -?---It wasn't about the margin, it wasn't anything about making money, we, we genuinely liked doing his work.

I understand, but I guess my question is more this, that right back to the beginning you've indicated that you would work out your genuine costs and you would put a margin on it, not suggesting anything wrong with it, but a 30 per cent profit margin on top.---Correct.

And that's the way you operated.---Yes.

And you made a reasonable living out of it.---Yes.

10 Mr Dubois, over time, had always required some margin.---Yes.

But it increased once you got on the panel.---Increased. Sometimes you would allow, he would allow the taxes in it, and then the GST, he'd just change, it just varied, it just, I don't know if it was due to a vehicle he needed more money or whatnot, he just kept changing it, upping the ante on it, so yeah.

20 But I mean you received a benefit from the work in the sense it was being allocated to your companies.---Correct.

But it didn't make any difference to you whether he was charging a \$50,000 margin or \$100,000 margin, it was no different to you in terms of financial outcome.---Financial outcome, because it was just - - -

Because it was all going to him.---Going to him from, yeah.

Can I take you then, please, to same volume, page 128.

30 THE COMMISSIONER: What's the volume number again?

MR DOWNING: Sorry, 16.1, Commissioner.

THE COMMISSIONER: 16.1. Thank you.

MR DOWNING: And you'll see this is the CBF Projects quote for the same job, so dated the next day, 20 December, 2017.---Yes.

40 And you'll see again there's a breakdown of the works. And if you go to the bottom - I'm sorry, you need to go to page 130 for the balance of it. On this occasion it's 229,500, so this is a higher quote than the Euro Civil quote.---Yep.

And then if we go, please, to page 132, you'll see the OzCorp quote, there's a little bit less detail in terms of the way the works are described, but I take it you tried to not make the wording too identical from one to the other? ---Yeah, I got lazy, too, I just was getting sick of it, yeah.

And in this instance it was 227,500 plus GST.---Yes.

So given those three quotes you'd know that it was Euro Civil who got this job, because it was the lowest bidder.---Yep.

And if you go, please, to volume 16.1, page 110, you'll see this is a contract creation document in respect of this job at Daroobalgie.---Correct.

And first of all it's for Euro Civil.---Yes.

10 218,750, which is the quoted price.---Yes.

Mr Dubois is the manager.---Correct.

And if you go over the page, he signs and Mr Soliman approves on 21 December, 2017.---Yes.

Commissioner, is that a convenient time?

20 THE COMMISSIONER: Yes. Yes, we'll take the morning tea adjournment. I'll adjourn.

SHORT ADJOURNMENT

[11.36am]

MR DOWNING: Thank you, Commissioner.

THE COMMISSIONER: Mr Downing.

30 MR DOWNING: Mr Chahine, just before the break, I took you to some of the documents in respect of that Daroobalgie job in December 2017.---Yes.

And just thinking then about 2018, 2018 was a year where you were doing significant numbers of jobs through the three companies.---Yes.

And it involved significant amounts of paperwork in order to put in the quotes for each of the three companies.---Yes.

40 Can I take you to volume 2.7, page 122, and just while that's being brought up, you recall, don't you, that consistent with what Mr Steyn and Mr Dubois had asked of you, that there were the three quotes going in and at various times each company was successful in winning a particular job?---Yes.

At Mr Dubois's direction each time as to who would get the job, but all three companies were winning jobs and performing the work through 2018? ---Yes.

You'll see this is a schedule showing the jobs that were actually awarded to Euro Civil in 2018.---Yes.

And you'll see it lists 10 different jobs, and all in 2018, you'll see that there's reference to the purchase order number for each of them under the third column across. You see PO?---Yes.

And then a description of the works.---Yes.

10 And I'm not going to go through all of them, but you'll see that there were works at multiple locations around the state that year.---Yes.

I take it there were long periods where you were away from home doing the work.---Yes.

So for instance, you'll see that there's work at Narrandera, the heavy vehicle or HVEP maintenance Narrandera STC footing and TIRTL installation. ---Yes.

20 Then also in Narrandera, bunker removal jobs, separate to that.---Yes, yes.

Then an HVEP maintenance at the Newell Highway.---Yep.

Do you recall each of those jobs, the multiple Narrandera jobs first of all? ---The majority of them, yes.

And then the Newell Highway?---Newell Highway, yeah.

30 If it assists, I can take you to some of the documents to show you precisely what it involved.---Yeah, yeah, that - - -

Can you recall now what the Newell Highway was?---Just which location in Newell Highway, that's what I'm - - -

Perhaps just in fairness to you, can we go, please, to volume 3 point, or 3 part B, page 136? And if you go to the top – oh, I'm sorry, that is - - -? ---That's Daroobalgie.

40 So, is that the same job that I took you to before? I think that's for a different sum and at a different time. If you go to the bottom of the page – oh no, it's \$218,750, but that's a quote in February 2018, if we go to the top, please. Do you recall doing work at both the southbound and northbound, was it on both sides of the highway?---Yes.

Right. And perhaps just in fairness, so this is the quote for, it's doing the concrete pads for the weighbridge at Daroobalgie southbound.---Yes.

And can I take you back, please, to volume 16.1, page 126, you'll see that this was a quote back in December, but for concrete pads at the weighbridge at Darroobalgie north and south.---Yes.

But you'll see, if you go down to the bottom of the page, it's the same amount, \$218,750.---Yep.

10 So do you recall that there were multiple jobs at Darroobalgie, both sides of the highway and involving installations both side?---We done the pad on the one side, and then we had to go back later and do the pad on the other side. They didn't want to have both sides closed, because you couldn't drive over the concrete pad for at least 21 days.

Thank you. In any event, if we go back please to volume 2.7, page 122, the schedule, you'll see there's also works there at Port Macquarie, it looks like an average-speed camera job involving footing and pole cap installation. ---Yes.

20 Do you recall that job?---Yes.

Then Albury bunker removal and hardstand.---Yes.

And you'll see that in respect of that job, whereas all the other jobs above it on that schedule involve quotes that are all from your company, so Euro Civil, OzCorp, and CBF - - -?---Correct.

- - - you'll see that the Albury bunker job does involve your three companies, that is yours and Mr Hadid's, but also EPMD.---Yes.

30 So I take it you recall that in 2018 Mr Alameddine was still doing works. ---Yes.

And he and his companies were doing frequent works, I take it you're aware, at the same time?---Yes.

In any event, you'll then see that there's also ASC gantry installation and installation at Telegraph Point Road.---Yes.

40 You recall that job?---Port Macquarie, yes.

Then ASC Port Macquarie Telegraph Point Road TIRTL and bay civil works.---Yes.

And then finally, southern sector heavy vehicle enforcement site. You'll see that's works which seem to be done late 2018 with the payment in 2019. ---Yes.

And do you recall that as well?---Yeah, that's the whole southern sector we had to go through and maintain all the Safe-T-Cam sites.

And if we go then, please, to page 123, same volume, 2.7, I'm now showing you a schedule of jobs that were ultimately awarded to OzCorp. So whereas the last table was Euro Civil, this is OzCorp jobs, and you'll see that there were a significant number of OzCorp jobs that year as well.---Correct.

10 You'll see the first of them is Safe-T-Cam maintenance for 26 sites around the state. Do you recall doing that?---Yes, yes.

Then Tweed Heads bunker removal, excavation and road base.---Yes.

Do you recall doing that?---Yes.

Separate Tweed Heads work involving a Safe-T-Cam TIRTL installation and concreting.---Yeah.

20 Do you recall that?---Yes.

Jerilderie bunker removal and maintenance?---Yes.

Do you recall doing that?---Yes.

The stage 1 works for Colebee, that is the yard in Sydney?---Yes.

And do you recall that that's a yard where there was a large area that had to be cleared and concreted?---Yep.

30 Then the next job is general description, but financial years 2017-2018 southern regional works. Do you have any recollection as to what that involved?---Which on, sorry, 2018?

Number 6 you'll see financial year '17-'18, southern regional works. ---Yep.

40 Any recollection as to what that involved?---The maintenance as well, so maintenance. So that looks like the maintenance for the Safe-T-Cam and the one previous would be the maintenance for the heavy vehicle sites.

That is number 1 you think is heavy vehicle sites?---Yeah.

And number 6 is Safe-T-Cam sites you believe.---That's Safe-T-Cam sites and then that will be heavy vehicle sites, yeah.

So which number. So number 1 are you saying is you believe - - -?
---Is the Safe-T-Cam, yeah, for the 26 sites, and then the southern region

works will be for the heavy vehicle, the mobile, like, they've got areas where they pull them up, so we have to go maintain them sites, yeah.

And perhaps just in fairness, we should have a look, if we could, please, volume 3.6, page 322 for the OzCorp quote in respect of that job. 3.6, page 322. Perhaps if we just enlarge that a bit, it looks bit small. So you see it's southern region maintenance and it lists the different locations.---Yeah.

10 The first one does indicate it's a Unanderra heavy vehicle inspection station.---Yes.

And from the others, it does look like from the comments on the description, each of them are heavy vehicle sites of one sort or another.---Yes.

And does that accord with your recollection that that's what the - - -?
---Southern region maintenance, yes.

20 And you'll see if you go to the bottom of the page that OzCorp's quote on that was \$229,000.---Yes.

And if we could go, please, same volume, page 326, you'll see this is CBF Projects' quote for the same works.---Yes.

And if you go ahead, please, to 327, you'll see its quote was 224,500 plus GST.---Yes.

And then if we could go, please, to same volume, page 324, Euro Civil's quote was \$212,250.---Yes.

30 And then if we could go, please, to same volume, 3.6, page 30. You'll see that OzCorp submits its claim for payment on 12 June, 2018 for the southern region work.---Yes.

And if you go to the next page, you see there's a breakdown of the works. Then if you go over the next page, it's the sum of \$202,450.---Yes.

That OzCorp ultimately is, or plus GST that it bills.---Yes.

40 Then can I go back, please, to volume 2.7, page 123. You'll see job number 8 is the Nyngan footing and TIRTL work. You'll recall that work at Nyngan.---Oh, I don't know if I was at Nyngan for that job.

Were there some jobs that you didn't actually attend, that Mr Hadid and others - - -?---Yeah, I was probably busy on another job or - - -

Were there times when you had, between the three companies you and Mr Hadid controlled, multiple jobs going at the one time?---Yes.

So one of you would be in one location.---Yes.

With subcontractors.---Yep.

And the other would be in another location.---Correct.

Right. So you don't recall being present at Nyngan?---No.

10 The last one on that table, and this is amongst the jobs that OzCorp obtained in 2018 - - -?---Yep.

- - - was Heavy Vehicle Enforcement Program, scheduled maintenance for various Safe-T-Cam sites.---Yes.

And do you recall that job?---Yes.

20 All right. Can I take you then, please, to page 124, same volume. And you'll see now this is a – this schedule is the jobs awarded during 2018 to CBF, having looked at both Euro Civil and also OzCorp.---Yes.

You'll see that there were not as many jobs to CBF.---Yes.

Do you recall whether Mr Dubois might have suggested that once you'd set up the other companies, that is Euro Civil and OzCorp, that you wanted to try and give them more, given CBF had been doing them for some time?---I just, I was trying to hint to him stop giving CBF work.

30 Just for a particular reason?---Just sick of paying the kickbacks. I was just, we were trying to basically stop, just get out of it, trying to - - -

Well, was there ever any discussion with Mr Dubois about perhaps not wanting to do the work or stopping the use of one company, anything of that nature?---No, there was no discussion with Dubois about it, but it was just more along the lines where I just didn't want to – I just, he'll say, "CBF will do this job," and I'll say, "Oh, no, give it to this one." So I just didn't want to – just at the time we were just tired. I was just sick of it, so, yeah.

40 But in a sense, irrespective of which company got the job, I mean, the process was still the same in the sense that there were still going to be kickbacks.---Yeah, because he, he probably gave me less work too because I always questioned him about the size of kickback too.

Whereas you say Mr Hadid didn't tend to question him as much?---Yeah, well, just, he was just afraid of him, yes.

So was there – did you perceive some difference in a relationship that you had with Mr Dubois as opposed to Mr Hadid?---Yeah, I was, I always stood my ground, where Mr Hadid just - - -

Gave him what he wanted?---Yeah, just, yeah, just basically scared.

In any event, do you recognise the four jobs? So first of all, Jerilderie Safe-T-Cam site guardrail job in 2018?---Yes, yes.

Then Narrandera Safe-T-Cam guardrail job.---Yes.

10 Then safety guardrails it seems at a number of sites, so Eumungerie, Gilgandra, Peak Hill northbound, Cundumbul and Molong.---Correct, yes.

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

So by the end of 2018, it's correct, isn't it, that across the three companies that you were operating with Mr Hadid, there'd been a massive amount of work that you'd done for the RMS?---Yes, correct.

20 And correspondingly, there'd been very significant sums that'd been paid in kickbacks.---Yes.

And by then, Mr Dubois, it's correct, isn't it, was receiving them partly in the form of payments towards cars - - -?---Yes.

- - - and also through the use of the card that he had on the Euro, I withdraw that, the Built Engineering account?---Correct.

30 Now, after you had acquired the Hephher Road, Campbelltown premises that you used as your workshop, it's correct, isn't it, that you and Mr Hadid set up an office upstairs?---Yep.

And can I take you, please, to volume 2.1, page 66 – sorry, 2.17, I'm sorry, just 2.7, not 2.1, apologies. That's a photograph of the office.---Yes.

And if we could go to the next page, page 67, please, slightly different angle but another photograph of the office, correct?---Yep.

40 And is it the case that from the time that you had acquired the premises in 2016, right through until when you ceased the RMS work, you worked out of that office?---Yes.

And you'd set it up so that Mr Hadid was at a desk on the left, looking from the door to the windows.---Yep.

And you were on the right.---Correct.

And while it doesn't show a computer in the photograph, do you recall that by June 2019 when the search warrant was executed, you were still sitting on the right?---Yep.

And you had both the iMac that we can see on the screen, as well as a laptop?---Yes, correct.

And it's correct, isn't it, that Mr Hadid had a laptop that he used from time to time?---I don't think he had a laptop, no.

You don't recall?---No.

10 Any computer that was found on that desk, that is, the desk that we see Mr Hadid - - ?---Barrak's computer's there in a box.

I'm sorry, where's the box?---On the right. Just hasn't been set up yet.

Right. Do you recall him at some point having a computer that was set up on the desk?---That's the computer that was set up on the desk.

But, sorry, your computer?---No.

20 Or his?---That's – my, my computer's set up, and that's Barrak's computer. We hadn't set it up yet.

Still in the box.---Yes.

But he eventually set it up, correct?---Yes.

30 And it's the case, isn't it, that anything that was found as at 18 June, 2019 when the search warrant was executed on your desk was either paperwork that you had created or the computer that you operated?---Yes, yep.

Whereas the things that were found on Mr Hadid's desk were his.---Yes.

So whatever paperwork there was.---That was just mixed, it was just every – and a lot of people used that office too, so - - -

Who else used the office?---Oh, a lot of the contractors, my brothers, family members. If people want to use printers and, yeah, a lot of people.

40 But to the extent that there was a computer located on the desk to the left that we see Mr Hadid seated at here, that wasn't a computer you used though, was it?---Oh, from time to time, yes.

Did you both use each computer?---Yes.

But you typically sat at your desk on the right in the photograph, didn't you?---Yeah, so I eventually started sending the Euro Civil and Maintenance emails and documents from the other computer, because it was

all on my computer, it was just, I couldn't, there was just too much, so I just had to - - -

So is this the case, that looking at where you're seated with the iMac in front of you, is it the case that you were doing the CBF and the OzCorp on that computer?---And Euro, at one stage.

At some point.---Yep. And then - - -

10 And then at some point, you started to use - - -?---I started doing Euro from Barrak's computer, yes.

But only Euro?---Just Euro, yes, I'm pretty sure.

Was the reason for doing that just so that there was some separation?
---Yeah, that's just so I don't get things - - -

Mixed up.---Mixed up, yes.

20 Now, do you recall that you did maintain a notebook of some sort, like a spiral-bound notebook that you made some notes about work in?---Yes.

And can I ask if you have a look, please, at volume 2.7, page 15, do you recognise that as the front of the notebook that was found in the office at the time the search warrant was executed?---There were several notebooks. There was a black one, I don't recognise this one here.

Now, it looks like the writing on the front, it's in red, in the bottom part is it, it says, "Chahine"?---Yeah, I know, but I wouldn't have written it like that, but anyways.
30

You didn't? You don't recognise that as your writing?---That's not my writing, no.

Do you know what's written above it?---No, [REDACTED], I don't know, no.

But you say that's not your writing.---No. [REDACTED], that's my son's name.

Oh, I'm sorry. So your son's name is written on the notebook.---Yeah.
40

Do you believe at some point he must have scribbled on the front of it?
---Yeah, probably, yeah.

In any event, can I ask you to have a look at page 18, same volume.---Yep.

Now, is that your writing?---Yes.

And you'll see that on that page you've listed CBFprojects@hotmail.com.
---Yes.

And then it looks like [REDACTED] with a capital [REDACTED] and underscore - - -?
---[REDACTED].

- - - [REDACTED]. Was that login details for the email account for CBF Projects?
---It was the login details for the Microsoft works account, for the Excel.

10 So that if you wanted to then go and create invoices or quotes, that was the account you used?---Correct, yes.

And then down below directly underneath that there's a line and then it's got info@eurocandm.com.au.---Correct, yeah.

And then is that similarly then the details for the login for the similar account that you had but for Euro Civil & Maintenance?---No, that's a different account, that's for the [REDACTED] account for the email for Euro.

20 So that's an email login.---Yes.

And then down below again you'll see OzCorp Civil Office 365 and admin@ozcorpcivil.com.---Yes.

And what was that detail, was that the email account details for OzCorp Civil?---Yes.

30 So did you have to, from time to time, try and keep track of first of all the - - -?
-?---Yeah, I don't remember half the passwords so I'd scribble it down somewhere so I can - each time I needed to send an invoice I needed to log in - - -

To the right account.---Right account, make sure I attached the right invoice 'cause on several occasions I - - -

Mixed them up?---Mixed them up, yes.

40 But was it, even though you said that you at one point moved onto Mr Hadid's computer in order to send the Euro Civil documents, was it you who was typically the one that was sending the emails for all three companies?---Correct, yes.

So that you needed to try and keep track somewhere of the email accounts.
---Yes.

And the Excel account in which you were then creating documents.---Yes.

So that you would be able when it came time to do the paperwork for a particular job, whether it's a quote or an invoice, be able to quickly move between accounts, create documents and send documents.---Yes. I was doing the work for three companies, so, yeah. it's just too much.

Between that and actually being onsite and doing the work - - -?---Onsite and then the paperwork.

10 - - - you must have been working long hours.---I was drained. My wife, it just caused a rift between me and my wife the majority of the times as well, because I'll go away for work Monday to Friday, come home, and then Saturday/Sunday I'm just writing up quotes to get ready before I go away the week after.

20 So even when you're not onsite on the tools so to speak, you're at home having to create multiple - - -?---Documents, and then majority of the times, even Sundays, Alex would want to meet up and then there was a family barbecue or an occasion and my wife would get the shits because I wasn't a part of it, so yeah.

So you would what, not have time to, you couldn't go.---I couldn't attend because I had to - - -

Can I take you then, please, to page 19, same volume, 2.7. And do you see these are notes – first of all, is that your writing?---Yes.

And are these notes in respect of particular jobs?---Yes.

30 So Heathcote Road I take it was a site in Sydney?---Correct.

And looking at the description there it looks like it's a job that involved vegetation control, removal of rubbish, cleaning, and then it looks like a clean-up job.---Correct, yes.

And then Jones Island - - -?---So usually people go to these sites and dump their rubbish, so we usually get called out straightaway to go clean it up, and so he would tell us to put this on that quote later as well.

40 Right.---So we'll go clean it up.

So would there be times where you'd put a quote in that involved multiple - - -?---Works that had already been done, yes.

So sometimes even before you'd done the quote, you'd gone to the site and done the work?---Yes, and he told us to put it on this quote.

So that he would call you I take it at short notice and say he needs you to go and clean up a location.---Yes.

And then when it came to putting a quote in down the track, he'd get you to actually quote as though it was something that was going to be done.---Yes.

Jones Island I take it you recognise as another location?---Yes.

And was that up around Newcastle or north of Newcastle?---Yes.

10 And looking at that job, that looks like it's - - -?---It's north of Taree, so, yeah.

I'm sorry, north of Taree. And that looks like, from the description – I withdraw that. If you could tell me if you can tell us from the description there what it involved?---That involved the fixing of the w-beam some car had hit.

20 Is that the safety, the guardrail?---The guardrail, yeah. And it damaged some sign and guardrail. We were told to fix it. So, yeah. That's why it said damaged.

And site surveys? Again, I take it that's a reference to some RMS work for Mr Dubois.---Yes.

Looking at that, are you able to say exactly what that involved?---Oh to my best recollection, oh God. What's it say? Ingleside, Alford's Point Road and Cook Drive. Site surveys. Yeah, I'm pretty sure it was to get, get the sites categorised, if I recall.

30 Categorised in terms of what?---Well, when they weigh the trucks, there's got to be the certain level of the pad. So we needed to get the site survey to determine the height. So they pull in a B-Double, what, what to categorise the truck at, at category A or a category B, so, so can determine if it's over, overweight or, yeah.

So was it Mr Dubois at some point asked you to go around the state to the different heavy vehicle - - -?---Majority of them, yes, but we'd get – correct.

- - - checking stations to do the categorisations?---Correct, yes.

40 Can I ask you to go, please, to page 21. And do you see, looking at the top, first of all, it looks like there's a date. It looks like 18/5/17.---Yes.

Although there's some scribbling or doodling on top of it.---That's me. I just get, yeah, carried away.

Looking at the description there, does it appear to be the notes where you were setting out an estimate as to what was going to be involved in a particular job?---Probably, yeah, I don't - - -

And, and you'll see it's, just starting at the top, "Travel 2 x men northern region, Hunter Valley and north-west."---Yes.

"Measure safety barriers and assess entry and exit to site."---Yes.

"Survey of each site individually for" – something "works". "Future works".---Survey each site – jeez, I can't even read my own writing.

10 Looks like "individually for future works".---"Individually for future works. Assess safety issues for travelling" - - -

"Motorists"?---Yep. "And site" - - -

"Contractors"?---"Contractors", yes.

And do you recall Mr Dubois getting you to do that job, that is doing some sort of assessment of, it looks like, locations at the northern region, Hunter Valley and north-west?---Yes.

20

And just thinking about what's recorded there, does this likely reflect an initial discussion with Mr Dubois about something he was going to get you to do or is it your workings to try and establish what your costs would be? ---I'm just trying to think what jobs. Hunter Valley, two times, northern region, Hunter Valley (not transcribable). Yeah, I don't recall what it was for. We had to draw schematics on each job of where the, the RMS assets were.

30 Perhaps if – you'll see that there's a listing there of eight nights of accommodation, looks like 72 hours of travel.---Yep.

And then 35, although there's written underneath it 70 of site inspection. ---Yep. Well, that's two men so double it, yeah.

But looking at the way that's recorded, do you think that reflects a discussion with Mr Dubois or your own workings?---Our own workings to estimate the cost, probably, yes.

40 So bearing in mind that it shows the date 18 May, 2017 and a description of work at that northern region, Hunter Valley and north-west, sorry, and north-west area, can I ask you to go then to - - -?---You can see the writing in the black's not my writing.

Sorry, if we go back, go back to that page.---That's not my writing.

Just wait till we bring it up.---Pretty sure that's not my writing.

Sorry back to page 21. Oh, right, so the blue writing is yours?---Yeah, I don't know who done it in the black.

You don't know the black?---It doesn't look like my writing. Probably under it it is. Yeah. Yeah, I just - - -

Would you sometimes do the calculations - - -?---I just (not transcribable)

10 - - - with Mr Hadid present?---Yes. Yes, correct. He used to make us write it on the whiteboard in the office.

Sorry, who would? Mr Dubois?---Mr Dubois used to make us write down breakdowns and costs and travel so he can get an estimate. He said it was to show his boss some of the breakdown on why the jobs were so much.

Well, where was the whiteboard? I can take you back to the photograph that I took you before, but where in the office was the whiteboard?---Oh, just on the, as you walk in on the right, on the wall, above the printer.

20 So if we could go back, please, to page 67 of volume 2.7. We see the printer on the ground.---It hasn't been put in, but it's there on the ground. See that where your little mouse thing is? Yeah, hasn't been put up yet, yeah.

Oh, okay. So that was later put up on the wall?---Yeah, we were waiting for another bench to go there, to put the printer and the - - -

Okay.---Yep.

30 But when it went up, Mr Dubois would visit from time to time.---Right.

Then would you then be discussing the jobs that you're about to put in for or he might have sent you a request for quote on?---Yes. Yes.

And would he get you to run through, in rough terms, what your estimates were?---Breakdown and costs. Yes.

And you'd write it up on the board.---Yes.

40 And that's when he would then tell you what price you were to quote at? ---It wasn't for us for the price we would quote at. It was so he knows what the breakdown in the cost was. So he took photos of it to show to his boss Samer.

So he would take photos of what was written down there?---On, on the board, yes.

But then having gotten your actual estimates as to what might be involved as to a cost - - -?---Yes.

- - - he would then tell you, though, to quote at a higher price?---Yes.

And if we go back, please, to page 22. Same volume. Do you see that now there is a heading Euro? Well, first of all, is the black writing yours?
---Yeah.

10 And the blue writing? Can you recognise whether that's yours or I don't know whether you know Mr Hadid's writing well enough to identify if it's his.---Yeah, probably yes, probably mine, yes.

That is black and blue?---Yeah.

Well, starting at the top, you see there's a heading Euro.---Yes.

And then P2P Armco.---Correct.

20 And then there is reference to certain hours of travel, office drawings, site et cetera.---Yes.

So does this appear to be a description, a further description of the job that was written about on the page before that I took you to?---No, I don't think so.

In any event, you'll see that there's a reference there to various hours, so it looks like – is it 72 hours' travel?---Yes.

30 Although something's written above it in red.---80, yes.

Do you believe that's your writing?---No. I don't know what the hell that is. I don't know.

Well, it looks like it's 72 hours written initially at 200 an hour, so 14,400.
---Yep.

And then someone has edited it to 80 and it becomes \$16,000.---Yeah, I just
- - -

40

You don't know whether - - -?---I don't recall any of this.

Did Mr Dubois ever sit with you and talk through with you what should be allocated for each item like this or was that normally something you came up with?---It's normally something I came up with, yes, me and Barrak.

In any event, you'll see the various elements there. So under Euro, the total that you get to at the bottom is \$48,000.---Yep.

And looking at that now, can you assist as to what the job was?---No.

Can I ask you to go to volume 3.3, part B, page 26. Do you see 15 May, 2017, so bear in mind that the page I took you to before in the notebook had 18 May, 2017 as the date.---Yes.

10 But do you see on 15 May, 2017, Mr Dubois sends to the Euro Civil email address a request for quote in respect of costing for site visit, or asking – sorry, I’ll read it out. “Can you please submit costing for site visit to attached average-speed camera sites to investigate and identify the required upgrade of safety barrier system to protect assets and remove risk to motorist travelling past the roadside furniture, all costing to include travel, accommodation, meals, and incidentals, final paperwork to include a site schematic which can be used to understand the requirements for the individual site.”----Yes.

And you’ll see it lists north, north-west, and Hunter Valley.---Yes.

20 Reading that, this does seem to be a reference to what you’ve noted on page 21, correct?---Yep, yep.

And do you recall that job now, being asked to visit and do some sort of investigation of average-speed camera sites?---I don’t recall going to the jobs, I think Barrak would have went to those jobs and, with another contractor and measured and assessed what needed to be done.

30 But you’ll see there’s an attachment, Point-to-point Site Assessment North, North-west, Hunter.---Yes.

And if you go to page 27, you’ll see there’s a list there of all of the different sites.---Yes.

And you’ll see many of them are on the Pacific Highway, some on the Gwydir, some on the New England, and some on the Golden.---Yes.

40 Do you recall that you worked on those, or was that all Mr Hadid?---I think Hadid, Mr Hadid went out to these jobs and measured and seen what needed to be extended for protecting the assets of the RMS.

But then, having seen that there was that request for quote on 15 May, does it seem that when we go back to what you’d noted at page 21, that they were your workings as to what was going to be involved in doing the job? ---Yeah, it’s probably just a little assumption, yeah.

Now, do you recall whether at the – thinking about this job, it seems that there must have been some discussion with you, because you’ve made the notes.---Yes.

Even though you didn't go out and do it, you say.---Yeah.

In terms of what you were being asked to do, that is, to as per the email visit the sites at various average-speed camera locations to investigate and identify the required upgrade of safety barrier systems to protect assets and remove risks for motorists travelling past the roadside furniture, did it seem to be a genuine job? That is, something that actually needed doing?---Yes, it was, yes. The, the reason being is because they had extended all the
10 TIRTLs on each side to 45 metres away from the gantry, and when they had done that, the TIRTLs were out and exposed off the side of the road. So vehicles travelling at 100 kilometres an hour, if they hit it, it would have caused serious damage, so - - -

So is it the case that before the move of the TIRTLs, the TIRTLs were located in a place where there was some barrier around it?---Correct, yes. So after we had installed all the TIRTLs, there was an issue with these TIRTLs being out in the open, so they needed to extend the Armco to
20 protect the RMS assets and civilians.

Thank you, I understand. Can I take you back now, please, to volume 2.7, page 71, and you'll see this is actually an extracted WhatsApp chat between you and Mr Dubois.---Yes.

So you'll see that the two participants, and I won't read the numbers out, but it's your phone number and Mr Dubois' phone number.---Yes.

So the two users are listed as Alex Personal and Chahid Owner.---Yes.

30 So this is from your phone.---Correct.

And can I take you then, please, to page 91, and if we can just enlarge that a bit, you'll see that the messages in blue on the left are from Mr Dubois, that is Alex Personal, and on the right in green are you.---Yes.

And if we go to the top of the page, please, the first entry, sorry, the second, you'll see the date on that is 22 May, 2017.---Yes.

40 And there's an attachment. You can see there's a thumbnail picture of it, and I'll take you to the full picture, but you can see even from that, can't you, that it's the Euro Civil letterhead?---Correct, yes, yes.

And if I can take you then, please, to page 93, to the actual JPEG, and if we just zoom out again, you'll see it's the Euro Civil quote.---Yes.

It's dated 18 May, 2017, and just pausing there, that's the date of your notes in the notebook that I first took you to.---Yes.

And you'll see that it involves point-to-point quality control.---Correct.

And it's north, north-west and Hunter Valley.---Yep.

And if you look at the breakdown, and you might need to just zoom in a bit here, there is a breakdown in terms of the hours involved doing the different aspects of the job, the travel et cetera.---Yeah.

And the sum is \$48,000.---Yeah.

10

Or 48 plus GST. If you go back in the same volume to page 22, you'll see that under Euro and then that breakdown of hours, the total is \$48,000.---Yeah.

So going back, please, to page 91, which is the WhatsApp exchange with the message, that photograph that we see as a JPEG which is sent as an attachment by you, is sent on 22 May, 2017.---Yes.

20

After the request for quote that I showed you was sent on 15 May.---Yes.

Looking at this, is it likely that before you officially submitted the quote via actual emails from Euro Civil to Mr Dubois at the RMS, he asked you to send it through to him so he could have a check of it?---Correct.

And that was something he frequently did, I take it?---Yes, frequently, yes.

He wanted to look at it to check that he was happy with it.---Yes.

30

And by 2017 you were using WhatsApp as a means of sending things.---Yes.

And if you go back, please, to the photograph that is the JPEG at page 93, and if you just enlarge that a little bit so you can read it, you'll see it describes, "Check and review quality of point-to-point sites in the north, north-west and Hunter Valley region."---Yes.

40

But is that your words to describe the task of checking that in effect that the TIRTLs were installed in locations where there was adequate safety barriers around them?---It was, yes, to go out, we had to go check which sites weren't protected from the Armco and then we also had to do, like, measurements to say where the conduits were, the pits and yeah.

Because quality control or quality assurance work weren't things that you normally did.---No.

But do you recall in this instance it was really, it was for the tasks you've described for us.---It was a genuine job and it was done, yes.

So having sent that WhatsApp message to him, you recall that you subsequently did the job.---Yes.

And if we could go, please, to, and this is a separate document, but a 23 May, 2017 email with the Euro Civil quote. And, Commissioner, this isn't presently part of any of the documents, it will need to be the subject of a separate tender, but I'll attend to that at a later point.

THE COMMISSIONER: Yes, very well.

10

MR DOWNING: You'll see that on 23 May, 2017, an email was sent from Euro Civil under the name Barry Hayden, but attaching the soft copy quote for the safety barrier systems, the average speed camera sites in the north, north-west and Hunter Valley region.---Yep.

Is it likely that you sent that email?---Yeah. I just don't know why you'd say soft copy, but yeah, I did.

20

In any event, if you go, please, to the next page, and you'll see there's the quote.---Yes.

And it's \$48,000, as per the draft I showed you before.---Yeah.

But you'll see that there's some change in the wording at the top. Whereas before it seemed you'd put in the language, "Check and review quality of point-to-point site in the north, north-west and Hunter Valley region," what's now submitted is a bit more detailed in terms of the content. I can take you back to the version as to - - -?---Yeah.

30

- - - it was sent on your WhatsApp, if we could, please, just - I'm sorry to jump around, but volume 2.7, page 93. You'll see this is the one that was the photograph that was attached to the WhatsApp message.---Yes.

Just have a read of it, but you'll see the first line is what I read to you before, "Check and review quality of point-to-point sites in the north, north-west and Hunter Valley."---Yes.

40

And then there's some detail there, as you go down, in terms of the work that's involved.---Correct.

So there's a reference to the individual locations.---Yes.

But if we go back, please, to the email and, more particularly, the quote that was actually sent via the email on the 23rd of May. You'll see there have been some changes to what you'd sent originally.---Yeah, that's correct, yes.

And those changes would have reflected, I suggest to you, what Mr Dubois then said he wanted in terms of the actual wording of it.---Oh, it's not what he wanted but it was what we were supposed to do, so just like I said, it was to measure, and also the TIRTLs, the pits, the locations. We had to do schematics for them, yes.

But having sent him a photograph as a JPEG, that is the document - - -?
---Yeah, he would have told me to change the description.

10 Because he was quite particular about the way he wanted things worded?
---Yes.

All right. And can I take you then, please, to volume 3.3, part B, page 32. And you'll see this is the purchase order for that job.---Yes.

In the sum of 48,000 plus GST. So 52,800 inclusive of GST.---Yep.

20 And can I take you then, please, to volume 3.3B, page 34. And you'll see, on 29 June, you send an email with the Euro Civil invoice.---Yes.

For the northern region asset – well, it says, “For the northern region asset protect”.---Correct.

It's sent in the name of Barry Hayden again, but I take it it would have been you sending the email.---Correct.

30 And if you go over the page, please, you'll see it's the invoice that now reflects what was ultimately the quote that was sent. That is, the language consistent with the final invoice, sorry, quote as was sent.---Yes.

And in the same sum, 48,000 plus GST.---Yes.

Now, can I take you back, please, to volume 2.7, page 22, which is the notebook, well, the page in the Spirax notebook that I took you to earlier. And you'll see separate to that section about, under Euro in the sum of 48,000, there's a circle with “OzCorp 46,200”.---Yes.

40 And do you recall that OzCorp did a somewhat similar job but in a different region of NSW about the same time?---Probably, yeah. I don't recall.

Well - - -?---It would have been two different regions or three.

Do you recall that there was, that Mr Dubois asked for there to be a check of average safety camera sites around the south, south-west and west of New South Wales?---Yes.

Can I take you, please – and this is again a separate document that's not in the volume, but a 15 May, 2017 email from Mr Dubois to OzCorp. And

you'll see 15 May, 2017 from Mr Dubois to OzCorp in respect of south-west, or south-west and south-west. And if you just read the content to yourself.---Yes.

But tell me when you've had a chance to read that.---Yep.

10 And was this seeking a similar review of the safety barriers around particular assets, this time average speed camera sites, to check that there was adequate barriers around them?---Yeah, but there was different, he used to break them up in zones and give each company its own, basically, yes.

So in this instance, Euro Civil seem to get the north, northwest, and Hunter. ---The northern – correct.

Whereas OzCorp got the south, the west, and the southwest.---Got the southern. Correct. And Sydney got the Sydney – and CBF got the Sydney region.

20 And do you recall those discussions, where he would say to you, “One company's going to get this region and one company's going to get another one”?---Correct. But those were genuine jobs that were done, yeah.

Well, that was – I wanted to ask you, so this was again a genuine job - - -?
---Yes, correct, yep.

30 - - - involving actual checks around average-safety-camera sites to see if there needed to be some change made to the barrier systems.---Correct, the, and there was after this, and so after this job then there was the extension of the safety barrier systems as well. So this was the identify which jobs needed to have the safety barrier systems extended to.

Thank you. But whilst I note you've said that they were genuine jobs, were they jobs nonetheless where he was still asking for a kickback to be paid?
---Oh, these smaller jobs, I don't, I don't think so, because there's no - - -

Is it the case that they weren't really big enough to have a margin in them?
---Yes, correct.

40 Can I go back, please, to volume 2.7, page 91, so this is back to the WhatsApp exchange between you and Mr Dubois. Do you see the top green message on that page – I took you to the second one with the Euro Civil quote before.---Yes.

But do you see the first message is also 22 May, 2017, if we just enlarge it a little, you'll see - - -?---Yep, so OzCorp.

You'll see that the time is actually the same, both sent at 1.25.---Yes.

You can see from the top, can't you, even from the thumbnail, it's OzCorp?--Correct.

And if you go, please, to the next page, you'll see here is an enlargement of that thumbnail, and it's a photograph of a quote dated 17 May, 2017, for OzCorp for the west, southwest, and south asset protect.---Correct.

10 And if you go down through the page, you'll see that, in addition to \$2,000 for a site establishment fee, that the total is – there's 44,200 plus the 2,000 site establishment fee, so 46,200 plus GST was the total quote.---Yep, correct.

So again this would be you sending him your draft as to what the quote was going to involve so that he could give you some feedback about he wanted it finalised.---Correct.

20 And if you go back, please, to volume 2.7, page 22. You'll see the sum that is in the circle OzCorp reflects the amount that was in the quote, 46,200 plus GST?---Yep.

Can I then take you, please, to – this document is not part of the volume, but the 23 May, 2017 email from OzCorp to Mr Dubois, providing the OzCorp quote for that job. You'll see it's an email sent 23 May, 2017, said to be from Ms Tui.---Yes.

Was that you sending that or Mr - - -?---Yes.

30 All right, thank you. And then if you go to the next page, you'll see that the quote is for that same job, the west, south-west and – sorry, west, south-west and south asset protect.---Yes.

And just look at the wording at the top. You'll see it's three lines in terms of the introductory words.---Correct.

And if you just compare that for a moment, and we go back, please, to page 92 in volume 2.7, you'll see there the wording is slightly different, I'm going to suggest to you. Only slightly, but there are some small changes to what was in the quote that was ultimately sent on 23 May.---Yep.

40 Again, they would reflect the changes that Mr Dubois told you he wanted made when you sent him the photograph of the, your proposed quote.---It was a more detailed description, wasn't it?

It was.---Yeah. Make it look bigger. Don't embarrass me.

Do you recall discussions with him to that effect at various times?---Yeah.

And ultimately could I take you, please, to volume 3.6, page 88, and you'll see that this is the purchase order for that job, the southern region point-to-point sites asset review.---Correct.

And in the sum that the quote reflected, 46,200 plus GST.---Yes.

And then can I take you, please, to same volume, page 92. You'll see the email said to be from Ms Tui on 29 June.---Yes.

10 And I take it that was from you?---Correct.

Attaching the invoice.---Yes.

And then if you go to the next page you'll see the invoice, and again in the same sum as the quote.---Yes.

20 And looking at that job, looking at the sum of it, is this again, as best you can recall, a job where there wasn't any margin built in and no kickback paid?---I just, yeah, being this small there probably, probably was, but not a big, big kickback, yeah.

Commissioner, if that's a convenient time. I can indicate that we will definitely finish today and I expect we will finish before 4 o'clock.

THE COMMISSIONER: Very well. Mr Downing, just some programming matters. By reason of other matters that I need to deal with, we'll resume 2.15 this afternoon.

30 MR DOWNING: Thank you.

THE COMMISSIONER: So far as tomorrow is concerned I'm proposing to sit earlier, that is from 9.30. I have to however adjourn at 12.45 tomorrow. That will mean effectively only half a day's evidence tomorrow, and then the rest of the week's program is as per program announced previously. But two variations therefore, concerning today, we'll resume at 2.15, tomorrow we'll commence at 9.30 and adjourn at 12.45 tomorrow, half day.

MR DOWNING: All right. Thank you, Commissioner.

40 THE COMMISSIONER: Are there any issues or difficulties around that?

MR DOWNING: No, not from my part, Commissioner.

THE COMMISSIONER: All right then. Very well. We'll resume at 2.15.

MR DOWNING: Thank you.

LUNCHEON ADJOURNMENT

[1.03pm]