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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 WEDNESDAY 9 JUNE, 2021

AT 2.00PM

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

THE COMMISSIONER: Yes, Ms Spruce.

THE WITNESS: Commissioner, I – can I say something?

THE COMMISSIONER: Yes.---I think, after, through this break, I've had
10 time to sort of think things through because when I'm under pressure I tend
to get blank. I think the cheque written to that Alameddine guy would have
been a donation that Mr Alameddine, Hassan Alameddine would have
requested for his help because he apparently dealt with people that,
overseas, that needed money. I think that would have been a donation for
that.

Which cheque are you now referring to?---The \$20,000 cheque. And the
other money I can probably vaguely remember that maybe it was money
that I, to lend to my brother to help out with the cafés or something like that.
I can't be certain but I can vaguely remember something like that. So - - -
20

Which cheques are you now talking about?---The hundred and something
thousand. I'm doing the best that I can to recall.

So, this is your best recollection you're giving?---Yes.

So there were three cheques on 23 December, 60,000, 20,000, 43,500. Are
you talking about one of those cheques or more than one?---Yeah. So one
of the cheques for Mr Alameddine, that would have been a donation. The
other cheques to my brother would have been maybe to help him out with
30 the café or something like that, or a loan or - - -

Well, you say it might have been.---Yes. Because I, I, I can't be certain.
I'm being honest.

But what is your recollection about that matter?---That, because at the time,
I don't think he had enough money to, to go through all the, to, to do
everything on the café and that because he wanted the café, bakery. Unless
he, he, I think he asked me for some money. That's what I can remember. I
remember him asking me for some money and that would explain why I've
40 written the cheque for him, like, signed the cheque for him and given him
the cheque, for him to put his name maybe or his wife's name.

So you have a recollection of him asking you for money to assist him?
---Yes, yes.

Do you have a recollection more specifically as to the purpose for which he
was seeking to raise the money through you?---I, I think it was for the cafés.

Which café are you talking about?---They had, they had three. So they had the café in Bankstown, a bakery in Bankstown and they had one in Kirrawee.

And was this, do you recall, a request to assist him with one of those three cafés?---Yeah, I think so.

10 Which one?---Maybe, maybe the bakery to buy equipment or something like that. I, I could be wrong but I can vaguely remember something like that.

And what was his request to you about that money? What was the nature of the request? Was he asking for a handout, for a loan or what was it?---Oh, it would have been a loan, it wouldn't have been a handout.

Well, what was it?---Sorry?

What was it?---it would have been a loan, I'm saying. It wouldn't have been a handout.

20 What do you mean it would have been? Well, was it, is the question?---Yes, I'm pretty sure it would have been.

Did you create any document in relation to this advance of money to show it was a loan?---No, Commissioner. He's my brother, so I wouldn't need anything like that.

30 Well, why was the first of them, the \$60,000, made payable to his wife?
---So, if, if you notice, I never wrote the name up the top. So I would have given him the cheque and he would have filled the top out. I guess that's why I can't really remember exactly – it was a long time ago. I'm doing the best to assist.

Yes, very well. Yes, Ms Spruce.

MS SPRUCE: Well, Mr Taha, do you actually have a positive recollection about Mr Goldberg asking you for a loan in relation to the cafés at the end of 2012?---No, I've already stated that. I can vaguely remember something along those lines.

40 But you can't say when that might have been?---No.

Could have been later, could have been earlier?---Yes, that's right.

It wasn't necessary these cheques?---That's right.

And might not have happened at all. Is that right? You've got a vague recollection but you can't be certain one way or another whether this occurred?---Yes, yeah, correct.

You agree with that?---Yes.

And if I tell you – well, I withdraw that. You know that one of the cafés that Mr Goldberg set up was called Coffee Boss?---Yes.

And are you aware that Mr Goldberg had a company in the name of Coffee Boss?---I didn't know if it was his or not. As in the company name registered in his name?---Yes.

10

No, didn't know that but I knew it was called Coffee Boss, the café.

Well, Mr - - -?---But I mean it's only an assumption that it would be in his name.

Well, if I tell you that Mr Goldberg became the director of Coffee Boss Pty Ltd on 30 April, 2013 - - -?---Yes.

20

- - - that is much later than the date of the cheques at the end of 2012 - - -? ---Yes.

- - - does that assist your recollection as to whether or not you would have been giving him a loan in relation to Coffee Boss in 2012?---I never said Coffee Boss, it could have been for any of those cafés, but I remember him asking me for a loan, so it could have been he's preparing to take them over, because it takes some time to take them over.

Well, you knew, didn't you, that he'd gone into a partnership with Mr Dubois in respect of the cafés?---Yes.

30

And that Mr Dubois was contributing significant funds in respect of the cafés?---Yes.

So he didn't need money in relation to the cafés, did he, he was getting that from Mr Dubois?---I thought it was fifty-fifty.

Well - - -?---I could be wrong, I don't know. I, I think, I'm pretty sure he told me it was fifty-fifty.

40

And you recall that before the lunch break I took you to evidence showing that Mr Goldberg was paid significant amounts of money from MWK in October/November 2012.---Yes.

So as it turns out, Mr Goldberg had significant funds at that time because he'd been paid them by MWK.---Yes.

So the high likelihood, isn't it, that this vague recollection you have that perhaps you gave the money to Mr Goldberg in respect of the cafés, the

likelihood is that's not correct?---No, it is correct from what I can vaguely remember. I'm telling you the truth of what I can remember.

Well, Mr Taha, I suggest to you that you're just making up this recollection now in order to explain away those cheques.---No, that's not true.

Mr Taha, you started after the break by making reference to the cheque for \$20,000 that you wrote to Sheikh Alameddine.---Yes.

10 And you said that you thought that might have been a donation.---Yes.

But really the position is, isn't it, that that was a payment of sorts to Sheikh Alameddine for the role that he'd played in advocating on your behalf in relation to the dispute with Mr Dubois?---Yes, but um, I remember Mr Alameddine saying that something like he doesn't take money for himself, that he'll want money for, as a donation.

I see. That's the sheikh that you're talking about rather than Hassan. Is that correct?---No, Mr Hassan Alameddine, talking about Hassan Alameddine,
20 that he said on behalf of the sheikh that he would take the money as a donation but he wouldn't take anything for himself, to help the needy, 'cause that's what he would do.

The sheikh wouldn't take anything from himself, for himself.---For himself from that money, yes.

So you weren't paying any money to Hassan Alameddine.---No.

You were paying the money to the Sheikh Alameddine.---Yes.
30

But you say you were told by Hassan Alameddine that that money would be used by the sheikh for - - -?---For helping people.

- - - charitable purposes.---Charitable, yes.

Now, Mr Taha, in terms of the compensation that you received as part of the resolution of the dispute, you've told us that one of the things that happened was that you got the Porsche transferred into your name.---Yes.

40 And if we could just go, please, to volume 20.2 at page 31. You see, Mr Taha, that this is a certificate issued by Transport for NSW?---Yes.

And it's in respect of the registration of a Porsche coupe, white.---Yes.

See that down the bottom?---Yes.

And you see towards the top that it's initially registered in the name of David Jellins?---Yes.

And then it gets transferred to MWK Developments Pty Ltd - - -?---Yes.

- - - in August 2012.---Yes.

And then on 26 November it's transferred to you.---Yes.

And then you've given evidence that you sold it for \$80,000 to your cousin, Samir Malas.---Yes.

10

And you see it's then registered in his name?---Yes.

And do you see that it's registered in his name from 7 April, 2013 to 2 January, 2014 and then it comes back to you?---Yes.

So could you explain what occurs there?---So after selling it to my cousin then my brother bought it off him and he put it in my name and then he took it out of my name and put it in my dad's name.

20 Which brother are you referring to?---John Goldberg.

So you say you sold it to Samir Malas.---Yes.

For \$80,000.---Yes, from memory.

And then you say that John Goldberg purchased it from Samir.---Yes.

But put it in your name.---Yes.

30 Did Mr Goldberg tell you how much he paid for it?---Can't remember.

You can't remember whether he told you.---Yeah, no, I can't remember how much. He would have told me. I can't remember how much but it would have been around the same price of what I probably sold it to or probably after the repair of the gearbox maybe a little bit more.

And did Mr Goldberg ask your permission to register it in your name? ---Yes.

40 And did he explain to you why he wanted it registered in your name?---I can't remember.

You can't remember whether he gave you an explanation or you can't remember - - -?---No.

- - - what the explanation was?---I can't remember what the explanation was but I generally do that, like I'll put a car in my name for him or, that's not a, that's not unusual.

It's not unusual for Mr Goldberg to ask you to put a car in your name for him.---Yes.

Or it's not unusual for Mr Goldberg to ask you to put various things in your name.---Yeah, like put things in my name. It's not unusual. Like a car.

10 Like what sort of things?---Like a car. I've done that before where a car that might be his is then registered in my name. Maybe he didn't have a licence at the time. I can't tell you exactly.

Well, was he going to drive the car?---Yes, he was driving the car.

Well, if he didn't have a licence at the time it wouldn't be appropriate for him to be driving the car, would it?---No.

So - - ?---That's why I'm making an assumption. I can't give you an exact answer.

20 THE COMMISSIONER: Well, you're just guessing at the moment.---Yes, Commissioner. Yes, I am guessing. I'm telling you that when it was registered in my name that my brother had bought the vehicle.

MS SPRUCE: All right. And then it goes from being registered in your name to then being registered in the name of Mohamad Taha, and is that your father's name?---Yes, it is.

30 And do you have an understanding as to why it was then changed from your name to his name?---No.

You don't know anything about that?---Can't remember.

Do you know whether the car remained in the ownership of Mr Goldberg although registered in your father's name?---In my dad's name. Yes, it was still my brother's.

40 And did Mr Goldberg say anything to you about the reason why he was changing the registration from your name to his father's name?---Can't remember.

You can't remember whether he said anything to you?---Yeah, whether he said anything to me about it.

And do you know where the car is now?---Last I heard of it was sold but I don't know where the car is at the moment, no.

Last you heard it was sold by Mr Goldberg.---Mr Goldberg.

Do you know who he sold it to?---No. Don't have, don't know anything about the car. You'll have to ask him.

Do you know how much it was sold for?---No.

Now, do you recall in Mr Dubois's evidence he said that the deal that was reached in terms of compensation to be paid to you was firstly that you'd receive the Porsche?---Yes.

10 That secondly that there was about \$25,000 extra that was going to be paid to you on top of the Porsche.---Yes.

And do you agree with that?---I think I do, yes.

You have a recollection that that occurred?---Something like that, yes.

Well, do you recall receiving that final \$25,000?---I don't know if he paid me cash or was it the job that I done last for the RMS. That could have been for the, for the money.

20

So you think that you might have been ultimately paid through an RMS contract?---I think so. I'm doing the best I can to remember.

Well, I just want to see if you can assist us. I took you earlier to a quote in respect of work that TTS did for the RMS in Moree in November 2012. ---Yeah.

Do you remember me taking you to that?---Yes.

30 Now, putting to one side the contracts that MWK did for the RMS which you think you may not have been involved in at all.---Yeah.

The second last job that TTS did for the RMS was that Moree job in November 2012 immediately prior to the falling out.---Yes.

And then there's one final job done at the RMS in the name of TTS which is sometime later in May to June 2013.---Yes.

40 And it's in respect of work at Allambie Heights, Bardon Ridge, Narrabeen, Gunnedah, Kurnell and Windsor Downs.---Yes.

And I'll take you to the quote in respect of that. So volume 5, page 293. Now, you see here that this quote is dated, as I said, 23 May, 2013.---Yes.

Which is some time after the falling out.---Yes.

Now, is it your recollection that after the falling out you had nothing more to do with RMS contract work?---Yes, that was what I could remember, so I don't really remember this job.

You don't remember this job.---No.

Do you recognise this quote?---No.

10 It's not something that you've prepared?---No.

It doesn't look like one of your quotes, does it?---No.

And then if we go, please, to page 295. You'll see that this is the tax invoice.---Yes.

And do you have any recollection of preparing this invoice?---Can't remember that, no.

20 And do you see there it's invoice number 258?---Yes.

And you recall yesterday when I was taking you to invoices from the TTS Group they were numbered sequentially, 1, 2, 3, 4, 5?---Yes.

And assume that 258 is a very big jump from the invoice number before. I'll just see if – but it would appear that this is an invoice that hasn't been prepared by you.---No.

30 But that amount of \$64,450 payable to TTS Group is nevertheless going to go into your account.---Okay.

Well, I can take you to the document to show that it did go into your account. So if we go, please, to volume 5.2, page 190. So this is the TTS Group bank account - - -?---Yes.

- - - for the period starting on 1 July, 2013.---Yes.

And you see there on 4 July there's a transfer from the RMS for \$70,895. ---Yes.

40 So that's referable to the invoice I took you to a moment ago, which is invoice number 258.---Yes.

And the invoice of the Moree job, which was the second-last job in November 2012, was invoice number 10.---Yes.

So it looks, doesn't it, as though someone has created invoice 258.---I've already told you that like most of the invoices and quotes have been, weren't created by me.

Yes. So this money lands in your account. And do you recall that money arriving in the account?---No.

Well, it's a very significant sum of money and this is six months or more after you've had the falling out and stopped doing RMS work.---Yes.

10 Do you recall what the arrangement was about how you were supposed to take your 25,000 from that amount and what you were to do with the rest?
---Can't remember.

All right. Well, can I take you, please, to volume 5.2, page 193. Now, just remembering that that money, which was \$70,895, arrived in your account on 4 July, and this is on 11 July, 2013, and it's a cheque from TTS Group Investments to Mr Goldberg for \$51,200.---Okay.

And is that your signature on the cheque?---Yes, it is.

20 And is that your handwriting on the cheque?---Yes.

And do you recall paying that amount to Mr Goldberg?---I don't recall that, no.

Well, do you think it's possible that the money that was paid by the RMS into your account was only intended to remain with you insofar as you were owed an outstanding amount of around \$25,000 and the rest of the money you needed to account for by either giving it back to Mr Dubois or someone else engaged with the scheme?---Yes.

30 And that this cheque is the means by which you returned the money that wasn't due to you back to Mr Goldberg?---Yes. That's possible.

Well, is it likely?---Yes, it's likely.

Now, do you have any recollection of why it was that you would be paying the excess amount that wasn't yours to Mr Goldberg rather than to Mr Dubois?---Unless he done the job, I can't say exactly.

40 I see. You think Mr Goldberg might have done this job?---Might have, yes.

Now, Mr Taha, you've given evidence that in addition to making cheque payments to MWK, you also paid Mr Dubois kickbacks in cash?---Yes.

And do you recall that Mr Dubois in his evidence said that he remembered you coming around to his house with large amounts of cash?---Yes.

And what do you say about the truth of that? Do you recall going around to Mr Dubois's house with large amounts of cash?---No, not with large

amounts. Maybe once or twice with about 5,000 but the majority of the money was transferred by cheque. You can see the amounts. They're already large amounts. Why would I, there would have been nothing left for me on the job, like not even just for me. Like, then I would have to pay him from my pocket. So - - -

Well, Mr Taha, I want to take you to the TTS bank accounts. If we could go, please, to volume 5.2, page 2. So, this is a bank account for TTS starting on 4 of January, 2012.---Yes.

10

And you see there that the balance brought forward is about \$1,300?---Yes.

And then on 5 January, there is a transfer from the RMS.---Yes.

Where you're paid \$31,460.---Yes.

So that's a significant amount of money coming into your account. Do you agree?---Yes.

20

And then if you look in the debit column, you'll see that there's a series, and they're highlighted, a series of withdrawals from ATMs at Chester Hill and Bankstown. Do you see that?---Yes, yes.

Now, you're the only person that had a card in relation to this account? ---Yes.

So when we see ATM withdrawals in relation to this account, they must have been made by you?---Yes.

30

And then if we go, please, to the next page, you'll see that again where it's highlighted that a series of ATM withdrawals continues of significant amounts of cash coming out of the account?---Yes.

From various different ATMs.---Yes.

And in addition to the ATM withdrawals which are highlighted, there's also large amounts of money in the thousands being transferred to various other accounts?---Yes.

40

And then if we go to the next page, please, you see there's another couple of ATM withdrawals?---Yes.

And then on 6 February, there's a new payment by the RMS.---Yes.

But by the time of that new payment of \$64,735, the balance is back down to \$1,057.---Yes.

So effectively back where it started before the previous RMS payment was made?---Yes.

And in a one-month period there's been \$12,000 withdrawn in cash from ATMs.---Yes.

And the remainder of the money that you've received from the RMS has been transferred out of the account.---Yes.

10 Now, at the time of these events in January 2012, you weren't married, that's correct?---No.

You were living at home with your father?---Yes.

You didn't have a mortgage?---No.

Were you paying rent to your father?---No.

20 You weren't paying rent. Did you contribute to the cost of groceries?---Not that I can remember. Maybe every now and then, something.

So it would be fair to say, wouldn't it, that you had very low living expenses?---I think at the time I was paying rent in Menai.

What was in Menai?---My girlfriend's place.

You were contributing to your girlfriend's rent in Menai?---Yeah.

30 Well, even so it's the case, isn't it, that your living expenses would have been relatively modest?---Yes.

So, can you assist us by telling us where all of this money is going?---I would have used it for spending, I would have used it to pay some labourers or some of the money would have been transferred for contractors. I can't explain individually where every dollar went but that's what it would have been.

40 Well, I'm going to suggest to you that some of the money would have gone to Mr Dubois as a kickback paid in cash.---Yeah, it's possible.

And just in fairness I want to tell you that each of these RMS account payments from the RMS that I'm going to take you to are payments in respect of which there's no record of you making a cheque or electronic transfer payment to Mr Dubois.---I'm not denying that, I said to you it's possible.

Well, if we could then look at the next payment, which is on this page, of \$64,735, and if we go down to the next page we'll see that after that

payment is made, again the same pattern continues, significant amounts being withdrawn from ATMs.---Yes.

\$2,000, \$3,000, \$2,000, \$5,000.---Yes.

Do you see that?---Yes, I do.

And then if we go to page 22, please, which is the next page sequentially in the bank statement, you'll see that the withdrawals continue.---Yes.

10

Another 5,000, 3,000, 1,000, 1,000, 1,000, 1,000, 1,000, and then that takes us to 6 March. And then if we go to page 39, please, you'll see another 1,000 comes out, and then on the next page, 1,000, 1,000. Do you see the pattern?---Yes, I do.

Significant amounts of money being withdrawn in cash?---Yes.

And then if we go to the next page, please, see there the pattern continues? ---Yes.

20

Every day almost or every couple of days, significant amounts are withdrawn in cash.---Yes.

THE COMMISSIONER: Just taking that particular screenshot as an example, the amounts being drawn out on a daily basis almost, 27 March, 28 March, 29 March, \$1,000 each. Where were all the, where were these moneys going?---I couldn't be certain, Commissioner, but it could be more than likely some of it went to him and some of it went to me.

30

Some of it went to?---To Mr Dubois, and some of the money would have been mine.

In the amounts going to Mr Dubois represent what?---His kickback.

Why would they be in those amounts, \$1,000?---That's -- I don't believe so, but, you know, I can't, I don't have any other explanation.

Well, I pointed out there's three amounts of \$1,000 on three successive days. Why would they be representing kickbacks?---I can't be certain. It could be that I spent the money or I don't think it was kickbacks, but I don't want to, I don't want you to think that I'm lying, so I would say I spent the money but it's hard to say. There was times that there was cash, Commissioner, but I can't be certain as to what was mine and what was his, looking at this.

40

MS SPRUCE: Mr Taha, looking at this page, do you see that on 5 April where the amount of \$2,000 is listed down the bottom, that that's a withdrawal that's made by card entry at the Illawong branch?---Yes.

As opposed to the other entries which are by ATM, all for \$1,000.---Yes.

Do you recall whether at the time there was a limit on the amount you could withdraw from an ATM on any given day?---I can't remember. Maybe it was 1,000 or 2,000.

Well, that would be one reason, wouldn't it, why you're withdrawing cash in those denominations?---Yes.

10

And then if we go, please, to page 47, which is the next page in date sequence. You'll see there that the \$1,000 withdrawals from ATM continue.---Yes.

And then if you have a look down the bottom, on 3 May where you're paid \$50,600 from the RMS, you'll see that by the time of that RMS payment, the account's actually gone into debit.---Yes.

20

Now, in the series of withdrawals that I've just shown you between the RMS payment of \$50,600 on 3 May and the previous one, which is a three-month period, you've withdrawn \$59,760 in cash.---Yes.

And there's now nothing left in the account, it's overdrawn.---Yes.

Well, that's just an extraordinary amount of money, isn't it?---Yes, it is.

It certainly wasn't referable to your living expenses.---No.

30

And so the position is, isn't it, that a significant amount of that money was being paid to Mr Dubois in cash as kickbacks?---Yes.

And then you see there that you're paid \$50,000 and \$600 on 3 May.---Yes.

And then if we go to the next page, please, we see that immediately the same pattern of withdrawals commences again.---Yes.

40

And then that statement ends on 8 May and the next one dated sequentially is on page 54. And again significant amounts withdrawn from the account.---Yes.

And you see there those \$10,000 amounts, the card entries where you've actually gone into the branch.---Yes.

And then there's also a couple of cheque payments in there. Do you see there's a cash cheque payment for \$3,000?---Yes.

And then that statement takes us to 30 May and then if we go to page 62, please. You see that on 14 June you receive your next payment from the RMS for \$128,150.---Yes.

Now, this time the period between RMS payments has been a one month period.---Yes.

And you've withdrawn \$60,000 in cash.---Yes.

10 And once again the account is back in debit by the time you receive payment from the RMS.---Yes.

And once again there's no way that \$60,000 withdrawn in a one month period was referable to your living expenses was there?---No. But don't forget I need to pay contractors and labourers and whatever expenses that I had.

Well, Mr Taha, I can take you to them but there's various entries in the TTS account where you transfer funds to Country Pavement Services.---Yes.

20

Now Country Pavement Services - - -?---Not - - -

- - - was a subcontractor that you used.---Yes, but with contractors, a lot of the subcontractors I use a lot of them would pay me in cash.

So you say that some of these amounts were to be paid - - -?---I'm not - - -

- - - cash to be paid to subcontractors.---I'm not denying that I gave money to Mr Dubois. All I'm saying is the amounts there could have been either
30 for some to my, to me, some to contractors and some to Mr Dubois.

All right.---I just can't tell you which is which.

I understand. But, Mr Taha, the position is this, isn't there, there's a clear pattern of money comes in from the RMS - - -?---Yes.

- - - and by the time of the next deposit from the RMS the entirety of the previous amount has been withdrawn or transferred out of the account?
---Yes.

40

Now, as I understand it that amount paid by the RMS to you is withdrawn from the account one way or another and it ends up in one of three places. Either it gets paid to subcontractors. Correct?---Yes.

Or it gets paid to you.---Yes.

For the work that you say you did in project managing the jobs.---Yes.

Or it gets paid to Mr Dubois.---Yes.

Now, do you agree with this, that in terms of the division of that money between subcontractors, you and Mr Dubois that the lion's share of the money was going to Mr Dubois?---A lot of it, yes.

Well, it's the case, isn't it, that when a subcontractor gave you a quote for the work that you were asking them to do it was invariably significantly less than the amount that TTS charged the RMS?---Yes, of course.

10

So what it left was a very significant margin.---Yes.

Which was then to be split between you and Mr Dubois.---Yes.

But you've told us repeatedly that Mr Dubois usually took most of that amount.---That's right.

So that you were left with somewhere between 10 and 30 per cent.---Yes.

20

But often you said 10 per cent.---Yes.

So it's the case, isn't it, then that a significant proportion of the money that you're withdrawing in cash is going to Mr Dubois?---Yes.

And then you see there there's the \$128,000 payment and \$150 on 14 June from the RMS and then the same pattern commences immediately thereafter - - -?---Yes.

30

- - - of cash withdrawals taking us to 21 June. And then if we go, please, to page 84. You see there that again the pattern of cash withdrawals continues and on 28 June there's another payment from the RMS of \$27,500.---Yes.

So, on this occasion the account still has \$45,669 in it, it's not in debit. ---Yes, yes.

But this payment from the RMS on 28 June is only two weeks after the previous payment?---Yes.

40

And notwithstanding that, in a two-week period you've managed to withdraw \$52,000 in cash.---Yes.

And then the next payment of \$27,500 goes in and immediately you recommence withdrawing significant amounts of money in cash?---Yes.

And that statement ends on 4 July, and then if we go to page 113, you see there the patter continues. And then the next statement is on page 131.

THE COMMISSIONER: Tell me, if the credits that were going into the account you've just been taken through represent income through TTS Group received from RMS and if, as you said, there would be a likely significant proportion of those payments that ended up with Mr Dubois, why was the distribution shown in the accounts to Mr Dubois being made in multiple smaller amounts of money with the exception of some which might have been \$10,000 in a couple of instances but the bulk of them being relatively small amounts of \$1,000?---Could have been that I was working at the time and didn't have a chance to go to the bank and just kept
10 withdrawing from the ATM. That's the only thing I can think of. And, and when I had a chance to go into the bank, I would withdraw large sums.

Did it have anything to do with trying to disguise the amounts of money overall or - - -?---No. No, Commissioner.

MS SPRUCE: Mr Taha, when you were withdrawing these amounts of, you know, \$1,000 from ATMs here and there, were you handing, to the extent those represented kickbacks for Mr Dubois, were you handing them to Mr Dubois that day or soon thereafter or were you accruing amounts and then
20 giving Mr Dubois a lump sum?---Yeah. I would have had to build them up and give him lump sum.

You would build them up and give him a larger sum?---Yes.

And if we could go, please, to page – I withdraw that. If we could just stay, please, on page 131. You see here that by 26 July, the account's back in debit?---Yes.

30 So all the money's come out of it and once again in a period of about a month, you've withdrawn \$33,400 in cash?---Yes.

And then if we could go, please, to page 137. You'll see there that the – it's not there yet. Do you see there that there's further withdrawals from the ATM in the same pattern?---(No Audible Reply)

And then on page 143, there's more withdrawals again. And once again you see that by 4 October, when you were paid \$163,900 by the RMS, that the account is back in debit.---Yes.

40 Now, Mr Taha, are you able to give us any estimation of the amount of cash that you paid to Mr Dubois over the period you were doing RMS work for him?---No. Very hard to say. Very, very hard because I don't remember what the costings of the jobs were. I don't remember what I was paying contractors and it's, and it's, it's almost 10 years ago.

Never mind the costings of the job, because as I understand it, in respect of cash kickbacks, you were building up a pile of cash and then you were paying a lump sum to Mr Dubois.---Yes.

So do you recall whether those cash payments, those lump sum cash payments, were of round figure amounts, like \$100,000 here, \$200,000 there?---No.

You don't recall one way or the other?---I don't recall like 100 or 200, maybe 5, maybe 10. I don't think more than that at a time.

5 or \$10,000 at a time?---Yes.

10

And so were you taking them round to his house?---(No Audible Reply)

How were you handing the cash to Mr Dubois?---Really I can't remember exactly places. Maybe to his house, maybe when he'd see me, but I can't be certain, I can't give you dates, I can't give you times, I can't give you places. I don't really remember.

So sometimes you gave him cash at his home?---Yes.

20

Did you sometimes give him cash on the jobsite?---Maybe once, maybe not. I can't, I can't be certain.

Did you sometimes give him cash when you saw him socially?---Maybe, yes.

Would Mr Dubois ever hassle you to provide the cash to him?---Sometimes say he wants his money, hurry up.

30

And who was keeping the tally of how much money you were, how much money Mr Dubois was owed?---Most of the times he was, so he would tell me, okay, this job costs this much, you pay this much. He would do all of that.

And did you just trust him to do those calculations correctly or were you keeping your own tally of how much?---No, I was keeping my own because I had to pay the contractors myself.

40

Commissioner, there's just one last matter that I wish to ask Mr Taha about, but it's in respect of the compulsory examination that he attended on 2 December and 3 December in 2020, and so I need to seek a variation to the section 112 direction that you made, that was made on those occasions.

THE COMMISSIONER: Yes. I have made a variation to that effect. The variation I confirm is that on being satisfied that it is in the public interest to do so, I vary the directions made on 2 December, 2020, 3 December, 2020 pursuant to section 112 of the Independent Commission Against Corruption Act 1988 concerning the evidence given to the Commission on those occasions by Mr Towfik Taha in a compulsory conference so as to permit

the transcript of that evidence to be made available by way of upload to the restricted website for Operation Paragon for the purposes of examination to the parties with leave to appear and be represented in the public inquiry, but not otherwise to publish or communicate the evidence, and to permit Counsel Assisting to utilise the compulsory examination transcript in the public inquiry.

10 **VARIATION OF SUPPRESSION ORDER: BEING SATISFIED**
THAT IT IS IN THE PUBLIC INTEREST TO DO SO, I VARY THE
DIRECTIONS MADE ON 2 DECEMBER, 2020, 3 DECEMBER, 2020
PURSUANT TO SECTION 112 OF THE INDEPENDENT
COMMISSION AGAINST CORRUPTION ACT 1988 CONCERNING
THE EVIDENCE GIVEN TO THE COMMISSION ON THOSE
OCCASIONS BY MR TOWFIK TAHA IN A COMPULSORY
CONFERENCE SO AS TO PERMIT THE TRANSCRIPT OF THAT
EVIDENCE TO BE MADE AVAILABLE BY WAY OF UPLOAD TO
THE RESTRICTED WEBSITE FOR OPERATION PARAGON FOR
20 **THE PURPOSES OF EXAMINATION TO THE PARTIES WITH**
LEAVE TO APPEAR AND BE REPRESENTED IN THE PUBLIC
INQUIRY, BUT NOT OTHERWISE TO PUBLISH OR
COMMUNICATE THE EVIDENCE, AND TO PERMIT COUNSEL
ASSISTING TO UTILISE THE COMPULSORY EXAMINATION
TRANSCRIPT IN THE PUBLIC INQUIRY.

THE COMMISSIONER: Does that cover it?

30 MS SPRUCE: It does, thank you, Commissioner. Now, Mr Taha, you recall that you attended the Commission on 2 and 3 December last year in order to attend a compulsory examination?---Yes.

And on that occasion you were asked questions by Counsel Assisting?
---Yes.

And before answering Counsel Assisting's questions you swore, gave an affirmation that you would tell the truth?---Yes.

40 And do you recall that on that occasion Counsel Assisting asked you whether you had ever paid a payment or kickback to Mr Dubois - - -?---Yes.

- - - in return for him allocating work to you through the RMS?---Yes.

And do you recall that your answer to that question was no, you'd never done that?---Yes.

Now, that wasn't truthful evidence, was it?---No.

It was deliberately dishonest evidence.---It wasn't deliberate. I went blank. I was under a lot of pressure, and the money I was giving him was, as I later understand, was he was asking me for money for his time, so, which now I know is a kickback. So if that was dishonest, then yes, I was dishonest.

THE COMMISSIONER: Well, the evidence was false, wasn't it?---Yes, yes, Commissioner.

10 And you knew it was false, you knew it was false at the time you gave that evidence.---Yes, Commissioner.

Then why do you say you gave false evidence on affirmation?---I went blank and I couldn't think. There's a lot of stuff that they showed me that I, I would see and I couldn't remember.

No, that's not an explanation. You've already said that it was evidence that you gave knowing it to be false and it was false.---Yes.

20 Having applied your mind to the questions given and then responded by giving false evidence, my question is why did you give false evidence?---I didn't completely understand what, what they meant by the kickback. So that - - -

Well, I put that to you that's complete and utter nonsense.---Okay. Yes, Commissioner.

30 You've already said now on your affirmation in this public inquiry that the evidence you gave in the compulsory examination was false to your knowledge.---Yes.

Then the explanation you just gave in the previous answer to my question, it must follow, is complete nonsense.---Yes, Commissioner.

Have you any other explanation to offer?---No, Commissioner.

40 Very well. Well, then the position is arrived at whereby you've acknowledged the falsity of the evidence you gave in compulsory examination and you have no other explanation to offer for having done so. ---No, Commissioner.

You realised at the time the seriousness of giving false evidence at the time of the compulsory examination?---Not really. I understand now - - -

You knew you were bound to give truthful evidence?---Yes, Commissioner.

Yes. And you knew you were bound not to give false evidence?---Yes, Commissioner.

MS SPRUCE: If I could just take you perhaps to the transcript for the compulsory examination at page 1661. Now, you see there at about line 24 or 25, Counsel Assisting asks you, "Now, I take it you're familiar with the concept of corruption." And you say, "Yes." And then Counsel Assisting says, "And would you agree that one example of corruption would be someone working for a public authority who allocates work, that is contract work, to people but then gets payments or kickbacks?" And you say, "Yes."---Yes.

10 Now, you understand what a payment is, don't you?---Yes.

There's nothing confusing about that?---No.

And then Counsel Assisting says, "I mean, that would be a fairly obviously example." And you say, "Yes." And then you were asked, "At any time during your relationship with Mr Dubois did he ever ask you to do that?" And you say, "No."---Yes.

20 And then you're asked, "And did you ever offer him any form of payment or kickback?" And you say, "No." Now, that was just untruthful evidence, wasn't it?---Yes.

And it was deliberately dishonest?---I wasn't being deliberate.

Well, there's nothing about that that is unclear or confusing.---Okay.

Do you agree with that?---I agree with you.

30 And you said that you were under pressure, but do you recall, Mr Taha, that you attended the compulsory examination on the first day and then you asked for an adjournment to have time to go and look at bank statements and the like to refresh your memory?---Yes.

And when you came back – I withdraw that. On the first day of the compulsory examination you told the Commission that you had a falling out with Mr Dubois.---Yes.

40 And that that falling out was because he didn't get on with your girlfriend, effectively?---Yes.

And then when you came back to give evidence on the second day, you said that you'd remembered some things overnight.---Yes.

And that you wanted to tell them to the Commission.---Yes.

And you came back at the start of the second day and said that what you'd recalled was that the real reason for the falling out was that Mr Dubois asked you for kickbacks.---Yes, that was part of it, yes.

And that you refused to pay them.---Yes.

And it was due to your refusal to pay them that you stopped receiving work from the RMS.---Yes. Part of that was, yes.

And that was untrue, wasn't it?---No, it was partly true.

10 Well, when you say you refused to pay them, you've just given over the last two days that you've been - - -?---Okay, sorry. Can I say this again? It wasn't to stop paying, maybe not pay that amount that large sum amount.

Well, that's not what you said at the time, is it?---Yes, no, that's right.

THE COMMISSIONER: You acknowledge that part of your answer was false?---Yes, Commissioner.

20 MS SPRUCE: In fact if we go to page 1736. You see at line 20 that after you give the evidence I've just described, Counsel Assisting then says to you, "Now, you've told us today that from the time you started doing RMS work that you were doing it on the basis of honest quotes, honest work and being paid without any kickbacks being requested from Mr Dubois or paid by you." And you say, "Yes." "And then the only time when any idea of a kickback was raised it would seem was in early 2013 when, over a series of months, Mr Dubois for the first time asks for them." And you say, "Yes." And that was in respect of the evidence you came back and gave on the second day.---Yes.

30 That the falling out was over Mr Dubois's request for kickbacks.---Yes.

THE COMMISSIONER: Those two answers that you've just been taken to were clearly false, weren't they?---Yes, Commissioner.

And known to you at the time to have been false.---Yes, Commissioner.

40 Why would you give false evidence about those two matters? I'm talking now about the question that was put commencing at line 19. "Now, you've told us today that from the time you started doing the RMS work that you were doing it on the basis of honest quotes, honest work and being paid without any kickbacks being requested from Mr Dubois or paid by you." And you answered, "Yes." And the next question, "And the only time that any idea of a kickback was raised was, it would seem, in early 2013 when, over a series of months, Mr Dubois for the first time asks for them." And you answer, "Yes." Those two answers were false, you acknowledge. ---Yes, Commissioner, yes.

Know to you at the time to have been false.---Yes.

Why would you give false evidence as to those matters?---Don't know, Commissioner.

Why would you be wanting to mislead this Commission in the conduct of its investigation by giving those two answers which were false?---Can't really say. I don't know. Can't say.

10 You appreciated at the time, did you not, that you were obliged to give truthful evidence and to cooperate with the Commission in its investigation?---Yes, Commissioner.

And you knew at the time of giving false evidence to those questions you were deliberately seeking to mislead this Commission in its investigation. ---I, I wasn't trying to mislead the investigation.

But you know that you were in fact misleading the Commission.---Okay. Yes, Commissioner.

20 Is that not correct?---Yes, Commissioner.

By giving false evidence instead of truthful evidence.---Yes, Commissioner.

Why would you do such a thing?---Can't say.

Do you lie whenever it suits you?---No.

Well, you only lie on selected occasions, do you?---No, Commissioner.

30 Why would you lie to the Independent Commission Against Corruption?---I said I can't say.

You realise at the time you gave that evidence the Commission was investigating a most serious matter.---Yes, Commissioner.

Why would you as a witness set out to mislead this Commission by giving false evidence as I've just put to you a moment ago? Do you have any explanation?---No, Commissioner.

40 But you must have an explanation for deliberately giving false evidence. What is it?---I said I can't say.

MS SPRUCE: And you see, Mr Taha, that immediately after the section that the Commissioner has taken you through you're given an opportunity to tell the truth. Counsel Assisting said to you, "That's not truthful evidence, is it?" And you confirm it is. And that was again untrue, wasn't it?---Yes, it was.

10 It wasn't truthful evidence and you knew that. And then finally if we could just go, please, to page 1732. You see here at the top of the page, "Why didn't you tell us?" That's a question that the Commissioner is asking you in respect of the evidence you come and give on the morning of day two, that instead of the falling out being exclusively over your girlfriend that in fact you say on this occasion that it was because Mr Dubois asked you to pay kickbacks and you weren't prepared to do it. And you see that the Commissioner says, "The question was why did you have a fallout with Mr Dubois and you gave us one reason and you certainly didn't tell us about
10 him requesting kickbacks and that that was part of the reason why you had a dispute? Why didn't you tell us that yesterday?" You say you don't know. Then the Commissioner says to you, "I mean, you lied, didn't you?" And you say you didn't lie. And he says, "Well, you didn't tell us the truth, the full truth." And you say, "Yes." "Is that correct?" And you agree that that's correct.---Yes.

20 So it's clear, isn't it, that you understood then and you understood now that you hadn't been truthful in the evidence you gave in the respects I've taken you to at the compulsory examination?---Yes.

I don't have any further questions thank you, Commissioner.

THE COMMISSIONER: Mr Taha, you realise by giving false evidence to this Commission you are in serious trouble.---Yes, Commissioner.

And I mean serious. You know that.---Yes, I do.

30 Before I discharge you today, do you wish the opportunity to speak to your lawyer?---Yes, I do.

I'll give you that opportunity.---Thank you.

I suggest you take advice and act on advice. It may help you to some extent at least if you consider your position very carefully and act in accordance with advice given to you.---Yes, Commissioner.

40 I make no promises that will assist you get out of the trouble you presently are in, but I'm nonetheless prepared to give you the opportunity of speaking to your lawyer but then we'll resume. I'll resume at quarter past 3.00. I understand there is another witness. Mr Downing, there is another witness.

MR DOWNING: There is, Commissioner, but I can indicate that provided that we return at 3.15, I don't anticipate the other witness will take more than 15 minutes.

THE COMMISSIONER: Very good.

MR DOWNING: So we will have time to complete him today.

THE COMMISSIONER: Very well. We'll resume at 3.15. I'll adjourn.

SHORT ADJOURNMENT

[3.02pm]

10 THE COMMISSIONER: Now, has anybody got any applications to make or want to say anything? Mr Sahinovic, I hope I'm pronouncing your name correctly?

MR SAHINOVIC: You are, Commissioner.

THE COMMISSIONER: Is there anything you want to say or do at the moment or - - -

MR SAHINOVIC: Mr Taha would like to speak directly to the Commission.

20 THE COMMISSIONER: Well, have you spoken to Counsel Assisting first as to - - -

MR SAHINOVIC: Have - - -

THE COMMISSIONER: Have you spoken to Counsel Assisting as to what is proposed?

30 MR SAHINOVIC: I've indicated in broad terms what the concern of what Mr Taha would like to say includes, but I haven't spoken directly to Counsel Assisting, I spoke with our colleague.

THE COMMISSIONER: Yes, very well. Ms Spruce, what would you suggest, is there anything you want to say to me?

MS SPRUCE: Commissioner, I think if I could just ask Mr Taha directly, is there anything further you wish to say to the Commission?---No.

40 There's nothing you wish to correct in your evidence that you've given? ---Today's evidence?

Yes.---No. Everything I said was true.

THE COMMISSIONER: In particular your evidence of having given false evidence is true.---Yes, Commissioner.

Yes, very well. Ms Spruce, any other questions you have for - - -

MS SPRUCE: No, Commissioner.

THE COMMISSIONER: Very well. Well, thank you, Mr Taha, you may step down. You are not at the moment discharged from your summons, you may be required again. Thank you. You may go.

10 THE WITNESS: Sorry, Commissioner, can I just say something? I sincerely apologise for, for trying to mislead the Commission. My intention wasn't that at the time. I do, I came here today after speaking to my lawyer before coming in here and his advice was you have to come in here and give the whole truth and nothing but the truth, and I, I've done that today, and I've even told you things that I've done, so just accept my apology, I'm really sorry that I did that.

THE COMMISSIONER: Yes, thank you. You may step down. Thank you. You're free to go to day but you remain under summons. Do you understand?---Yes.

20 **THE WITNESS WITHDREW** **[3.20pm]**

THE COMMISSIONER: Thank you. Yes, Ms Spruce. Mr Downing.

MR DOWNING: Thank you, Commissioner. Mr Hadid is present and there's just one limited matter that I need to ask him some further questions on.

THE COMMISSIONER: Yes.

30 MR DOWNING: He is outside the hearing room, so if I can just have him brought in we can deal with that.

THE COMMISSIONER: Yes, thank you. If somebody could bring Mr Hadid in. Yes, good afternoon, Mr Hadid.

MR HADID: Good afternoon.

40 THE COMMISSIONER: If you just stand there. Do you wish to take an affirmation or an oath?

MR HADID: Oath, Commissioner.

THE COMMISSIONER: Hmm?

MR HADID: Oath, Commissioner.

THE COMMISSIONER: There is a Koran there, if you take it in hand. Thank you.

THE COMMISSIONER: Yes, Mr Downing.

MR DOWNING: Thank you. Mr Hadid, apologies first of all for having you brought back but there's one matter that I want to ask you some further questions on.---Yes.

10 Can I ask did you watch via the livestream the evidence that Chahine gave?
---Yes, I did.

And I take it from that evidence you're aware that I asked him some questions about the way in which moneys that were transferred into the Euro Projects ANZ account were taken out of that account?---Yes.

THE COMMISSIONER: Mr Downing, I'm sorry to interrupt you. Is Mr Hadid presently represented today or not?

20 MR DOWNING: He is. I'm sorry, Commissioner.

THE COMMISSIONER: That's all right.

MS MAYO: Good afternoon, Commissioner. Nicole Mayo. I seek leave to appear for Mr Hadid today.

THE COMMISSIONER: Yes. Thank you, Ms Mayo. I grant leave to you to appear. I assume that you wanted to have the section 38 declaration extended to today?

30 MS MAYO: Yes, Commissioner.

THE COMMISSIONER: Yes, very well. The section 38 direction which I made the other day before Mr Hadid gave evidence continues to apply to his evidence today. Yes, thank you.

MR DOWNING: Thank you. Apologies, Commissioner. I should have clarified that.

40 THE COMMISSIONER: No, that's all right.

MR DOWNING: Mr Hadid, so you heard the evidence that Mr Chahine gave about the moneys in the Euro Projects ANZ bank account?---Yes.

And how those moneys were then taken out of the account?---Yes.

And I take it you would have heard from that evidence that there are bank statements – I withdraw that. Let me go back a step. You recall that Euro

Projects was a company that had originally been set up by Mr Chahine?
---Yes.

But you became the director after a period of time?---Yes.

And with the bank account, it was an ANZ bank account that Mr Chahine had set up?---Yes. Okay.

And he was the signatory on?---Yes.

10

But you're also aware that there's evidence that there was a debit card used by Mr Dubois in order to take make money out?---Correct.

I'll take you to the pages of the statements in a moment but there are records that demonstrate that there were very frequent withdrawals of significant sums of cash starting in about December 2013 and then running right through until early 2015.---Okay.

20

And do you have a recollection of you going into the branch at any time and taking out sums of cash of around the nine to \$10,000 mark?---Yes.

And giving it to Mr Dubois?---Correct.

Do you recall how it was you did that, in that you weren't a signatory to the account?---I've got no idea. I was trying to figure that one out. I think I had a card in my name. Is it possible to get a card in your name even though you're not a signatory?

30

I, I can't answer that but we know – I withdraw that. You're aware from the documents I took you to previously that Mr Chahine opened the account.
---Yes, okay.

And the evidence would suggest that at least he had a card and that Mr Dubois had a card.---Okay.

But is it the case that you can recall during the period that Euro Projects existed that you were going into the branch and withdrawing cash?---Yes.

40

And what were you then doing with the cash?---I was giving it to Mr Dubois.

And can I take you, for example, please, to volume 19, page 80?

THE COMMISSIONER: Sorry, what's the volume number again?

MR DOWNING: Volume 19, page 80. Apologies.

THE COMMISSIONER: Thank you.

MR DOWNING: 19, part 1, page 80. So it should hopefully come up on the screen now.---Yes.

So you'll see this is the Euro Projects account.---Okay.

It's an ANZ statement and the account number ends in 1-1-8-5.---Yes.

10 And do you see the highlighted transactions, for example there's a 10 November withdrawal of \$10,000.---Okay.

Then you'll see an 11 November two withdrawals, both 9,500.---Yes.

Then the following day, two withdrawals, both 9,500.---Yes.

And then the next day again, two withdrawals, 9,500.---Yes.

And similarly on 17 November, 2014, two withdrawals, 9,500.---Yes.

20 Just pausing there, do you recall going into the bank day after day after day to get cash out?---Yes, I, I, I do remember this, yes.

And if I could take you, please, having seen that statement, to page 85. You'll see that for 10 November the record from the ANZ shows a \$10,000 cash withdrawal.---Okay.

And you'll see that there's a transaction ID ending in 4-7-1-0 under Tran ID about four lines down.---Okay.

30 If you could then go, please, to page 87, you'll see that again the bank record is dated 10 November, 2014.---Yes.

The Tran ID again is 4-7-1-0.---Yes.

And you'll see that what it shows in terms of breakdown of the cash withdrawal, it was \$10,000 in \$50 notes.---10,000.

Made up of \$50 notes.---Okay. Was that from a card or - - -

40 It's a branch transaction.---Branch transaction.

I can't tell you as to the card that was used.---Okay. Okay.

But if you go, please, to page 88, and I'm sorry, it's upside-down, so we'll just need to have it flipped around.---Upside-down, upside-down.

You'll see that it appears that first of all the branch record for 10 November indicates that it was at Macarthur Square.---Okay.

And that was one of the branches close to you. Correct?---Yes.

And it seems that they've done an ID check, and you'll see it's Barrak Hadid, I'm not sure what the letters below read, but there is a number 1-2-8-4-7-0-5-9.---Yes.

10 You recognise that as your driver's licence number, don't you?---Believe it or not I've never memorised my driver's licence but I, I do recognise the last three digits, yes.

And then you see, "Exp 20 July, 2018."---Okay.

And can I - - ?---'18?

Well, this is a date in 2014 when this transaction occurs.---Oh, okay, okay.

20 Can I take you, please, to volume 20.2, page 52, and I take it you recognise that's a copy of your licence.---Unfortunately.

You'll see that it shows the licence number 1-2-8-4-7-0-5-9.---Yes.

And an expiry of 20 July, 2018.---Okay, yeah, that's what the '18 symbolises I think, yes.

So, and you might recall I took you to this in the context of it being presented at the time one of the cars that was purchased was bought. ---Oh, okay. I don't know that, but yeah.

30 All right, I withdraw that. It may have been Mr Chahine I took to that fact rather than you.---Yes.

In any event, that's your licence.---Correct.

And if we go back, please, to volume 19 part 1, page 88, you'll see that the number corresponds with your licence and expiry date corresponds with the expiry date of your licence.---Yes.

40 Do you recall that when you went into the branch and were making large withdrawals like this amount of \$10,00 that they asked you to provide some ID?---Yes.

Can I take you then, please, to page 91, and you will recall from the bank statement I took you to that there were two withdrawals on 11 November, both \$9,500.---Yes.

So you'll see first of all on page 91 it shows a \$9,500 cash withdrawal? ---Yes.

And you'll see a transaction ID ending in 4-7-9-2.---Yes.

Can I take you, please, to page 92? You'll see that the 9,500 is made up of \$50 notes.---Yes.

And again you'll see the same transaction ID number, 4-7-9-2.---Yes.

10 Can I take you, please, to page 93? And if we just enlarge that slightly, you'll see the branch is Macarthur Square.---Yes.

Date, 11 November, 2014.---Yes.

And you'll see that it shows in terms of the ID, your name, NSW D/L, so driver's licence.---Okay.

And you'll see the number 1-2-8-4-7-0-5-9.---Yes.

20 And expiry, 27/18.---Yes.

Again, I suggest, was he show you the bank your licence as ID?---Correct.

Now, on the same day as that transaction, which the record indicates was Macarthur Square, can I take you, please, to page 96? And you'll see ANZ bank record, again for 11 November, again for 9,500 cash but this time the transaction ID is 5-4-6-1.---Yes.

30 And if you, please, to page 97, you'll see this time it's \$9,500 made up in \$100 notes.---Okay.

And again, the transaction ID is 5-4-6-1.---Yes.

And if we go, please, to page 98 and if we enlarge that, please, you'll see, first of all that it's Campbelltown this time rather than Macarthur Square.---Yes.

And you'll see that again it shows that in terms of an ID check, it's your driver's licence number and expiry date.---Yes.

40 Now, this would suggest that on literally the same day you have gone to Macarthur Square and drawn out 9,500.---Yes.

And then gone to the Macarthur branch – I withdraw that – the Campbelltown branch and withdrawn 9,500.---Yes, yes.

Can you recall that at time you were going to different branches on the same day and withdrawing large sums?---I, I do remember it on a couple occasions yes, I did.

And were you going to – well, first of all, were you withdrawing 9,500 to keep it under the magic \$10,000 figure?---Correct, correct.

So that you understand the bank wouldn't have to report it?---That's just what I was told, yes.

And secondly, were you going to different branches because you understood that \$9,500 was a lot of cash to be getting out?---Correct.

10

And it might arouse suspicion to come back to the same branch and take out two lots of 9,500?---Correct.

And it's the case, isn't it, that you did that on a number of occasions when you were getting cash out to give to Mr Dubois?---Correct.

20

Can I take you then, please – I withdraw that. Before I take you to some further pages in the records, do you recall that over the period that Euro Projects existed that you had to do this task, that is to go and get out very close to \$10,000 on multiple occasions?---I, I don't remember how many times but I've told you before, I've given him cash, I just can't remember. This, I didn't really remember any of this until it popped up the other day and I was screaming through the phone saying it was me. You know, so - -

30

Well, having seen it on this occasion that it seems, on the one day, 11 November, 2014, you're going both to Campbelltown branch and to Macarthur Square. Would you accept that where the bank records shows someone going to those two branches, it's likely to have been you attending or could that have been Mr Chahine?---That would have been me.

40

Well, can I take you then, please, to page 133 of the same volume? You'll see there, there are multiple withdrawals. On this part of the bank statement it doesn't show locations but there is withdrawals, two of them on the one day, 19 November, 9,500, two of them on 20 November, 2014, 9,500, then on 21 November, 9,500, then on 28 November, 9,500.---Yes.

Looking at those and having seen what I took you to on 11 November, 2014, it's likely that you were going to the bank and getting the money, correct?---Correct.

Can I take you, please, to page 175 in the same volume? And you'll see this is the bank statement for Euro Projects, the account 1-1-8-5, this time for December 2014 or part of December?---Yes.

And you'll see that on 8 December, two withdrawals of 9,500, one at Campbelltown, one at Macarthur?---Yes.

And similarly, on 15 December, two withdrawals of 9,500, one at Campbelltown, one at Macarthur.---Yes.

And again it would have been you making those withdrawals in order for the money to be given to Mr Dubois.---Yes.

Can I take you, please, to page 198. You'll see this is later in December 2014 and again you'll see all of the highlighted entries.---Yes.

10 And they show again cash withdrawals, 9,500 each time, alternating between Campbelltown and Macarthur Square.---Yes.

And I take it you accept that that would have been you making the withdrawals?---Correct.

And again getting the cash out in order to give to Mr Dubois.---Correct.

20 Can I take you, please, to page 244, same volume. You'll see December 2014 going into January 2015. There are very many highlighted withdrawals there of 9,500.---Yes.

Sometimes 10,000, sometimes 9,000.---Yes, I see that.

But you'll see that each of them are Campbelltown or Macarthur.---Yes.

And do you accept that that would have been you taking the cash out? ---Yes.

30 And on each occasion getting it out to give to Mr Dubois.---Correct.

And last page, can I take you, please, to page 318. And you'll see this is now January to February 2015. And again there's a similar pattern, although some variation with the amounts on this page in that there's at least one withdrawal of \$5,000. But you'll see that it alternates again over the period between January – I withdraw that. Between Campbelltown and Macarthur Square.---Yes.

40 And indeed there are many dates there where there is, on the one day, withdrawals at each of those branches.---Correct.

And do you accept that this would have been you taking the money out? ---Yes.

And again getting the money out to give to Mr Dubois.---Yes.

Now, when you took the money out from the various branches, did you give each lot of 9,500, or where it was 9,000, \$9,000 to Mr Dubois? Or did you

tend to build it up to a larger sum and give it to him in a larger increment?
---It really just depends when I went down to visit my mum. My mum's always sick and she's still sick. So I was commuting down. So sometimes if I had, whatever I have, I'll just give him. Sometimes it's a small amount, sometimes a big amount.

10 Does your mum live somewhere near to where Mr Dubois lives?---It's not, it's not a far detour. Yeah, she lives in Roselands. He was in – I can't remember where but it wasn't far from each other. It's just what I had at the time, I just gave it to him, yes.

And can you recall, for instance, what was the biggest lump sum you ever gave him in cash?---Oh, I think, I think maybe about, maybe 60,000 or something like that.

So you did give some evidence when you came in on 2 June – that is just a week ago - - -?---Yes.

20 - - - that, in respect of Euro Projects, that you – to use your words – you were hugely against cash and stuff, you didn't like making cash payments or anything like that.---We, we ultimately never done cash, but I just did not remember this whatsoever, but I do remember saying I did give him cash.

Well, you gave two reasons for why you were hugely against cash. One of them was you just had a concern about it, I think, arousing suspicion because going to the bank, getting large sums out, people might wonder why that was happening.---Yes.

30 The second reason you gave, and it may be that it's consistent with what we see on the bank statements, is that you also said, "And my time having to do it and stuff like that."---Yes.

I take it that it was taking up a fair bit of time.---It was killing my life, yes. And there was a reason for it too. Mr, Mr Chahine gave evidence about Mr Dubois demanding his money, so that's around that same time.

Sorry, you're referring to evidence that Mr Chahine gave about a meeting in a food court.---Yes. Yes.

40 Do you recall being present for that?---He wanted his money. Yes.

And is it your recollection that - - -?---He wanted his money.

- - - around the time of that meeting where he banged his fist and said he wanted his money - - -?---He wanted his money, yes.

- - - you were going to the bank to get the cash out - - -?---Correct.

- - - and then giving it to him, typically when you were going to visit your mum and you would make a detour to drop off cash.---Correct, yes.

So that separate to the other ways in which you gave evidence about moneys being paid to him or on his behalf, so that is through the use of debit cards - - -?---They were the main ways, yes.

- - - but also through payments into MWK - - -?---Yeah, yeah.

10 - - - and payments into Wilkins Corp?---Yes. I don't remember the companies but, yeah.

But separate to those payments into non-contractor companies - - -?---Okay.

- - - you now recall, having seen those bank records, that there was a period of time when you were making frequent bank trips to get cash out?---Yes.

20 Do you now recall, having seen those bank records, that there was a period of time when you were making frequent bank trips to get cash out?---Yes.

And giving it to Mr Dubois?---Correct.

THE COMMISSIONER: I take it that you just hand the cash to him, he wouldn't issue a receipt or anything or a note of that kind?---No, no, Commissioner, yeah.

30 It was just you'd just hand him a bundle of cash and - - -?---I just, I just gave it to him 'cause the way I looked at it, Commissioner, that I know it's ignorant that it was his, it was his money and he was asking for his money and I'm not a person to take anyone's money, so that's just why I gave it to him, and the reason why I pulled out cash is because he demanded his money, so, and it's the only way I know how to give him his money at the time, Commissioner.

Yes, thank you.

40 MR DOWNING: They're the questions I have on that one discrete topic for Mr Hadid. Unless there's any other reason, I don't have any reason why he shouldn't be excused from his summons at this point, Commissioner.

THE COMMISSIONER: Very good.

MR DOWNING: Subject to whether there's perhaps any application to cross-examine on that part of the evidence.

THE COMMISSIONER: Yes. Is there any application to question Mr Hadid?

MALE SPEAKER: No, no.

THE COMMISSIONER: There's no response. I take it there's no application. Mr Hadid, thank you for your attendance again today. I discharge you from your summons.---Thank you very much Commissioner, I appreciate it.

Thank you.

10

THE WITNESS EXCUSED

[3.41pm]

MR DOWNING: And just one other matter of housekeeping, Commissioner. Volume 5.3, which was referred to in the course of Mr Taha's evidence today, if that can be tendered, please. And I believe that will make it Exhibit 183.

20

THE COMMISSIONER: Sorry, Mr Downing, I just missed – what is the document?

MR DOWNING: Volume 5.3, which was the compendium of bank statements for the two MWK bank - - -

THE COMMISSIONER: Yes, thank you. That will be admitted and will be marked as an exhibit. We can check later – has anybody got the number?

MR DOWNING: I think it's 183, Commissioner.

30

THE COMMISSIONER: 183, thank you.

MR MCDONOGH: 184.

THE COMMISSIONER: 184, is it? Thank you.

MR DOWNING: Thank you.

40

#EXH-184 – VOL 5.3 MWK ANZ STATEMENTS ACCT 4569 & 4577

THE COMMISSIONER: Nothing else, then I'll adjourn. Thank you.

AT 3.42PM THE MATTER WAS ADJOURNED ACCORDINGLY

[3.42pm]