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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 THURSDAY 10 JUNE, 2021

AT 11.45AM

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: I apologise to everyone else who have been delayed while other matters were being dealt with before resuming the public inquiry. Now, so we have Mr Goldberg in the witness box. I'll have, for the purpose of the public inquiry, him take the oath or affirmation. Mr Goldberg, do you take an oath or an affirmation?

MR GOLDBERG: An oath.

10 THE COMMISSIONER: Would you mind standing? Is the Bible there?
Thank you.

THE COMMISSIONER: Thank you, Mr Goldberg. Just take a seat there. Now, Mr Havas, you appear on behalf of Mr Goldberg?

MR HAVAS: That is so, Your Honour.

10 THE COMMISSIONER: I understand that you wish the provisions of section 38 to be invoked for the purpose of the public inquiry?

MR HAVAS: That is so.

THE COMMISSIONER: Thank you. Those provisions have been explained to you, Mr Goldberg, I understand?---Yes, yes.

20 And you understand the effect of them is that it does offer you the protection that the evidence you give under objection can't be used against you in other proceedings in the future, other than for an offence under the Independent Commission Against Corruption Act?---Yes.

Thank you. You understand, however, that you must answer all questions truthfully.---Yes.

And if you are required to produce documents or other items, you must do so. You understand?---Yes.

30 Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by the witness, Mr Goldberg, and all documents and things produced, if any, by him during the course of this public inquiry are to be regarded as having been given or produced on objection. Accordingly, there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

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

THE COMMISSIONER: Yes, thank you. Ms Spruce? Thank you.

MS SPRUCE: Mr Goldberg, could you state your full name and date of birth, please?---John Goldberg, [REDACTED]/1986.

Now, Mr Goldberg, you know that the Commission has been inquiring into the conduct of Alex Dubois while he was an employee of the RMS.---Yes.

And specifically in relation to his conduct involving the manner in which RTA and RMS contracts were awarded.---Yes.

10

And you've been following the inquiry, have you?---Most of it, yes.

Did you watch Mr Dubois give his evidence?---Yes.

So you're aware that Mr Dubois has told the inquiry that he was operating a corrupt scheme in relation to the awarding of RTA and RMS contracts?
---Yes.

20

And you understand Mr Dubois told the inquiry that the elements of that scheme were firstly that he awarded RMS and RTA contracts to his family and friends.---Yes.

And secondly, that Mr Dubois rigged the quoting process so as to ensure that contracts would be awarded to his preferred contractors.---Yes.

And thirdly, that Mr Dubois told his preferred contractors how much they should charge the RMS in relation to a contract.---Yes.

30

And fourthly, that the amounts that Mr Dubois told the contractors to charge were inflated amounts.---Yes.

And you understand what I mean by that is that there was an extra amount built in to the amount charged that did not reflect the actual cost of the work done.---That's correct.

Even taking into account a reasonable profit.---Yes.

40

And you understand Mr Dubois told the inquiry that that extra amount was then paid to him, in part or in whole, in the form of a kickback by the relevant contractor, effectively as the price for getting the work.---That's correct.

Now, you saw, did you, Mr Hadid give his evidence to the Commission?
---Yes.

And you know Mr Hadid?---No.

You don't know Mr Hadid?---No, I don't.

You've never met Mr Hadid?---Through the inquiry, I remembered I had met them once only.

Through the inquiry you remembered that you'd met Mr Hadid once.---Yes.

Then, sorry, who are you referring to when you say 'them'?---Them. Him and his partner, Chahine.

10 Mr Hadid and Mr Chahine?---Yes.

You say you've met them once.---That's correct.

You saw their evidence – we'll come back to the circumstances in which you met them, but for the moment, you saw the evidence of Mr Hadid, did you also see the evidence of Mr Chahine?---Yes. Not – most of it.

20 Well, you understand, don't you, that Mr Hadid has told the Commission that he did pay kickbacks to Mr Dubois in the manner described, in the manner I've just set out in relation to the scheme?---Yes.

And you understand that Mr Chahine has also told the Commission that he paid kickbacks to Mr Dubois?---Yes.

And did you see the evidence given by your brother Towfik Taha yesterday and the day before?---Some of it, some of it.

30 Well, are you aware that Mr Taha has also told the Commission that he paid kickbacks to Mr Dubois?---Yes.

And you're aware that Mr Dubois has said that you were another person who was paying kickbacks to Mr Dubois?---That's what he said.

Well, I'm asking you whether you're aware that that was the evidence that Mr Dubois gave.---Yes.

You are aware of that?---Yes.

40 Now, you were a friend of Mr Dubois'?---Correct.

You were a close friend of Mr Dubois'?---Yes.

And you obtained RMS work through Mr Dubois, is that correct?---I obtained – there was one contract through a company that didn't belong to me, but I was in control of that company, yes.

THE COMMISSIONER: What was the name of that company?---MJ Wilsons.

MS SPRUCE: MJ Wilson is a company that you established, you agree?
---Yeah. Mark Abraham was just the name of it. It had nothing to do with him.

So you established the company, but you've put it into the name of Mark Abraham, is that correct?---That's correct. Yes, that's correct.

And Mark Abraham was a friend of yours, correct?---Yes.

10

But he had nothing to do with the running of MJ Wilson.---No.

You had effective control of the company.---Yes.

And through MJ Wilson, you obtained work for the RMS, correct?
---Correct. One, yeah, that one job, well, one contract that was given.

Well, we'll come to the details later of what contracts were done, but at the moment I'm just asking whether you agree - - -?---Yes, I do agree.

20

- - - that you obtained work from the RMS through a company called MJ Wilson that you had control of.---Yes, yeah.

And do you agree that the reason you obtained that work is because of your friendship with Mr Dubois?---Yeah, you can say that, yes.

Well, I'm not asking you what I can say, I'm asking you whether you agree.
---I said yes, you can say that, I said yes.

30

So you agree that you obtained the work because of your friendship with Mr Dubois?---Yes.

And you're aware, obviously enough, that in the period that MJ Wilson did work for the RMS that it received payment of over \$1 million.---Correct.

And that money was paid into a bank account in the name of MJ Wilson.
---Yes.

And the signatories to that account were yourself and Mr Abraham.---Yes.

40

But it's the case, isn't it, that all of that money was money that came to you? You had effective control of the bank account.---That's correct.

And then out of those proceeds that you received from the RMS you paid kickbacks to Mr Dubois.---I won't call it kickbacks.

THE COMMISSIONER: What would you call it?---So the deal with that company was very simple. We were looking into, me and Alex Dubois had

told me about getting the main contract for landscaping around the cameras, which was like a three to a five-year contract. So that was the work that we were supposed to get as a long term and we were going in as a partnership. But that didn't end up happening, and at that time he had done the six contracts all together onto that company, and the reason of being for that was for the reason that to buy the equipment that was needed to get that main contract, to get that work done.

10 Mr Goldberg, I appreciate there's other facts surrounding this but as I've said to other witnesses, if you just listen to the question, if you just deal with the point of the question.---Yep.

Do you recall it or do you want it put again, the original question just put?
---The question about a kickback?

Yes.---No, I never – it wasn't a kickback.

So I think it was put to you that - - -?---If I'd given him a kickback.

20 That you operated MJ Wilson.---That's correct.

It had a bank account.---That's correct.

You had control of the bank account.---Yes.

And you were asked about the flow of money that went into that account.
---That's correct.

30 And it was put to you that that was RMS money for contracts worked for RMS.---That's correct, yeah.

And then I think Counsel Assisting put to you that the contract payments that came from RMS contained what Counsel termed a kickback or kickbacks.---That's what she said, yes.

I think you said, "I wouldn't call it that."---Yeah.

40 I asked you what you would call it. So I just want you to describe – you can elaborate later when asked further questions about this – what were the payments - - -?---For the payment - - -

- - - that were payments that included any amounts payable to another person, and it's suggested here it's Mr Dubois.---Okay. Well, with that company it wasn't set up as a profitable just for myself. It was more of a business together as a partnership because we were doing, he had joined me into my partnership so it was more of a - - -

Partnership with whom?---Dubois. So it was supposed to be for the main contract that we get which was a three year to a five year contract of landscaping. That will be full-time partnership for each other, including of course my friend will be working with us, which was Mark, and it was a three way.

10 Doing what sort of work at the time?---At the time all like, I remember it very clearly. It was like New England Highway, most of the cameras and TIRTLs that were around New South Wales, to cut the grass 100 metres in front and 100 metres behind to keep it clear.

Some of the detail of these projects might be put to you. I'm not sure if they will but they might - - -?---That, that was - - -

- - - so that we understand the nature of the work involved but we haven't got to that point at this stage. We're just dealing - - -?---Yeah, well, it didn't happen.

20 Sorry?---The work, the work didn't happen because we never got that contract. It fell apart.

Well, in due course contract work was made available to you through W - - -?---MJ Wilson.

Sorry, MJ Wilson.---That he had organised, yes.

30 And RMS would have received in due course an invoice and then they pay on the invoice. Was that the way it worked?---Yes, the invoice which was all created by Dubois.

Now, the payments made on invoice is what you're being asked about now. ---Yes.

As to whether those payments made their way through from RMS to WJ Wilson account - - -?---Yes.

- - - contained kickbacks.---That's correct.

40 Did they to your knowledge?---It was a partnership so - - -

No, no, no, just focusing on my question, please.---I know. If it was a kickback well, if you're my partner and you took your fair share how is that a kickback?

Now, when you use the word or the term "partner" in that answer - - -?---He was a business partner.

- - - you're referring to Mr Dubois.---Mr Dubois, yes.

I see.---He was a partner.

So, the moneys paid on the invoice, I think you're saying, correct me if I'm wrong, contained an element or a component for your partner, Mr Dubois, in relation to this RMS work?---That's correct. That's correct.

Yes, Ms Spruce.

- 10 MS SPRUCE: Mr Goldberg, the question that I asked you was whether you agreed that out of the million or so dollars that you received in remuneration from the RMS, that whether from that money you made payments to Mr Dubois in the form of kickbacks and your answer to that question is yes or no?---My answer to that, in kickbacks, no.

And I understand it's the case, is it, that the reason you answered no to that question is because you disagree with my characterisation of the payment as a kickback, is that correct?---No, no. It's because he was my partner in the business. It was, it was a partnership. So how can I pay my partner a
20 kickback when he gets equal share of the profits. Even though he was working at the RMS, he came to me with this idea, to open up this company so we can get contract, the main contract that I have already spoken about, we did this contract which was a fifty-fifty business. It was nothing to do, "Here you go, you go do all the work and you give me a kickback of 50 per cent." There was none of that between me and him whatsoever. I never took care of the work, I never did the paperwork, the invoices. Everything was done on his part, on his behalf, which was, was, he knew what he was doing.

- 30 Mr Goldberg, let me ask you this question. You did work for the RMS through MJ Wilson and you then got paid by the RMS, correct?---He organised all the work and I got paid, yes.

No, no. That wasn't my question. The question - - -

THE COMMISSIONER: No, no. We're just trying to work out what work was done by you under the contract. That was the question. So, once the contract was awarded to MJ Wilson, it was obviously in respect of RMS work of a kind described in the relevant documents such as purchase orders
40 and invoices.---Which I never seen, I didn't even know about. The only thing I know about those jobs was once he came to my café, we jumped in the car, we went down to a few sites, we had a look at the few sites, he told me about the jobs that needed to be done and that he will take it of it all and he will do everything, and we'll put it onto this company so it can make some profit to move onto the next project. That's exactly what happened. I have never seen any of the documents, I have never drafted any invoices either, whatsoever through that company.

MS SPRUCE: Mr Goldberg, if you can just focus on the question. You agree, don't you, that you did work for the RMS through MJ Wilson, yes?
---You want me to say yes, okay, let's go with a yes for now.

Well, I don't want you to go with a yes for now, I want you to answer the question.---I didn't do the work. I answered you. I did not do the work.

You were awarded - - -?---I was responsible for the company.

10 MJ Wilson - - -?---MJ Wilson was rewarded - - -

- - - was awarded contracts by the RMS?---That's correct, yes.

THE COMMISSIONER: Did you organise the subcontractors who would be doing components of that work?---No, no. I didn't organise anything.

MS SPRUCE: But MJ Wilsons, the company you had control of, was awarded contracts through the RMS?---Correct.

20 And the reason it was awarded contracts through the RMS was because that was an arrangement you had with Mr Dubois?---Correct.

And then as a result of the awarding of those contracts, putting to one side for the moment who actually did the work, as a result of MJ Wilson being awarded those contracts, MJ Wilson received payments of over \$1 million from the RMS, correct?---Correct.

And that was money that you had access to?---Correct.

30 And nobody else had access to that money?---No. Someone, Mark had access but he never touched it. I took all that money, I had control over the account.

You had effective control, there was no one else who had - - -?---Of course. No one.

- - - effective access to that money?---I had the full control of it, yes.

40 Now, what I am asking you is, out of that million or so dollars that came into your possession, did you pay a cut of it back to Mr Dubois?---Of course, yes. A cut, a cut, not a kickback, which was his cut of a partnership, yes. And also a lot more for he organised all the work to be done, which he took all that money too, which I gave him for doing the work.

Am I correct in understanding that you say that Mr Dubois organised for the actual work to be done by arranging subcontractors?---Correct.

And so you, when the money was paid to MJ Wilson by the RMS, you took money out of the MJ Wilson account?---Yes.

And you repaid Mr Dubois for the cost of the subcontractors?---Correct.

And then you also paid a cut to Mr Dubois?---Of the profit, which was 100,000, yes.

10 And did you also retain some of the money for yourself?---The money that was retained for me I think was 100, yes.

Sorry?---100,000.

On any given job?---No, on the whole thing. So, with the six contracts, I was left with 100,000 or 100 or so, around that, that margin.

20 Well, we will come to the detail later, but is it correct, the impression I've received from the evidence you've given this morning that you say you didn't do anything in relation to these jobs?---That's 100 per cent correct.
Other - - -

You say Mr Dubois prepared the quotes.---Yes.

Mr Dubois prepared the invoices.---Correct.

Mr Dubois organised the subcontractors.---Correct.

30 Did you ever attend onsite?---The only thing that I attended was at the beginning of the contracts, before they were all awarded, we went, me and him, to a couple of the sites, and we had a look at the place, just me and him alone. Yeah, we'll, like, he said that we'll need to do this here, and we'll need to do that there, the asphaltting work, all this stuff. I'm like, okay. I don't understand that stuff. So I'm like, okay, sweet, no worries.

And what was the purpose of you attending the sites with Mr Dubois, if you weren't actually going to organise the subcontractors or do the work?---He, well, he was at the café, he came past, and we went for a drive to go have a look at them.

40 So it was more a social outing between friends, is that the position?
---Practically, yes, yeah.

Well, in those circumstances, are you able to explain why it is that you retained \$100,000 out of the payments that were made from the RMS to MJ Wilson?---That was the profit that was left for me, he said. He said that the whole job was 20 per cent profit. I took 10, 100,000, and he took 100,000 so-called profit.

So you received a payment of \$100,000 to do nothing, is that right?---Yeah.
Yes.

You agree with that?---Yeah.

10 THE COMMISSIONER: But there must have been an arrangement, surely,
that if he was going to pay you an amount of money of that kind, he would
want something in return.---Oh, no, that, well, that's the thing. The thing
was that we were going into partnerships to get the main contract, which
was a three to a five-year contract. That was the whole reason of having
this company open was so we can get the equipment that was needed.

In any event, you say that you were paid something of the order of
\$100,000.---Yes.

And that was under a contract or in respect of a contract for which he would
get a cut of the action.---As a partner, yes.

20 MS SPRUCE: Mr Goldberg, I take it that when you first became aware of
Mr Dubois working for the RTA that you were familiar with the RTA?
---Yes.

You understood it was a government agency?---Yes.

And you understood it was in charge of maintaining roads and the licensing
system.---Of course, yes. Yes, of course.

30 And you understood that Mr Dubois was an employee of the RTA?---That's
correct, yes. RMS.

RMS, and that he was receiving a salary for the work he did at the RMS?
---Well, he's not going to work for free. Yes.

So you understood he was receiving a salary.---Of course, yes.

40 And you're familiar, aren't you, with the idea of corrupt conduct, you know
what that means?---I learnt that now, yeah, within this hearing. I've never
been a public official or public servant to go off a code of conduct. I never
signed paperwork with other people that I work with that they're not
allowed to give me work or anything, so no. At the time, no, I didn't know
about it.

So you say you weren't familiar with the idea that for someone to award
contracts to friends and family rather than engage in an arms-length process,
you didn't know that was improper conduct?---It's favouring, favouring
people, no, I didn't think it would be a code of conduct. Sorry, I've never
worked for government places, so no.

So you say that your understanding was that you were entering into a partnership with Mr Dubois, correct?---Yes. Yes.

Where Mr Dubois would effectively be doing all of the work, through subcontractors.---Only for that one job, because the following main contract was going to be landscaping, so which meant we were going to have people working, which I was going to control, people to go cut the grass that was required, and we'd go fifty-fifty on that.

10 Well, Mr Goldberg, you keep referring to a contract that as I understand your evidence didn't happen. Is that correct?---It didn't happen, but I'm telling you the sequence of why this company was opened, and why it only did that one contract and that was it, because the main reason of this company was opened for the sake of having this main contract from, which was three to a five-year contract of landscaping around New South Wales, which he didn't - - -

20 But you say that you never did that work.--- - - - which he didn't end up doing for us. We had a fallout so went separate ways after that, like, later on.

Well, Mr Goldberg, is it your evidence that at the time you entered into this partnership with Mr Dubois, you thought that the partnership was aboveboard?---Well, as long as the work was getting done, which he said he was doing, and end of the day, from my, I – no, he was making extra money for himself. I don't look at it in – sorry, I'm not a public official to see, sit here and say I knew the code of conduct.

30 I'm not asking you whether you knew the code of conduct.---No.

I'm asking you whether, at the time you entered into a partnership with Mr Dubois, you believed that it was aboveboard.---In my eyes, yes.

You thought there was nothing improper about the partnership you had?
---No whatsoever.

40 So you understood that the RMS was a government agency and that the money that was paid to you from the RMS was public money? Did you understand that?---Yes.

Right. So you knew that as a result of the partnership that you forged with Mr Dubois that you ended up retaining \$100,000 profit for doing nothing, correct?---Correct.

And that that was money that had come to you from the public purse, correct?---Correct.

And yet you say, do you, that you didn't think that there was anything wrong with that?---In my eyes, no.

Well - - -?---Same way I run other businesses. I don't do much and I make money. To me, so I don't look at things like that as a wrong thing. If he, he signed the contract of code of conduct, so it's his responsibility to, not to engage contracts with family and friends. I never signed that code of conduct. No one did of companies.

10 Mr Goldberg, answer this question for me, please.---Yes.

If you didn't think that there was anything wrong with the arrangement you had with Mr Dubois, then why didn't you register MJ Wilson in your own name?---Clearly I just never wanted anything in my name, not just because of RMS work, but clearly a lot of things. I never put them in my name.

Well - - -?---Just I put some things here and there. I had plenty at the time. I had like five, six businesses already at the time that were going on.

20 Mr Goldberg, if you're entering into a legitimate partnership - - -?---Yeah.

- - - why wouldn't you put your name on the company?---I didn't put my name and I didn't put his name.

Correct. Correct.---It was registered underneath the third party which he was going to be working with us at the same time.

Well, the reason that you didn't put it under your name or Mr Dubois's name is because you knew that you were entering into an illegal scheme.

30 ---Sorry, that's your suggestion, not mine.

That is my suggestion and I'm asking whether you agree with it.---Hey, I'm sorry, you're completely wrong. No. No whatsoever.

So your evidence is, is it, that Mr Abraham was going to be part of this partnership with you and Mr Dubois?---In the main contract, yes.

The main contract is - - -?---That did not happen.

40 - - - the one that never happened?---Correct.

So you say there was a contract that never happened, that was going to happen.---Correct.

And that you and Mr Dubois and Mr Abraham were all going to be working on that contract together?---Me and Abraham were, and Alex will get his cut for organising it, like, as a partner, yes, so - - -

And that's the reason why it went into Mr Abraham's name?---Correct.

Now, if it was going to be a partnership between the three of you, it still doesn't explain why your name and Mr Dubois' name weren't on the MJ Wilson registration.---We didn't put it on. We didn't look at it that way. We just didn't look at it that way. It has to be all names.

THE COMMISSIONER: Has to be a reason why you chose somebody else's name rather than yours or Mr Dubois'. What was the reason?

10 ---Honestly it's just because he was my friend and we were talking about it and he was sick and tired of working for, at the time he was doing transporting for Coca-Cola. He was tired from that. He was going to quit. So I'm like, okay, if you want to work with us, and, yeah, get this company for us and we'll work together at that time.

So just explain to me why your name didn't go on the register for the company MJ Wilson.---There was no reason, Commissioner.

20 No reason?---No, there was no reason at all not to put my name or Mr Dubois' name whatsoever.

The contract that was entered into through MJ Wilson for RMS work for which the \$1 million-plus was paid, the work that was being done for RMS by MJ Wilson was not disclosed as related to Mr Dubois himself, it was a contract that was not disclosed by him to RMS?---Okay.

Is that right? You understood that he was trying to, as you said, make money on the side in effect?---Correct. Yeah, as a side business.

30 But not to the knowledge of RMS?---Yeah. I guess so, he didn't tell the RMS.

So, in that sense, there was a reason why MJ Wilson would not reflect his name, or yours for that matter, because to do so would then disclose to RMS potentially who was behind MJ Wilson.---Honestly, I will be very honest with you, Mr Commissioner, at the time we didn't even talk about that. It was just like, he told me about it and we would go as a partnership and I bring along my friend.

40 You may not have talked about it, as you say, but it became obvious to you that that was maintaining the secrecy around his involvement in getting money out of RMS - - -?---Later on - - -

No, just a moment, I haven't finished. You appreciated maintaining the secrecy of his role, given that he worked for RMS, getting money on the side was evident to you, he didn't have to spell it out. That's a fair comment?---For extra money. Yeah.

And that would doubtless be the explanation for why he wasn't on the record, if I can use that expression, as the contractor either via a company or directly.---Maybe that's why he offered it to me at the time.

It's pretty obvious though, isn't it?---Oh, well, at the time he, yeah, because I had all the cafés in my name.

10 But I'm just concentrating on the reality here. It was, he didn't have to spell it out, it was pretty obvious, wasn't it, that he was getting money on the side unbeknownst to RMS?---Yeah. Well, I knew he was getting, making money.

And that would provide more than adequate explanation as to why he didn't want to go on the record. You were aware of that, weren't you?---Honestly, I agree with you on that but we never ever, ever spoke about it, having his name on it whatsoever.

20 That may be so but it was one of those things that may not be needed to be spoken out.---He, he - - -

It was obvious.---He offered it to me in late 2012, about this contract, and something that can go on for years because at that time, and even though, yes, he has lied so many things in this room, I will still say the truth. At that time he did want to leave. He did want to leave the RMS.

30 But just coming back to where we started on this little segment. As the old expression goes, it was clear as night follows day that he didn't want to be on the record because RMS might pick it up.---Oh, of course. Yeah. Like all the other companies.

Yes, Ms Spruce.

MS SPRUCE: Mr Goldberg, it's the case, isn't it, that you didn't want to be on the record either because you knew that it was an improper arrangement?---Why would it be an improper arrangement for me? I'm not an RMS worker. I've got nothing to do with the RMS, so if I did put my name on it, there would be no effect on me. What effect would there be against me?

40 Mr Goldberg, you were very careful, weren't you, to make sure that your name was a signatory to the bank statements though?---So, if I was scared about – yeah. So I can access the money that all goes through. I didn't care about the company, so I controlled the accounts.

And I take it from the evidence you gave earlier that you said that Mr Abraham had nothing to do with MJ Wilson, nothing to do with the running of the company?---Whatsoever. Because with that contract, when it did happen, he didn't know about it because it was supposed to be – Alex told

me, "Let's do this quick job." He had some quick job that he needed to do. He goes, "Let me use this company, we'll make a bit of money so we can buy those," bloody, what do you call them? Ride-on lawnmowers and all this stuff that we needed for the main contract. I'm like, "All right. Go ahead. Do what you need to do." That was the whole point. You're, you're talking to me about MJ Wilsons, you're asking question by question, I'm trying to overall your questions so you can get the bigger picture of why - - -

10 THE COMMISSIONER: All right. Please, Mr - - -?---Yeah, it was opened.

Mr Goldberg, as I have pointed out to other witnesses, just answer the question.---Yep.

No statements.---I was just trying to overall - - -

It's just a question-and-answer format as you will well appreciate, I'm sure. ---No worries, Mr Commissioner.

20 All right. Yes, Ms Spruce.

MS SPRUCE: Mr Goldberg, I asked you earlier whether you were aware that your brother had given evidence that he was paying kickbacks to Mr Dubois?---Yes.

And you said that you were aware that he had told the Commission that he was doing that?---Yes.

30 And you understand, don't you, when I use the word "kickback" that I mean a corrupt payment which is being made from an RMS contractor to Mr Dubois in effect as the price of doing business, the cost of getting the RMS work? You understand that, don't you?---Yes.

But you maintain the position, do you, that the payments that you made to Mr Dubois as a cut of the amounts you received from the RMS were not kickbacks? Do you maintain that?---Yes. It was a partnership.

That is not corrupt payments from funds that - - -?---Well.

40 - - - public moneys that were not rightfully belonging to you or Mr Dubois?
---Okay, you want to say it's not, public money that's not rightfully mine, but the work got done. It was a contract approved. So how is that not mine? Even though if I didn't work, so many people don't work and make money. Maybe not for him on his behalf, because he was an RMS contract, ah, public servant, but not me.

THE COMMISSIONER: Would you go this far to accept, however it's described – cut, corrupt, whatever - - -?---Partnership.

- - - it was nonetheless a payment made through MJ Wilson to Mr Dubois as a secret payment, given that he was a public official. It couldn't be made as an open payment. If it wasn't a corrupt payment, it was certainly a secret payment, wasn't it?---Like, I've already said it several times, Commissioner. He, he - - -

No, no, no. Just answer my question. You understood that the payment, however described, back to Mr Dubois from the RMS contract would be paid on a secretive basis, not an open basis?---Yes, I gave it to him in cash.
10 He wanted it in cash, so I gave it to him the way he wanted it.

Cash, right.

MS SPRUCE: And, Mr Goldberg, you knew that there was a need for secrecy in relation to the payments made back to Mr Dubois, correct?---Not from my end. I just, he wanted cash, it got done.

Well, it's the position, isn't it, that the reason that you and Mr Dubois didn't put your names on the MJ Wilson company is because you knew there was
20 a need for secrecy in respect of the payments that were going to be made?
---No.

Now, Mr Goldberg, you also established a second company, Wilkins Corp, you agree with that?---Yes.

And once again you set that company up, formally registered in the name of your wife, correct?---Oh, that, yeah, her.

I beg your pardon?---Yeah, her, yes.
30

Her?---Mmm.

I see.---I don't like to say "wife" or "ex-wife". Just "her" is fine from my end.

Well, you set up that company in the name of Ms Abdelkarim, who was your wife at the time, correct?---Yes.

But once again, that was a company that you had effective control of, correct?---Partially, yes.
40

Well, my question was whether you had effective control of the company. Is the answer yes or no?---Okay, yes.

Right. Ms Abdelkarim didn't have anything to do with the running of Wilkins Corp?---Oh, the running of it, no.

No.---No.

The only reason that she is registered as the director is because you asked her to open the company in her name, correct?---Yes.

Now, the purpose of Wilkins Corp was to establish a non-contractor company that could receive payments made by RMS contractors to Mr Dubois. I call them kickbacks, you call them cuts, but let's just call them payments from RMS contractors to Mr Dubois. That was the purpose of MK Wilkins, wasn't it, to receive payments made by RMS contractors to Mr Dubois?---No.

Is there something amusing about that?---No, it wasn't whatsoever. The money that went into Wilkins Corp was money owed from Alex Dubois to me regarding Kirrawee Café. That was the reason of why that money went through. But also, on top of that, there was extra money sent in to that account, and he asked me to pull it out for him and give it to him in cash. I never opened that company in any shape or form for laundering his dirty money. In any way.

Well - - -?---That's the simple straight answer that I will give you. Because he never paid me any payments for my cafés. He was paying me bit by bit from here and there, from other contractors, other companies.

Mr Goldberg, do you agree that Wilkins Corp was in fact used to launder funds from Mr Dubois' corrupt scheme?---No. No.

You say that's not the case?---No.

The evidence you're giving about these matters is not truthful, is it?---That's your suggestion. I'm being very honest.

No, but answer my question. Is it truthful evidence or not?---I'm giving you truthful evidence. If he transferred money through other companies that owed him money that's his business not mine. I took my cut.

Mr Goldberg, let's talk about the cafés. I want you to help me understand when the cafés were opened. It's the case, isn't it, that you ran two cafés and a bakery with Mr Dubois. Is that correct?---Correct.

And one café was called Coffee Boss. Correct?---Yes.

And one was called My Caffeine Romance.---Correct.

And one was called Humphrey's.---Yes.

And Humphrey's was the bakery.---Correct.

And Humphrey is your nickname. Is that correct?---Correct.

Now, just tell me the order in which they were opened. Which one came first?---Okay. First of all we started off with Humphrey's.

Right.---So from there we ended up buying - - -

THE COMMISSIONER: What year was that?---It would be early 2012, around that time and then - - -

10 So just while you're on the subject, how long did that continue to operate, the bakery or coffee - - -?---All up till mid-2013.

Yes, Ms Spruce.

MS SPRUCE: And so first of all was Humphrey's.---Correct.

And was that - - -?---After that - - -

20 Was that an existing business that you've bought or did you set that up from scratch?---No, I set it up from scratch.

And so when you say you set it up from scratch, did you rent premises?---I rented the premises and then fully furnished and renovated the place.

And so what was the cost of setting up the café, the bakery rather?---I think it was roughly around the 180 roughly.

30 Around 180,000?---Roughly off my head. I don't have the exact estimates anymore.

And you then, next in time was Coffee Boss?---Coffee Boss. Correct.

And when do you say that that was started?---I think was roughly in October maybe 2012.

THE COMMISSIONER: October what year?---2012.

40 How long did that last?---That, well, mid-2013 or just a bit over mid-2013. That's when we had the fallout and Mr Dubois took over and, and supposed to pay my share of, of all three café restaurants.

MS SPRUCE: And the third one was My Caffeine Romance.---My Caffeine Romance, yeah.

THE COMMISSIONER: When was that established?---That one - - -

Or when did you take it over?---I bought that one, if I am correct, probably early 2013.

Early?---2013.

Was that an existing business or did you - - -?---Yes, it was existing business but I fully refurbished it too and so I did with Coffee Boss, refurbished the place.

10 And when did My Café Romance finish?---All together we went into the fallout in just over mid-2013 and that's when he took over, Mr Dubois took over all the cafés and under the reason that he'll pay off my share.

MS SPRUCE: So, Mr Goldberg, Coffee Boss was an existing business.
---Correct, yes.

And so how much did it cost you to purchase and set up Coffee Boss?---We bought it for 240.

20 And when you say we, you're referring to you and Mr Dubois. Is that correct?---At the time most of them were bought by me at the time and he will pay me off eventually with whatever money he was getting at the time and he'll tell me, alright, here's 100 and here's this and here's that. So I was getting partial payments off him. I never got full payments off him for a complete business but I would sometimes get like 200 or something like through for example like Wilkins Corp. He transferred more money to that company than what was owed and when he did that I took my share. He asked me, "Oh, can you please give me the X amount of money that was leftover," which I did.

30 Well, we'll come to that.---Yeah.

Now, My Caffeine Romance, how much did it cost you to purchase and set up that business?---500.

Sorry?---500.

500, half a million dollars?---Yes.

40 It's a very expensive café, isn't it?---It was doing 150 kilos a week of coffee.

Have you got any documents in relation to the purchase costs of these companies?---No, not anymore.

Any records?---No.

No, you've got no records?---Not anymore.

Now, you say that you set up Humphrey's which was the first café, the first bakery rather, in early 2012. So can we just go back, please, and establish when it was that you first met Mr Dubois?---Met him? Wow. I met him when I was a kid, when I was young.

Well, you were born in Sydney, correct?---Correct.

And you attended the [REDACTED] School in Sydney?---Yep.

10 And you were educated there until year 12, is that right?---Year 10.

Year 10.---Yes.

And then you left in year 10 and you commenced an apprenticeship as a panelbeater, is that correct?---Correct.

And you did that for four years?---Correct.

20 So you completed your apprenticeship?---I didn't finish off the last year.

I see, and so what did you do for work after you left the apprenticeship? ---Oh, I was doing lots of things, I was doing, still buying and selling cars, doing up cars, I was into show cars at the time. Also working at a college. Yeah, I was just mixing, bits and pieces, were importing furniture from overseas from China, back then.

But you weren't doing any work of the kind that you ultimately obtained contracts for at the RMS, were you?---No.

30 You had no experience in asphaltting.---No.

You had no builder's licence or other trade.---Of course not.

And so at some point you met Mr Dubois. Is it - - ?---Yeah, I met him when I was, I think, 15, 16 year, when I was like - I was young. He used to be friends with my brothers, and like, he will come over, so I knew him from back then.

40 So Mr Dubois was friends with your brothers Towfik and Mustafa, is that correct?---Correct.

And you and Towfik and Mustafa were all living in the same premises, is that correct?---Yes.

And Mr Dubois would come over to visit Towfik and Mustafa?---Mostly Mustafa, yeah, he was close with my brother Mustafa at one stage, yeah.

And so you've got to know Mr Dubois then, when you were 15?---Yes.

And then by the time you came to open Humphrey's in early 2012, how old were you by that stage?---I think I was 24 maybe, 25.

So you'd known Mr Dubois for some time. But was there a point at which you became friends with Mr Dubois in your own right, rather than just knowing him through your brothers?---Yeah. So, well, so when we were younger I used to go train at the same gym where he used to train. So, like, we would go eat sometimes after training. Like, just socially, like just - - -

10

And which gym was that?---Bankstown train station gym.

And so you started to socialise with Mr Dubois.---Within the training, yes, like at the gym or we'll go down, grab something to eat, that was it, yeah. And then he had a car, he wanted to paint it and stuff like that, just mostly talking about cars. Then we drifted away, think he was doing his own thing at the time.

Now, at some point you became aware, did you, that your brother Towfik was doing work for Mr Dubois at the RMS?---Correct.

20

Was that because Towfik told you that he was doing work for Mr Dubois? ---Yeah, like, it was obvious that he was doing RMS work.

Why was that obvious?---Because he was working, like, we knew about it, so we knew he was the one working the RMS, that he was giving the, like, helping out my brother, giving him contracts for work.

And you were aware, weren't you, that prior to Towfik doing the RMS work that he was working as a tree lopper and a landscaper?---Handyman, all that stuff, yes.

30

And were you aware that he was earning a relatively modest income doing those things?---Yeah.

And did it become obvious to you that once he started doing work for the RMS that he started to earn significantly more money?---To be honest, at the time, no, I never knew how much money he was making, at the time. But we knew he was making money while he was working, but the not exact amount.

40

Sorry? Not the exact amount?---Not the exact amount. Like, yeah, we knew he was making money.

But did you have the idea that he was making a significant amount of money?---At the time, no. I don't recall, to be honest. Like, I don't - we never spoke about these topics, like how much money you're making or how much money did I make, like, we never spoke like that.

You never spoke about financial matters?---Not in that sense, no. Not at the time.

So I take it then that your brother wouldn't be someone you'd go to for a loan.---Sorry? Oh, yeah, at times when I do need money, like I'll go to him, I've turned to my parents, I've turned to everyone whenever I need money. Even my parents, I've asked for loans. My first car was a loan. My dad gave me a cheque.

10

Now, do you recall that your brother gave evidence to the Commission that he told you about the nature of his arrangement with Mr Dubois, that is that he was paying a cut to Mr Dubois?---Yes, yes.

So you were aware of that?---Yes.

And you must have been curious about that arrangement.---I wasn't curious. I wasn't in 2011.

20

You didn't ask how much the cut was, you didn't ask how much he was earning?---No, to be honest. No. It was in 2011. I really didn't care, was doing my own thing. Me and my brother got along at times but my brother was against a lot of things that I, like, against me. I was more of a party guy. So there was a lot, he didn't like that. So we would socially talk when we were at home or with friends over and, yeah, like, there was always that little barrier between me and my brother, Towfik.

30

Well, tell me how it is that in early 2012 you come to the agreement with Mr Dubois that you'll go into a partnership with him in respect of Humphrey's, the bakery?---Well, it all started off I think at the end of 2011, yeah, around roughly, 2011. Like, that's when we started hanging out pretty much a lot, you know, because I was into cars, I was into cars at the same time. So, he liked my cars at the time and he wanted to buy a car, couldn't afford it at that time and, yeah, we just started talking and then I started off the businesses myself originally without him. And then he wanted to join me as a partnership, then we agreed to it. I go, "All right, you pay half, I pay half." But what happened was, we kept all these other cafés, like, one after the other were popping up, okay, and I just couldn't keep affording it. Well, he was, he was able to but I still paid my share. Like, he had money to pay down the line.

40

Well, just go back a step, Mr Goldberg. You said in 2011 that Mr Dubois couldn't afford a car. Do you recall just saying that a moment ago?---Yes.

And now you're saying that in early 2012 you bought Humphrey's.---Myself.

You did that yourself and then - - ?---He wanted to come into business, he didn't have the money at the time to pay my share. So I paid their shares and then he would pay me off like I said, he would pay me off.

Humphrey's was in early 2012.---Correct.

And the third of the cafés, My Caffeine Romance, is in 2013.---Yes.

10 So it's a span of time. So just start with 2012, you say you set up Humphrey's.---Yes.

And that Mr Dubois wanted to come into that as a partnership with you?
---Yes.

But he didn't have the money to do it, is that correct?---At the time, no,

20 And what was your understanding about how much Mr Dubois was going to pay you and when he was going to pay it?---Oh, he was doing here, of course I knew he was getting the kickbacks – or youse call it kickbacks. I knew he was making money but it was like, "Oh, I've got to wait until I do a few more jobs here and there. When I get the money, I'll pay you off." I'm like, "All right, sweet."

So just pause there. You knew he was getting kickbacks from your brother, Taha, correct?---From, yeah, from everyone.

Well, when you say from everyone, who else?---From him, from Alameddine, from Hadid, from, Chahine. I knew all that. We were close.

30 So at the time that you entered into the first café partnership, that is Humphrey's, the bakery, you knew that Mr Dubois was receiving kickbacks from Taha, Alameddine, Chahine and Hadid?---Correct.

Anyone else?---No.

Were you familiar with the Nachabes?---No.

You don't know them?---No.

40 Do you know Bilal Najjarin?---No.

Do you know Mr Rifai?---No. I know of them through the inquiry but never met them.

And do you maintain it's the case that you didn't know how much Mr Dubois was receiving by way of kickbacks?---I know it was a fair bit but exactly how much he was charging, no.

But you knew it was a fair but, do you knew that Mr Dubois had a profitable scheme going on the side of his RMS work?---He was making money, yes.

And was it your understanding that that was why he wanted to get involved in a business with you, because he had money that he wanted to invest?

---The main reason he came into business with me, okay, he wanted to leave the RMS. He said it to me several times.

Did he say why?---He just wasn't comfortable.

10

Did he say what he wasn't comfortable with?---Look, that I'm not a, I can't really recall. I know he wasn't comfortable with, he wanted to make an X amount of money and he wanted to get out. That's one thing I know for, for a fact. And that was in 2013 he actually wanted out. For a fact.

When you say he wanted to make a certain amount of money and get out, is it your understanding that he wanted to make an amount of money through the kickback scheme?---Whichever way, yes, it was, yep. And several times he did say he wanted to leave.

20

Did he ever tell you what the amount of money was that he wanted to make before he would leave the RMS?---A few mil. Several million. A few million he wanted to make.

Was that his language, a few million?---Yeah. Just to be comfortable. He's had a rough upbringing.

So he told you that he wanted to make a few million - - -?---And move on.

30

- - - and then move on - - -?---Start other ventures.

- - - from the RMS?---And do other ventures, yes.

And did you understand that the other ventures he might want to move on to would be lawful ventures?---Yes.

All right, and so that's the context, is it, in which you have discussions with him about starting up some cafés?---No I had already started that on my own without him. Yes. And then he offered to jump on board with me he's like, "Can I jump on board, you know, make extra income on the side". I had no issues with it.

40

Well, when you say he was going to jump on board, your evidence is you've set Humphrey's up in early 2012 and it's cost you \$180,000.---Roughly, yes.

So when he was going to jump on board, what was the arrangement about what that actually meant? Was he going to make a financial contribution?
---Of course. Yes. He had to pay. It was fifty-fifty.

So he was going to pay you 50 per cent of approximately \$180,000?
---Roughly, I remember, yes. No, plus extras. I had to pay the rent 'cause it took, like, six months to renovate it. And, yeah, just whatever it was, he, the cost was he had to pay 50 per cent.

10 Well, what is your best recollection of the amount that Mr Dubois was going to pay you?---Roughly, I know it costed me 180, the renovation, but whatever extra six months, I don't know, maybe all up it was 200 maybe, all up. It cost me 180 to renovate, so maybe all up say 200. (not transcribable) pay half.

So when you say all up 200, do you mean that Mr Dubois would then be paying you \$100,000?---Correct.

20 Now, do you recall whether Humphrey's was run through a company that you'd registered?---The company that was registered at the time, I think it was underneath his name, Minea Cuisine, if I'm, if I'm correct.

Well, if I can just take you, please, to page 106 of volume 1.1. You'll see this is the ASIC record for Minea Cuisine, the company you've just mentioned.---Yes.

And you'll see it was registered on 31 October, 2012.---Yes.

30 And if we go, please, to page 3, you'll see there the previous directors are listed, and you'll see that Mr Dubois was initially the director from 31 October, 2012 until 28 February, 2015.---Yes. Ah hmm. Okay.

And then Adam Malas – that's you, correct?---That's correct.

Became the director from 28 February, 2015 to the 24th of March, 2017.
---Wow. Wow, do you have the 484 Form for that? I never spoke to him in 2015. So do you have the 484 Form? I'm not saying that this isn't a right document, but how did it happen?

40 Are you saying that you weren't aware that you became a director of the company - - -?---No whatsoever, no.

- - - in 2015?---No way in the world, no. So I don't know if you did have the 484 Form in your record.

Mr Goldberg, just pausing for a moment in relation to the name Adam Malas.---Yes.

It's correct, isn't it, that your name presently is John Goldberg?---Correct.

But that your name at – well, what was your name at birth?---Hussein Taha.

Hussein Taha. And it's correct that you changed your name to Adam Malas in 2007, is that correct?---I think so, yes, correct. Yes, roughly.

10 And what was the reason for changing your name in 2007?---Oh, fuck. Oh, fuck. I, I changed it twice. I changed it to Adam Malas and changed it to John Goldberg. What was the reason? I know I got my mum's surname but why, I don't know, I just changed it.

Well, Mr Goldberg, it's a significant thing to do, isn't it, changing ones name? It's not something that you would forget.---Yeah, I just trying to remember.

You've gone down and you've filled out documents - - -?---I think that's the time - - -

20 - - - at the Registry of Births Deaths & Marriages and you've formally changed your legal name.---I'm just trying to recollection at that time, 2007, why I did change it. I think I was 18 or 19 at the time, I think that's the time I left the house for a short time. I'm not a hundred per cent guaranteed. I don't, don't remember. I think that was the reason why. I'm not sure.

Sorry, the reason was because you left home?---I think so, that's the reason why. I'm not a hundred per cent sure.

30 And why would leaving home cause you to change your name?---I had a few issues at the time with my parents.

Well, Malas is your mother's maiden name, isn't it?---Yeah. I was rebelling at the time, so I was too much of a party person. My parents weren't happy with that. So I think, yeah, I left and I changed my name. That's the only reason I can give you that – I think that's why I changed it, but I did change it.

40 So you're saying you wanted to change your name to distance yourself from your family, is that correct?---At the time, I think so, if that's correct. Yes, maybe, yes.

But you nevertheless chose to use your mother's maiden name?---Correct.

And then the following year, in 2008, you changed your name to John Goldberg?---Yeah.

Is that correct?---Oh, was it? Oh okay. I don't recall, I think so, yeah.

Well, when do you think you changed your name to John Goldberg?---I don't know.

Well, why did you change your name to John Goldberg?---I honestly don't know. I guess I done it at the time. There's, I don't have, there was no sufficient – I don't know. There was no reason for it but I did do it.

10 Well, Mr Goldberg, there can't be no reason for doing something as significant as changing your name.---I think, you know what? I'll answer it as, I'll answer as then a – well, I did do it. It's my own personal choice.

I'm not asking whether you did it. I know that you did it. I'm asking you why you changed your name a second time a year later?---I don't remember why. I don't remember why.

20 Well, that's just not truthful, is it?---Yes, it is truthful because if I did remember, I would say so. Why would I hide the reason why I changed my name?

Well, you appreciate that most people don't change their name. Do you agree with that?---Some people do. I guess I'm one of, one of them.

It's an unusual thing to do, to change your name twice in a two-year period. Do you agree?---Why is it unusual? I did it. I did it, there's no ifs or buts about it.

30 So what you're telling the Commission is that you cannot give any explanation for why you changed your name to John Goldberg?---If I do remember, I will let you know, if I recollect.

Now, after you charged your name to John Goldberg, you still continued to use the name Adam Malas though, didn't you?---Yes.

So, did you change your identification documents into John Goldberg or not?---I think I changed my driver's licence and key card, some key cards. I still remember I had key cards underneath Adam. I think so. I think my passport was Adam. I'm not a hundred per cent sure.

40 And what name does your family call you by now?---Hussein.

So they still call you Hussein?---Yeah.

And do your friends call you Adam Malas or Hussein?---Everyone calls me Goldie now.

But you continued to use the name Adam Malas for some purposes?---Yes. Correct, yes.

And do you still continue to use the name Adam Malas for some purposes today?---I've, I've been incarcerated for nearly six years. No.

But prior to your incarceration, up until that point, you were still using the name Adam Malas for some purposes?---I think – no. I think – no. I think 2014, I think it was, just John, John Goldberg and that's, that was it, if I remember clearly.

10 So going back to this ASIC record then. Do you see that Mr Dubois becomes the director of Coffee Boss on 31 October, 2012?---Sorry, Coffee Boss?

Oh, sorry. I withdraw that. Of Minea Cuisine.---Yes.

Now, do you recall the circumstances in which this company was set up?
---It was so I can give him his profits of the company. I remember that very clearly, like his profits of the businesses.

20 So is the sequence of events this, that you set up Humphrey's on your own?
---As I recall, the shop, yes. I was doing it all on my own. He did have knowledge if it.

Then Mr Dubois and you come to an agreement whereby Mr Dubois will come in as a partner?---While I was still at the beginning of it, yes, he wanted to come in as a partner and he didn't have the money at the time, but yes.

30 And so he will pay you \$100,000 when he can approximately. Correct?
---Roughly, yes. Whatever it costed, yes.

And is the idea that you will then run the café?---That's what we had agreed on because he was working.

He's working full-time at the RMS.---Yes.

So you'll run the bakery. And then there's agreement, is there, about how the profits from the bakery will be divided up?---What, yes, of course.

40 And what was that agreement? Were they to be divided up 50/50?---Yes, of course. After all expenses 50/50 but the agreement was it will be like I think, if I remember clearly I think it was every six months like sit back, like this is your cut, this is my cut. It wasn't like weekly.

So the agreement was that there would be 50/50 division of the profits but that you would account to him for those profits approximately every six months?---Roughly, yes.

And then whose idea was it to establish Minea Cuisine Pty Ltd?---It was his idea at the beginning because he wanted to put his money somewhere because it was legit. Like that's the money from the cafés and, yeah, I just set it up with my, because I knew the accountant which was a friend of mine and we organised it for him.

And so was the accountant you're referring to Omar Metleg?---At that time I was using him. I was using him, yeah, at that time just to open up companies.

10

And so he was your accountant and also you said a friend of yours?
---Correct.

And how long had you known Mr Metleg?---A long time. Probably from 2008 probably, 2009.

And you'd been friends for a long time?---Yes, were.

20

And did the friendship come first, that is, was he your friend first and then subsequently became your accountant?---Correct.

And so you set the company up through Mr Metleg, is that correct, Minea Cuisine?---As I remember, yes.

But Mr Dubois's name goes down as the director.---That's for him, yes.

And is there a reason why you didn't register yourself as a director as well?
---That was for his own personal profits. Had nothing to do with me. It was for himself.

30

I see. Did Mr Dubois tell you that he wanted a company to receive his profits - - -?---Correct.

- - - from the bakery into?---Yes.

And you offered to set up a company for him.---No. Like we spoke about it and then he's like, "Can you organise it?" "Yeah, I'll organise it for you." And we organised it. That was it.

40

Did Mr Dubois set up, do you know, a bank account for the profits to be paid into?---I think so, yes, of course.

And did you have a bank account that the profits were being paid into from the café?---A bank account?

Yes.---Yeah. We had a, I had with Coffee Boss because he had the EFTPOS machine and all that, yeah.

Well, just going back to Humphrey's.---Oh.

You were running it.---Yeah.

And was it a profitable business?---Yes.

So you did make a profit?---Oh, Humphrey's, Humphrey's didn't kick off because it was still brand new. It didn't kick off as well, right. It wasn't that profitable. It wasn't doing as well, as good.

10

Well, when you say it wasn't as profitable, did it make a profit?---We didn't even make back the money that we spent on it so we more likely were using it, so, because there was a shop in between then we had Coffee Boss so Coffee Boss was always full so people at the Coffee Boss will sit at Humphrey's for more seating so Coffee Boss was the actual one that was actually running.

So did you ever account to Mr Dubois for any profits in respect of Humphrey's?---The profits that I did do was for all three all together.

20

I see. It was a cumulative amount.---Yes.

Now, just looking at the date of the registration of Minea Cuisine - - -?
---Correct.

- - - 31 October, 2012, does that assist you to be more specific about when you opened Humphrey's?---It would have been that year. I can't exactly tell you when but it would have been either before, maybe it was before. Yeah, it should have been.

30

But do you think it was close in time to the date that the company was registered? Was it the same month? Was it the month before?---I really don't recall to be honest.

You don't recall?---No. That time.

And then if we could – then you say that the next café that you opened was Coffee Boss.---Correct.

40

And if we could go, please, to page 141 of volume 1.1.---I didn't open it. I bought it.

Sorry, I understand that your evidence is that you bought it. So if we could go, please – this is the ASIC record for Coffee Boss Pty Ltd, and you see there that it was registered on 4 October of 2012.---Yep.

And if we go, please, to page 142, you'll see under the previous directors that the first director is Elene Mohammad.---Yep.

And that she was a director from the 4th of the 10th, 2012, when the company was registered until 30 April, 2013.---Yes, correct.

Now, do you think that that's the person you bought the café from?---Off her husband. She was – yeah.

10 So you then become the director from 30 April, 2013.---I think so. I think I, I, I think I had bought it, and the paperwork was still in progress. So I think maybe was a couple of months until we done all the paperwork of transfer, but yeah, I had bought it.

So you see that you became the director in April, 2013.---Yep.

But you say, do you, that you think that the business was actually handed over to you a couple of months earlier than that?---Yes, yeah, oh, yeah, way before that, 2013, the 5th.

20 When you say 'way before', do you think it was in early 2013, or - - -?
---Oh, it was like, yeah, like, either early or end of 2012.

And then you see above that that Mr Dubois becomes the director just for a day, from 20 May, 2013 to 21 May, 2013.---Yeah, I can see that.

Do you have any recollection of why that occurred?---To be honest, no. And there was no reason for it to be like that, why it's happened.

30 THE COMMISSIONER: Ms Spruce, I see the time. Is that a convenient point?

MS SPRUCE: Yes, it is, thank you, Commissioner.

THE COMMISSIONER: Very well. We'll take the luncheon adjournment. I have another matter which will detain me. I won't be able to resume until 2.15. So I adjourn. We'll resume at 2.15.

LUNCHEON ADJOURNMENT

[1.02pm]