

PARAGONPUB01926
10/06/2021

PARAGON
pp 01926-01971

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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 2.15PM

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

THE COMMISSIONER: Yes, Ms Spruce.

MS SPRUCE: If I could just have back up on screen, please, volume 1.1, page 142. Mr Goldberg, before the lunch break, you were telling me about the acquisition of the bakery and the two cafés and the timing of those business starting. Do you remember?---Yep, yep.

10

And we were looking here at the previous directors for Coffee Boss Pty Ltd.---Yes.

And you recall that just before the break, we were looking at Alexandre Dubois becoming director just for a day, in May 2013?---Yes, yes.

And I take that you don't recall anything about that?---No, not specifically.

And can't explain or assist us in why that happened?---No, no.

20

And in any event, after that, you become director again until 6 March, 2015.---Yes, that's correct. That's what it shows, yeah.

Do you have any recollection of having to fill out ASIC forms to become the director again in 2013?---No, I don't. I don't recall it. Like, I don't recall when that change of name happened for a day but just, I don't recall it. Why did it happen for a day, I don't know.

You're puzzled by that?---Yeah.

30

But you do have a recollection of the company being initially established and you being registered as the director in April 2013? That's your first stint as director?---Yes.

You remember that?---Yes.

And so, you gave evidence before lunch that Coffee Boss was probably established somewhere around the end of 2012 or early 2013?---Roughly, yes.

40

And then My Caffeine Romance at Kirrawee came sometime after that. Is that correct?---A few months.

A few months.---Yes.

So, less than six months?---Yes.

So between one and six months?---Mid, around, yeah, around mid, mid-2013. So probably - - -

Mid-2013.---May/June, something like that.

And you gave evidence before lunch that Humphrey's, the bakery, wasn't particularly profitable.---No, not really.

10 And Humphrey's was next to Coffee Boss?---Correct, yeah.

And you said that a lot of the customers from Coffee Boss would spill over and use the seating at Humphrey's?---That's correct.

And so am I correct in thinking from that, that Coffee Boss was a busy, successful café?---Yes, it was.

And so that was a profitable business?---Yes.

20 And what sort of profit was that making?---As I recall, we were roughly making, after all the expenses, probably roughly around about two and a half thousand a week.

Two and a half thousand dollars a week?---Yep, average.

And then what about My Caffeine Romance in Kirrawee, was that profitable?---That was very profitable, yes. That was a very busy place.

Very busy. And how much profit was that making?---Seven roughly.

30 About 7,000 a week?---Yes.

And were you reporting back to Mr Dubois that the cafés were profitable and running well?---Verbally, yes.

Verbally, I see.---Yes. And then - - -

And I take it he was pleased with that result?---Yeah, except for Humphrey's, but some businesses you win, some you don't.

40 Were you hopeful that Humphrey's was going to pick up?---We were hopeful but there was, there was, like, customer base for it at that time. Like, it wasn't going to happen.

Now, you also said that initially you paid the money to set up Humphrey's. ---Yes.

And just remind me, did you also pay the initial costs in respect of Coffee Boss or was that split with Mr Dubois?---That was split. No, that was split, yeah.

That was split at the time of its purchase?---Yes, yes.

And I take it that My Caffeine Romance was also split at the time of its purchase?---I, I think it was split or maybe I had fixed it up then we split. Either one. I'm not a hundred per cent sure.

10

I understand. But is it the case that Mr Dubois paid you for the money he owed you in respect of his buy-in to Humphrey's, Coffee Boss and My Caffeine Romance?---Yes.

He repaid you in respect of each of those?---Yes. Of course, yes.

And did he pay that in one lump sum?---No, no. So it was money that would come through, like for example, the money would come through, like, Wilkins Corp. That was the last one, I remember that very clearly.

20

There was extra money put in there but wasn't all for my café. For example, there was money for My Caffeine Romance but also he asked to give him the rest of the money in cash. That, that's the money that those guys owed him. He goes, "Can you do it for me?" So I did it.

Sorry, just breaking that all down. You gave evidence before the lunch break that Wilkins Corp is a company that you set up, albeit in the name of your wife at the time - - -?---That's correct.

- - - Mariam Abdelkarim, correct?---Yes.

30

And what was your purpose in registering that company in Ms Abdelkarim's name?---At that time, we had opened it up because we were looking at doing, with her, we were looking at doing a family day care, so we opened that original as the basis for doing that. But which, I think a year later we ended up opening up another one in her name after all the cafés, after we finished off doing everything with Alex.

Sorry, you opened up Wilkins Corp because your wife at the time was planning to run a family day care?---Correct, office. An office, family day care office.

40

And what would that involve, a family day care office?---It was a family day care scheme. It was the scheme. You know, the government scheme, to run a family day care.

Well, you're saying that the intention wasn't to actually run a family day care where children came and were cared for at your premises?---No. We will be the office. So, like, for example, like, a tax agent. It was a family

day care where people that do take care of kids, they sign up with that office and we process their - - -

So you would assist them with the registration process?---Yes.

10 And what does 'roughly' mean?---Like, along those lines. Like, for example, I'll explain it to you, for example, if you were taking care of kids, you come, you sign up with us, you're taking care of several kids, you got to give us their names, we fix up your documents, we got to go down to your house, have a look at your house, make sure it's safe, there's no danger for the kids, stuff like that.

So, sorry, I just don't quite understand, is it the case that you say you would be somehow contracted by the government - - -?---Correct.

- - - to oversee someone else's family day care?---Not – yes.

20 And did either you or Ms Abdelkarim have any experience in doing that?
---She was a school teacher at the time. Oh, not a school teacher, she was a support teacher at the time.

But you didn't have any qualifications or experience in that area?---No.

And so this effectively was a company that she was going to run, was it?
---Yes.

And you'd be working in the cafés. Was that the idea?---Yes.

30 And who came up with the name Wilkins Corp?---I did.

And what was your reason for choosing that name, do you recall?---Nah, there was no reason, just Wilkins Corp. Nah.

Doesn't sound like it has any sort of association with childcare.---No.
That's why – nah, it doesn't, but it was just a name, then the childcare will open up a business underneath that company.

So that's why you say you set up Wilkins Corp.---Correct.

40 And then, you obviously – and we'll come to the details later, but you set up a bank account in the name of Wilkins Corp.---Correct.

And the purpose of that bank account presumably was for running the family day care office business?---Oh, well, not at the time, it was just the beginning, it was just the beginning, so we just opened up the office, I mean, we just opened up the company, and we still needed to get all the documents put through, so it was just a start-up. So nothing officially

kicked off yet, of starting the documentations. So you got to open up the company first.

So is it the case that that company never got off the ground?---Yes, it didn't.

And was there any reason why that company never got off the ground?---At the time, I was just so busy. I was doing them, I had the, sorry, I had the cafés at the time, and I had also invested in another company. I was very busy, at the time.

10

But even though it was Ms Abdelkarim that was effectively going to be running this company - - -?---Yes. But - - -

- - - it didn't get off the ground because you were too busy?---Correct.

And was that because you were going to have a role in - - -?---Setting it all up, of course.

Assisting to set it all up.---Yes.

20

So you then were left with a company, Wilkins Corp, that you weren't using for any purposes.---Correct.

Registered in your then wife's name. And at some point, a bank account was opened up under that company name.---Of course, yes.

30

And we'll come to the details. Now, what I understand you're saying now in respect of the cafés is that Mr Dubois made payments to you in relation to, to his half share in Humphrey's by making a payment into the Wilkins Corp account.---No, Wilkins Corp, that was the money for MCR.

All right, so he made a payment for My Caffeine Romance, you say, into the Wilkins Corp account.---Correct.

And was that one lump sum?---All up I think it was, like, the money was all up, it was like over – I still remember it was, think it was over 400,000, which was a lot more than what he owed.

40

I see, so you say that he paid you over and above for My Caffeine Romance. ---Yes, he paid it and then he asked me to give him the difference back, which I did.

So is it more accurate to say that he transferred a sum of money of around \$400,000 into the Wilkins Corp bank account - - -?---It wasn't transferred. They were given by cheque. He gave me cheques.

He gave you cheques.---Yes.

And you deposited the cheques into the bank account?---Yes.

And the full amount – was it one or more cheques?---No, there was a couple, a fair, like a few, I don't know exactly how many, but there was more than one. There was a few, like, more than a couple.

Did he hand them to you all on the same occasion?---No. Oh, yeah, I think there was a couple of day difference maybe. I'm not sure. I can't really answer that.

10

So over a period of days or weeks - - -?---Maybe.

- - - he hands you a couple of cheques?---Yes.

And those cheques have a cumulative value of around \$400,000?---As I remember, yeah, something like that.

And then does he say to you that part of that money is reimbursing you for what he owes you for My Caffeine Romance?---Correct.

20

And what does he say in respect of the remaining part?---If I can give it to him because that was money owed to him like, so the persons that gave him the cheque it was money owed to him and he's like, "Oh, can you please just take your part and just give me the rest." I'm like, "Yeah, no worries." Which I did.

And when you say it was money owed to him, did you understand that that was money owed to him as part of the kickback scheme that he was running through the RMS?---Yes.

30

And was that because he told you that?---It was obvious. That was the only source of income he had.

Well, so you say his only sources of income were - - -?---Of course, yes.

- - - obviously his salary at the RMS - - -?---Yes, and - - -

- - - was one source of income.---Yeah.

40 But I take it the cheques he was handing you were sizeable amounts.---Yes.

And so it was obvious to you, was it, that those cheques must have been kickbacks that he was receiving from contractors?---That's correct.

Because he had no other source that you knew of - - -?---That's correct.

- - - of coming into large sums, large lump sums of money.---Correct.

So that's My Caffeine Romance but that's the third café in time.---That was the last one.

That was the last one. So just come back to Humphrey's. When do you think that Mr Dubois paid you for Humphrey's?---I'm not 100, 100 per cent sure. It was through, I knew it was through cheques of course. That's the only way he paid me for them, it was through cheques but - - -

10 So he didn't pay you cash for any of them?---No. No, never gave me cash whatsoever. He, he likes cash so, he was, he'll give me cheques from companies, maybe it was my brother's company or CBF, either ones. I'm not 100 per cent sure the order or which ones they were but they were paid to me by cheque.

So you don't have a clear memory of being reimbursed for Humphrey's but I take it you are certain that you were reimbursed.---Of course.

20 I see. And then what about Coffee Boss, do you have a recollection of how Mr Dubois reimbursed you for that?---The same. It was all in cheques.

Paid you cheques.---Yes.

Do you recall what account those cheques were deposited into?---Maybe my name at the time.

So cheques written out to you.---Probably to me or at the time to my ex, whatever they were to her. I'm not sure.

30 And is it your recollection, you've said in respect of My Caffeine Romance that you received cheques for greater than the amount that he owed you. ---That's correct, yes.

Now, in respect of Humphrey's did you receive cheques for greater than the amount or just for the appropriate amount?---That's a very good question. It happened more than once, yes, but if it happened for Humphrey's I'm not sure or if it was for Coffee Boss.

40 So your recollection is that for one of those two - - -?---It happened twice, yes.

- - - businesses you were paid over and above what you were owed.---That's correct, yes.

And is it the case that once again Mr Dubois asked you to reimburse the surplus to him?---That's correct.

In cash?---Yes, in cash.

So for My Caffeine Romance he wanted the surplus reimbursed in cash.
---Yes.

And for either Coffee Boss or Humphrey's he wanted it reimbursed in cash.
---Yes.

You don't recall which one.---No.

10 And then is it your recollection that for one of Humphrey's or My Coffee
Boss, whichever the third one was, that it was the appropriate amount that
he gave you in cheques?---Yes.

And now, the agreement was that you would split the profit from the cafés
with Mr Dubois and so did you then pay him - - -?---Of course I did.

- - - a lump sum in respect of the profits that were due to him?---Yes. Yeah.
Not in lump sum but, yes, I did pay him.

20 And do you recall how you made that payment to him?---Yes. It was, he
wanted it to his company.

Do you recall which company?---The Minea Cuisine.

So that was a bank account in the name of Minea Cuisine?---Yes, that's
correct.

And so is it the case that you wrote a cheque to him or - - -?---No, I didn't
write cheques.

30 You transferred money to - - -?---Yeah, it would have been - - -

- - - Minea Cuisine?---Yeah, either would have been transferred or handed
over to him. I mean, like would have went to the bank and put it in. I
would have done that.

And you said earlier that the agreement was that you would pay him for the
profits sort of every six months.---Every six months.

40 So is it the case that you transferred a lump sum in respect of profits from
the three businesses?---Yes. It would have been, yes. There was one
payment. He got one payment from me, like that six months I paid him
once.

So you recall making one payment - - -?---Yeah. And then - - -

- - - in respect of profits.---Yeah. Then afterwards it fell apart.

And so before you came to make the second payment there was a falling out.---Yes.

So you say that there's one lump sum payment from you to Mr Dubois.
---Right. Yes.

Which is referable to profits from the café businesses.---Correct.

10 And do you have a recollection about what amount approximately that was, the payment that you made?---It should have been at least 50, at least.

50,000. Is that right, 50,000?---Roughly. yes. I can't tell you the exact amount.

I understand. Now, you recall when Mr Dubois gave his evidence, he said that you didn't ever account to him for profits.---Yeah, that's what he said.

20 I take it from the fact that you're laughing that you don't agree with the truth of that?---Oh, it's all lies.

When you say it's all lies, I take it what you're saying is you say it's untruthful evidence that Mr Dubois gave insofar as he said that you didn't pay him his share of the profits?---That's correct, that's correct.

Well, his evidence was that that was the reason for the falling out between the two of you.---Yeah.

30 So what's your explanation for why there was eventually a falling out?
---The, the main reason for me, the fallout – so this is, it wasn't just about one thing. There were several things that were going on at the time, okay? He wanted to stop working at the RMS and he wanted to move into the cafés, but at the same time I didn't want that to happen because I was running the show. So, you can't just come in. That was part of the deal from the beginning. And also the main, main, main reason was the other main contract that I was so called supposed to get, that didn't happen at all, like, with MJ Wilsons. That was the main reason, like, for me.

40 But just assist me with that because you've mentioned that a couple of times that there was this contract which was the main contract that you thought you were going to get and it didn't happen.---Yes.

But it's the case, isn't it, that MJ Wilson was awarded six contracts by the RMS?---Yes, it was.

And it received payment of over \$1 million, correct?---That's correct.

And you gave evidence earlier that you effectively didn't have to do anything in respect of those jobs.---Yes.

You were just receiving profit, a share of the profits.---That's correct. I did say that.

So why would you have a falling out over the fact that the job that was originally proposed never happened, because as it turns out you got six contracts and you earned remuneration of over \$1 million?---Well, I didn't take that \$1 million. I made 100,000 out of that, number one.

10 Sure, but why did it matter to you whether it was the original contract that was suggested or the six subsequent contracts that in fact were ultimately awarded to MJ Wilson?---Okay, okay. I'll explain this to you in simple wordings. If you can't stick to your word, you're a piece of shit to me. So he couldn't stick to his words, he was lying to me, so see you later. How can you work with someone that keeps lying to you? He was too busy doing what he was doing and didn't want to give me that contract anymore. So, see you later.

20 All right, Mr Goldberg. So, I understand that you had a strong reaction to your belief that Mr Dubois had lied to you.---Yes.

So let me just understand the nature of the lie. You say that Mr Dubois, in a conversation, suggested to you that he was going to award you a particular contract.---It wasn't suggested, it was said he was in the works of doing it. Like, he was supposed to give it to me. This contract that was supposed to be, like, a three to a five-year contract, so you just work it, that's it. Simple contract.

30 Well, just tell me in your own words, to the best of your recollection, what words did Mr Dubois use when he made this offer to you in relation to this contract?---The contract, it was very simple. We were going to get that contract and be partners on it. Like, we were going to work it together, me, him and Mark was going to be part of it. Like - - -

Well, just, if you could, just tell me what words you think Mr Dubois used. Was Mr Abraham present in this conversation?---No. No, that was just me and Alex.

40 Just a conversation between you and Alex.---Yes.

And what did Alex say to you?---Like, he was going to – because he wanted to leave the RMS, he didn't want to continue working, doing what he was doing, so he wanted to get, like, a long-term contract that he was working on because it wasn't in his department, it was with someone else or something along those lines.

So just pause there.---Someone else was taking care of it.

Is it the case that Mr Dubois told you he wanted to leave the RMS?---Yes.

And Mr Dubois was concerned, was he, that he would have an ongoing income if he left the RMS?---Yeah, well, he wanted to venture out so he wanted an income, like, different kind of incomes.

10 But was the suggestion to you that Mr Dubois would be able to organise you being awarded a RMS contract through a different section of the RMS other than the one Mr Dubois was involved in?---In the same department, but with someone else that was running, yes.

Do you recall who the other person was that was going to award you the contract?---No, no, there was no names thrown to me.

Did he ever mention Mr Steyn?---I knew about Steyn, I already knew everything about - - -

20 What did you know about Steyn?---I knew that Mr Steyn works with him, they work together, mmm.

Did you know whether Mr Steyn had any involvement in the corrupt awarding of contracts that Mr Dubois was involved in?---At that time, I think I had a very good suspicion of it, but I never, we never spoke about it, like - - -

You never spoke about that.---Yeah. It was none of my business.

30 So he didn't mention to you who it was that was going to be awarding you this contract.---No.

But he said something, did he, about you, through MJ Wilson, being awarded a contract by someone other than him in the RMS?---That's correct, that he was going to fix it up.

That he would fix it up.---Yes.

40 And what did he say about what the nature of that contract would be, what work would you be doing?---Like I said earlier, it was – so like, for example, where the TIRTLS were put, all the cameras were put, it was 100 metres in front, 100 metres in back, was cutting the grass, keeping it clean and tidy, all around New South Wales, for all the cameras that were put.

So literally - - -?---Landscaping.

- - - just maintaining the grass around the TIRTL sites?---Yes.

And was that something that you thought you could carry out yourself, that work?---Anyone can cut grass, yeah.

So the idea was that you would be awarded a contract that you could actually perform yourself.---Me and Mark, yeah. That's correct. Me and Mark. I was going to get Mark to help me.

10 Do you know how many sites were going to be involved?---There was a fair bit. Like, there was a fair bit. I don't know the exact number, but there was a fair bit. So, when we were talking is about, oh, like, some fire areas, he was like, "Oh, we'll get the local contractors out there to maintain," like, get people to maintain just like the ones that are far out. And then the rest, we'd take care of it.

And so I take it your understanding was that because it was the maintenance of the grass that this was just an ongoing job where you had to continually go from site to site to site.---Correct.

And the grass was always growing, and it always needed to be cut. By the time you got to the last site, it was time to go back to the first site. ---Practically, yes.

20

Is that correct?---Practically, yes.

So your understanding was that this would be an ongoing source of income. ---Yes.

30 Now, I can't imagine that it's particularly lucrative work to just cut the grass around TIRTL sites.---It's an income. Whether it's a dollar or \$1,000, there's no difference, it's an income, making money. So, and at the same time, it was ongoing, it's a contract, so of course we were going to make good money out of it.

Well, that's what I'm interested in. Did Mr Dubois say anything to you about how much you would be paid for doing this work?---No, it was a set contract that was really set with the RMS, so it was just a contract that was being finished by someone, like, whoever they were, they had doing it, and just to hand it over to us, so we can take it.

There was an existing contract to do this maintenance work.---Yes, yeah.

40 And you understood that what Mr Dubois was saying is, "I'm going to now arrange for this existing contract to be awarded to MJ Wilson."---Correct.

But what I'm suggesting is that in order for you to decide whether or not that was of interest to you, you would have wanted to know how much you were going to be paid.---Yeah, oh, it was good money.

It was good money.---Yeah.

So did Mr - - -

THE COMMISSIONER: What sort of good money?---When we were talking about it, it was roughly around 20,000 a week, I mean, sorry, 20,000 a month each we'll be making.

Did he show you any documents?---No. It's all verbal, between each other.

10 Yes, all right. Do we need any more evidence on this aspect, or - - -

MS SPRUCE: So Mr Goldberg, is it the case that you thought you were going to be earning in total 40,000 a month?---No, 20,000 a month.

Well, I understood that was going to be split.---Split three ways. So 20 for me, 20 for Mark, and it'll be 20 for Alex, that was the deal.

So the total contract value would be 60,000 a month?---Correct.

20 And the contact you thought would go for two to five years.---Three to five.

Sorry, three to five years. And I take it that, as you say, that didn't eventuate.---No, it didn't.

And as a result of that, you felt that Mr Dubois had been dishonest to you. ---Correct.

And so you had a falling out.---Yes. That was the main reason, for me, yes.

30 When you say the main reason, were there other reasons?---Like him, oh, like I said earlier, him coming into the café, trying to say, like, he wants to stop working there, wants to move in here, so, gave it to him, like for him to take over the cafés. I go, "You owe me the money that I put in."

Now, before the falling out you and Mr Dubois were close friends.---Yes.

40 And I take it that that was as a result of running the cafés together that you became close.---Even like before that we were friends, like we'll go hang out. Even before all this work happened. Like I wasn't interested. We've been friends from a while, like even 2011. I was never interested in RTA work or RMS work.

But did you become closer over the period that you were involved in the cafés together?---Yes.

And I take it that Mr Dubois confided in you.---Yeah.

You said that he told you he was unhappy and he wanted to leave the RMS. ---That's correct.

And you said that effectively you knew everything about the scheme.---Yes. I knew he was getting kickbacks and doing what he was doing.

And I take it that's because Mr Dubois told you these things.---Correct, yes.

10 And do you recall in Mr Dubois's evidence he said that during this time he was anxious and depressed and at times even suicidal?---Yes. At one stage my brother did take him to Westmead Mental Hospital. There should be records of that.

Is this Towfik?---Yes. So at one stage, yeah, he was a bit how are you going, best way to say it.

And so is it the case that the reason he wanted to leave the RMS is because of the anxiety and the depression that he was experiencing?---Most likely. Probably.

20 Because of the scheme. Did he talk to you about that?---It wasn't, he was just unhappy. He was just unhappy working there. Like I don't know if it was because of what he was doing, the scheme, or the main reason why but I know for a fact we spoke about it several times. It wasn't once that he did say it to me. He said it to me a few times. He wasn't happy. He wanted to leave.

But did he ever express concerns to you about what might happen if he was caught in respect of the scheme?---No, never.

30 Did he ever express concerns about whether his supervisor might find out or had suspicions about what was going on?---No, never.

But he did you say tell you everything about the scheme and what was going on.---Yeah, that it was making money. Yeah, that he was - - -

That he was making money.---Yeah.

So you said earlier that you knew that Towfik and Hassan Alameddine and Mr Hadid and - - -?---CBF, yeah.

40 - - - Mr Chahine were all paying kickbacks to Mr Dubois.---Yes.

And did you know that some of those kickbacks were being paid in cash? ---I think so, yes, yeah.

And did you also know that some of those kickbacks were being paid into the bank account of a company?---Yes, I did find that out and that's when I got pretty angry with MWK.

So tell me about that. How did you find out that piece of information?---It was through Alex.

So Alex tells you – what did he say to you? You tell me.---When I realised, I still remember it very clearly. He gave me a cheque for MWK and, like to pay off what he was owing me, and when I did find out what was going on I just got very cranky for using my brother's name for supporting himself like he's had it.

10 Sorry, just pause there. You said that Mr Dubois gave you a cheque from MWK.---Correct.

In respect of amounts that he owed you.---Yes.

So what was - - -?---I think it was for Coffee Boss. I'm not sure. Either Coffee Boss or Humphrey's. I'm not sure which one.

Well, if I could just take you, please, to volume 5.1, page 708. You see here this is a cheque made out to you dated 22 October, 2012.---Yep.

20

For \$42,800.---That's correct.

And it's from MWK Developments Pty Ltd.---Yes.

Now, is that what you're referring to when you say that you remember Mr Dubois handing you a cheque?---That's correct, yeah.

And so you think, do you, that that might have been a payment in respect of Coffee Boss?---That's either Coffee Boss or Humphrey's, either one because he was still outstanding.

30

And that's dated 23 October. And if I can just show you then, please, page 711, you'll see that this is a further cheque.---Ah hmm.

Dated 31 October, 2012 for \$45,000 from MWK Developments.---Yes.

And then if we could go, please, to the next page, you'll see this is a third cheque, also dated 31 October and also for \$45,000 in your favour from MWK Developments.---Yes.

40

And then if we could go, please, to page 714. Do you see there it's a further cheque, this time dated 5 November, 2012, made out to you for \$45,000? ---Yes.

And then if we could go finally, please, to page 715. There's yet another cheque, again 4 November, 2012, for \$45,000 in your favour for MWK Developments.---Yep.

So that there was a series of cheques made out to you from MWK Developments over a relatively short period between October and November.---That's correct.

Now, is it your recollection whether Mr Dubois handed you all of those cheques in one go or whether you received them one at a time?---No. I, I think I received them separately, not all in one go.

10 So, on the occasion you received the first cheque, is that what prompted the anger that you've described when you - - -?---Not at the beginning. I think it was the second time. I, I didn't read them the first time, I just got them because it was, like, at night-time after training, like, we would go past his house and I think it was the second time I realised. It wasn't the first time, it wasn't the first cheques.

So the first time you just saw it was a cheque made out to you, it was money that you thought he owed you and you, what, banked it in your bank account?---That's correct.

20 And then the second time he gives it to you, what happens?---When I did see it, when I realised what was going on, like, because he had asked me the second time. He goes to me, "Oh, can I give you extra money? Can you just pull it out for me?" That's when he first asked me. I'm like, "Yeah, okay. No worries." Like, I didn't care, "I'll do it for you." But when I grabbed the cheques, I got in the car, went home, the next day I realised it was MWK and that's when, that same day I confronted him about it. Like, "What's going on with MWK?"

30 Well, had you already heard about MWK, did you have some familiarity with that name?---Yes. He told me that it was the company that he had put in my brother's name, yeah, for himself.

So Mr Dubois had told you on some earlier occasion - - -?---Yes. That they were going to do, these were his words, they wanted to do a farm, Dubois' words, but he wanted to do a farm, venture in a farm with my brother. He wanted to do some farming with livestock. He wanted, he had a contact overseas that he wanted to send livestock to.

40 Did you ever ask your brother about this idea?---No.

Were you aware whether your brother had any intention of going into business with Mr Dubois?---Yeah. I knew he wanted to do business together, but that's their business. I never got involved with it. I just laughed.

So you didn't know what the nature of the business was until Mr Dubois told you it was to do with livestock.---Yeah. And I just laughed, yeah.

So, you knew that MWK was a company that had been set up in your brother's name and Mr Dubois said it was for some livestock business they were going to go into together?---They were, yeah.

So far so good, nothing to concern you there.---Yeah, but when I got there cheques, that's when it concerned me, when I go, "What's this money? Where is this money coming from?" He had told me it was kickbacks, like -
- -

10 So you asked Mr Dubois, "What's this money? Where is it coming from?"
---Yeah. Correct. Yeah. When he told me it was kickbacks getting paid to my brother's account for his, I guess for himself, I wasn't happy with that.

And so what did you say to Mr Dubois about that?---That's when I put a full stop to it.

Well, if you can, just try and help me by just saying, what words did you say to Mr Dubois?---"There's no more money to go in there." Like, the exact words I said, "It's not going to happen anymore." You know, probably in
20 an aggressive way but it wasn't going to happen anymore, not going to keep using my brother. Like, to me, that was, he was using my brother at the time.

THE COMMISSIONER: Did you speak to your brother about the payments?---After – sorry?

Did you speak to your brother about these payments from MWK?
---Afterwards, yes, I did.

30 And he explained to you that these were moneys that were coming through from RMS?---Yeah, yeah. Well - - -

It was all part of the - - -?---It was, no, like, he told me - - -

- - - contract system that you - - -?---He goes to me, "It's his, like, it's his money."

It wasn't his money though, was it? He didn't say that.---Oh, my brother goes to me, "It's his money," like, it's Alex's money. Like, but I wasn't
40 happy about it, because other contractors were paying their kickbacks – their cut, sorry, like, I didn't say 'kickbacks', they were paying their cut to my brother's company, which I was not happy about.

If it was put to you that your brother never claimed it as his company at all, what would you say?---It was in his name. So, even though - - -

But he did not regard the money as his at all.---Yeah, no, he didn't regard the money as his, but he, it was in his name for the regard of - - -

MWK was just a channel to get the money through.---Which, yeah, Alex had set up.

That is, it comes from RMS - - -?---To contractors, yeah.

- - - organised to be paid through a company MWK.---Yeah, that's what Alex had done, set up, yes.

10 And that was, the money that went in and came out was kickback money.
---That's correct. Yeah.

So your brother wasn't suffering any loss at all. He wasn't upset about that, was he?---But, no, but my brother did, like – oh, my brother's sometimes just naïve. He didn't know what the hell's going on.

Anyway, but it wasn't his money. He wasn't upset about losing his own money, was he?---Oh, yeah, like, he goes to me, like, it's his money. I go, yeah, but - - -

20 You're agreeing with me?---Yeah, I am, of course, yeah.

Okay, thanks. Yes, next question.

MS SPRUCE: Now, Mr Goldberg, your brother Towfik is nine years older than you.---No. He's four years older than me.

30 Four years, sorry, thank you, he's four years older than you. But I take it that you regarded yourself as being the more business savvy person out of the two of you.---More adventurous. I take risks.

You were more adventurous.---Yeah, like, I'll do anything, I don't care. I'll work in anything.

All right, but you were concerned when you found out that Mr Dubois was using an MWK account to receive kickbacks from RMS contractors - - -?
---That's correct.

40 - - - because the MWK company and account was in your brother's name.
---That's correct.

And I take it the reason for that concern was that you were worried that that exposed Towfik to some sort of risk.---It wasn't more about the risk, at that time, it was more about the fact, why are you holding someone else's money? Like, why are you doing this for? There's no need to. Oh, why everyone, why is everyone paying his money to your name?

THE COMMISSIONER: You knew why he was holding it.---At the - - -

It was all part of the system.---At the time - - -

Of the kickback system.---Yeah, at the time, Commissioner, it wasn't, I didn't know what the whole deal was. I was just going crazy.

But it might be put to you that you have sufficient information and he probably also told you enough to realise it wasn't his money.---Yes, yeah, it wasn't his money, that's why.

10

And he wasn't worried about – he'd been associated with MWK for quite a long time.---Yeah, which I didn't know.

And he had a smile on his face. He wasn't worried at all.---Yeah.

If there was any risk, he didn't see it.---Yeah, well - - -

Yes. All right, next question.

20

MS SPRUCE: So Mr Goldberg, you've said earlier, as I understand it, that you understood that Mr Dubois, as a public official, that it might be problematic for him to be taking kickbacks in the way that he was. ---Correct.

And you understood that Mr Dubois might have a need for secrecy around the way he received the kickbacks.---Mmm, that's what you said, not me.

Well, do you agree with that? If it was problematic for Mr Dubois to be receiving the kickbacks - - -?---Using, using common sense, yes.

30

You knew that Mr Dubois couldn't receive the kickbacks in his own name. ---Well, yeah, well, that's his, that, that was his problem. And I guess he was using people to get through to his money.

And were you feeling angry that your brother had been - - -?---Used.

- - - roped in to cover up funds that were ultimately going to Mr Dubois? ---Yeah, was being used, yeah. Yes, that's correct. That's why I got angry about, because my brother was, didn't know. He's like, yeah, like, took him as a mate.

40

THE COMMISSIONER: But you knew also your brother for some time was the beneficiary of Mr Dubois' kickback system.---Yes.

So a number of contractors, you were aware, were working for RMS through Dubois.---Yes, that's correct.

And they were all part and parcel of this corrupt system.---Yep, scratching each other's backs.

Including your brother for a period of time.---Yes, that's correct.

MS SPRUCE: So Mr Goldberg, after you became angry about that, did you suggest some sort of alternative arrangement to Mr Dubois?---No. None whatsoever. I, it was very simple. Go get your money from those people. You're not using my brother. That was the – black and white with him.

10

And what about Australian Technology Group?---Australian Technology Group was a company that he owned, and then - - -

And that's something Mr Dubois told you?---Yeah, well, of course. And then it was something to do about his contract was finished with the RTA at the time. And he was waiting for them to renew his contract, so he needed a new company. So what happened with that company, because it was an open company, I said, "I will take it off your hands." Because it was still running. Instead of spending \$1,000 to open up a company, I just took it off

20

him. I, I didn't take it off him, you know, we signed it over and he opened up a new company called Davencorp for his new contract at the RMS. Sorry, just explain to me what Mr Dubois said to you about why it was that he couldn't continue to provide his services to the RMS through Australian Technology Group Pty Ltd?---His contract had finished or something like that, with the RTA and he was moving on with some other new contract with the, with the RMS. Like, it was something to do with his contracting work. So he didn't, he wasn't going to become a, a subcontractor anymore. Along those lines.

30

Did Mr Dubois say to you that he wanted to liquidate the Australian Technology Group company?---At the time, no.

He just said that he no longer wanted to use that company?---Yes.

And you said that you would take it off his hands?---Correct.

And what would be your purpose in taking it off his hands?---Well, it was a company that was up and running. Instead of spending \$1,000 to open up a company, I was – maybe later on because I have several companies underneath my name, it wasn't just one, I would probably use it later on down the track for something else. Just another way to save money.

40

Mr Goldberg, if we could go, please, to volume 6, page 38. You'll see that this is an ASIC search in relation to Adam Malas.---Correct.

And so it contains the details of the companies that you were involved in. ---Yes.

And if we go, please, to page 41. You'll see that this sets out the roles that you held in various companies at various times.---Yes.

So, first of all you see that there's A&N Importer and Distributor Pty Ltd. ---Yes.

And that you were the secretary and director of that company from 4 March, 2018.---Yes.

10

And that was a company that you did business through?---That was my first company that I used, yes.

I withdraw that. Sorry, 4 March, 2008. And then you see that the next one down is E&A Express Pty Ltd.---Yeah. I see that.

And you see you were the director and secretary of that company from 26 April, 2012?---Yeah. I can, I can see that but I don't remember that company but it's there.

20

Well, there it is. It was a company that was in your name.---Yes.

And then over to the next page, please. You'll see that there's Eternity Salon Pty Ltd.---Yes.

And you'll see you were the director and secretary of that company from 31 May, 2012.---Correct.

And was that a company you were using to run a business?---No.

30

You don't recall why you registered that company?---I don't know that one either.

THE COMMISSIONER: Does the same answer apply to all of the companies that you see on that sheet, page 42?---Sorry.

You're associated with all of those companies.---Yes.

40 You don't know why you set up any of them, is that - - -?---I know, I know the last one, Lakemba Meats. That was one of the shops we had in Lakemba. I know that one but - - -

Well, what was that set up for?---We, we had gotten a shop, a convenience store in Lakemba in Haldon Street.

MS SPRUCE: Well, perhaps if you just want to let Mr Goldberg look at the next pages, page 43. You'll see the list of companies that you're an office

holder of continues.---Yeah, except for Minea Cuisine. I never did that. So yes, but it's on my, in my name for some reason.

I understand the evidence you've already given about that. And then page 44. There's Wilkins Corp and you've given evidence about that.---Yes.

And then page 45.---Yep, yes.

10 We'll come to the details of your involvement in Areva Corp later, but you see there there's another two companies.---Yep.

And then page 46. And there's Australian Technology Group that we were discussing a moment ago and then - - -?---Yes.

- - - beneath that is another couple of companies.---Yep.

And then page 47. See those ones?---Yeah, I do see those ones.

20 And then if you go to page 48, you'll see there's Coffee Boss. So, Mr Goldberg, what those records reveal is that by the time you came to set up Wilkins Corp and subsequently MJ Wilson, which was respectively at the end of December 2012 and the beginning of January 2013 - - -?---Ah hmm.

- - - you were already the director and secretary of 10 different companies.---Yep.

So why would you be interested in taking over Australian Technology Group?---He didn't want to use it anymore, so I'll take it on.

30 But to the extent that you wanted a company for the purpose of operating some sort of business, you had 10 to choose from.---Well, then we'll make it 11. There was no harm in it.

Mr Goldberg, you recall the evidence that Mr Dubois gave about the Australian Technology Group?---No, I actually don't recall.

All right. Well - - -?---Must have missed it.

40 - - - I'll refresh your memory. And this is at transcript 987. Mr Dubois gave evidence to the effect that he, Mr Dubois, believed that he had received kickbacks from TTS and Areva Corp, and he believed that those kickbacks had been paid into the Australian Technology Group account.---Okay.

And he says that you became aware of this and that you suggested that Mr Dubois should liquidate the Australian Technology Group because you expressed concern about the traceability of the payments that were coming into the Australian Technology Group, and you said that you would take care of it.---I would take care of it. Also he said that my primary concern

was my brother's company. So if I was so concerned about MWK, wouldn't I have liquidated MWK? Wouldn't I have started with my own brother first?

THE COMMISSIONER: Yes, let's just stop there for a moment and answer the question.---No. That was all a total lie.

10 Did he say that he put in kickbacks through this company, Australian Technology Group, being kickbacks received from RMS?---No, he never said that to me at any time.

Did he say that was the intent in setting it up?---No. He never, ever said that to me.

Setting it up or taking it over.---No, never. I wouldn't - - -

Okay.

20 MS SPRUCE: Now, do you recall that he also said that there was a meeting between Mr Dubois, Towfik and yourself - - -?---A meeting?

- - - at which you advised that the method that was being used for the payment of kickbacks was easily traceable and that you had a solution because you knew people in certain places and you were experienced - - -? ---No.

- - - and you'd done this sort of thing before and that you could assist by liquidating various companies?---No. No. No.

30 Well, do you recall Mr Dubois giving that evidence?---No, I'm just hearing it now. No.

So hearing it now, I take it when you say "no, no, no" that what you're indicating is that you don't agree that that occurred?---No, it did not occur at all.

So do you recall ever having a discussion between yourself and Towfik and Mr Dubois about kickbacks being paid into MWK?---No.

40 So - - -?---We didn't have that meeting. I don't even recall it myself, no. I - - -

I understand.---Yeah.

You've given evidence that when you found out that money was being paid into MWK that you were angry about that.---Yes.

And you had a discussion with Mr Dubois about that.---Yes.

And I take it you also had a discussion with your brother about that.
---That's correct.

But do you recall ever having a discussion with both of them together?
---No. No.

10 All right. And you say that you never proposed any sort of solution in relation to that?---No. Never. He said that I said that I've done this before. I don't do liquidations. I didn't even know what liquidations were at the time. Like, later on I did, of course, but through my legals and accountants.

Well, you certainly had a lot of experience in setting up companies, didn't you?---No, just it's a phone call away. "How you going? Open up this for me, please, for this person." They'll do it. He'll go down and sign for his documents. Like, I never set up. I would never sit on a computer and set up a company. Accountants will do it.

20 Right, but you - - -?---Or - - -

- - - you knew people who could do that sort of thing, set up companies and shut them down, presumably?---No, I never shut them down.

Well, who was the person that you relied on for your advice about setting up all of those companies that we saw a moment ago?---Those ones, well, for example, Australian Technology, I still remember that very clear, I got my, my friend to do that for me, Omar Metleg.

30 That's Mr Metleg.---Yes. Because he, he wanted to open up Davencorp. So he opened up Davencorp for him. And I also remember (not transcribable) didn't remember it, he also opened up a trust fund for him.

Sorry, what was that last bit?---He opened up a trust fund.

A trust fund for you or a trust fund for Mr Dubois?---No, for Mr Dubois, which I didn't remember.

Right, well, if we could go, please, to volume 1.1, page 41.---Yeah.

40 You see this is an email from Adam at the address taha6986@[REDACTED]
---Yes.

To Mr Dubois. And there's a letter attached and it's forwarding an email from xmetleg@[REDACTED].---Yes.

Sent to taha6986@[REDACTED].---Correct.

Now, taha6986@[REDACTED], that's your email address, correct?

---Obviously it would have been.

And this is an email, the email we see at the bottom is an email from Mr Metleg to you.---Yes.

With a letter attached. And you forwarded that to Mr Dubois. Is that correct?---It would have not been me that forward it. Maybe it was my ex-wife at the time. But this is my email address. I, I, I don't know how to forward. I'm not good at computers.

10

Well - - -?---So, but it did happen, yes.

If it's the case that Ms Abdelkarim was the one who physically pressed "forward" on the email, it would have been at your direction, correct?---Of course. But I'm just being very honest to you.

All right. Now - - -?---I personally myself didn't do it.

20 - - - you see it says "jahash" and that's a joke, isn't it, between you and Mr Metleg?---Yeah, we called each other always names.

All right. And that's Arabic for "donkey", is that correct?---Yes.

And that's a joking name that Mr Metleg had for you?---Yeah.

All right. And so he says, "Make sure you print and sign it. I couldn't print and sign it 'cause I have no scanner here."---Ah hmm.

30 And then over the page you'll see the letter that was attached. And it's a To Whom It May Concern letter advising that Mr Metleg is the accountant for both Davencorp Pty Ltd and Australian Technology Group Pty Ltd.---Yep.

And advising that there's been, that Davencorp is a restructure of Australian Technology Group, and it will retain the same payment structure and no changes will be made as to the running of the company.---Yep.

40 Now, was that something that you organised for Mr Metleg to do on Mr Dubois's behalf?---The only thing I did, we were sitting there, I remember this very clearly, Alex wanted, Mr Dubois wanted to open up a company.

THE COMMISSIONER: Hang on, no, wait a minute.---Sorry?

Just answer the question yes or no.---Yeah.

Yes?---Yes.

Let's move on.

MS SPRUCE: All right, now you mentioned a trust. If we could go, please, to volume 6, page 61. You'll see this is the Habbouche Family Trust discretionary trust deed document.---Yes.

And if we go to page 63, please, you'll see that this is the effective clause of the trust and it says that the settlor has paid to the trustee the initial sum referred to in the schedule, to be held by the trustee upon the trust set out in this deed. And if we go to page 79, you'll see there in the schedule that Adam Malas, that's you, is the settlor.---That's correct.

10

And the initial sum is \$100, the trustee is Mr Dubois and the beneficiary is Wadad Habbouche. Do you understand that to be Mr Dubois's mother? ---Yes.

And so if we go then to page 80, you'll see the document is signed. Now, is that your signature under Adam Malas?---Yes, yes.

And you recall signing that?---Yes. I did remember that after a while, yes.

20

And again, this is something that you organised, is it, on behalf of Mr Dubois?---Yes.

And that was as a result of you advising Mr Dubois that it was a good idea for him to have a trust set up?---No.

You don't agree with that?---No.

30

Do you say that Mr Dubois told you that he wanted to set up a trust and asked you to organise it?---Yes.

Now, if we could go please to – before we do that. This is all happening at the end of 2012, early 2013, these events.---Okay.

And do you recall that at around that time Towfik stopped doing work with Mr Dubois for the RMS?---Yes.

And were you aware that there was a falling out between Towfik and Mr Dubois?---Yes.

40

And were you aware of what the nature of that falling out was?---At the time, no, because I wasn't part of it all but later on I ended up finding out what was going on.

So at the time Towfik didn't say anything to you about the falling out? ---No, no.

And did you have any involvement with TTS?---No.

You didn't do any work for TTS?---No.

To the extent that TTS was performing contract work for the RMS, you had no involvement with that?---No, nothing to do with TTS Group.

If we could have a look, please, at volume 5.2, page 162. You can see this is a cheque that's been written out by the TTS Group and it's in favour of Mariam Abdelkarim for \$60,000 on 23 December, 2012.---Yes.

10 And then if we go to the next page, please, you'll see that on the same date, there's a cheque from TTS Group made out to you for \$20,000.---Yes, yes.

And then on the next page there's a third cheque. Again, same date, made out to you for \$43,500.---Yes.

Now, do you recall Towfik giving these cheques to you or Ms Abdelkarim? ---Yes. He gave them to me, I filled them up but two of them were mine only. The, the other 20,000, I gave it to Alex.

20 Well, hold on, just slow down. So the three cheques you say were all handed to you?---Yes.

And you say you filled them in. So, did Mr Taha hand you three signed, blank cheques?---No. I put the names in.

You put the names in.---Yes.

So, is it correct that Towfik had signed them and filled out the amount? ---Correct.

30 But he had left the name blank?---Correct.

And why was he giving you these cheques?---I borrowed the money because I also owed money to - - -

THE COMMISSIONER: Sorry, you what?---I owed, I borrowed money off him because I owed money. I owed money to someone, one of my other businesses went sour.

40 Why three cheques?---To be honest, I don't know. That's - - -

It doesn't make sense, does it?---I know. Like, one is 60,000 and one is 40, like, there's no reason.

MS SPRUCE: Why did you put Ms Abdelkarim's name in one of the cheques?---Well, good reason. Probably so I can pull them out quicker, the money.

How would it assist you to pull them out quicker?---Well, two different names, she can pull out say 10 or \$20,000 a day, so could I, from my name too.

So it was your intention that they would be deposited into different bank accounts, is that right? One into Ms Abdelkarim's bank account and the other two into your bank account?---Correct.

10 And then you say that the cheque for \$20,000 on page 163 - - -?---Yeah.

You say that - - -?---That was, yes, that money was owed to Mr Dubois.

By whom?---By me.

And why did you owe Mr Dubois \$20,000?---Because I bought a car. I borrowed money off him.

And what was the car that you bought from him?---Not off him.

20 Oh, I see, you bought a car from someone else.---I bought a car. I borrowed money from Mr Dubois.

To purchase the car?---Yes.

So you'd borrowed money at a previous point?---Yes.

And you say this \$20,000 - - -?---Oh, it was only like a week before.

30 So you were borrowing \$20,000 from Towfik to repay a loan that you'd had the week before for \$20,000 from Mr Dubois?---Yes, 'cause I didn't want to owe him money.

And is there a reason why you didn't get the loan from Towfik initially? ---I don't know. I, I, no. I just, I was with Alex at the time and we went down, I bought the car, came back up.

40 Mr Goldberg, are you just making all of this up?---No. There's no reason to make it all up. The cheques are in my name. I'm giving you a specific reason what I did with the money. What am I going to make it up for? I could say they were all mine.

All right, so with the \$20,000, is there a reason why you didn't ask Towfik to make that out to Mr Dubois?---Because Mr Dubois lent me the money in cash and he likes cash, and I returned it back to him the way he gave it to me.

So your understanding was that Mr Dubois wanted to receive cash? ---Because that's the way he gave me the money.

Now if we could go, please, to volume 6, page 90. You're shaking your head. Is there something troubling you?---No, I'm fine. Thank you.

Is there something you wish to say?---No, thank you.

All right. Now, you've given some evidence already about establishing MJ Wilsons. This is the ASIC report and you can see there it was registered on 10 January, 2013.---Yes.

10

And as you've already told the Commission, if you go to the next page, please, it was registered in the name of Mark Abraham.---Correct.

So Mr Abraham was registered as the director and the secretary?---Yes.

And also as the only shareholder.---Yep.

And Mark Abraham was a friend of yours from school?---That's correct.

20 And was he a close friend?---Yeah, we were close but of course we got older, we drifted, and got back in contact and got back together as friends, yeah, after - - -

Well, at the time that you asked him to put his name down - - -?---Oh, no, we were friends.

- - - on this document, were you, you were good friends?---Yes, we were friends. Yes.

30 But had you ever had any sort of business arrangement with him previously?---No.

And what was the reason for asking Mr Abraham to put his name down as the office holder and shareholder of this company?---Like I had said earlier, he was working for Coca-Cola and he was ceasing work, he couldn't keep working, and he wasn't going to have any work. So I offered him, of course, to open up a company and to join me on the venture of this contract that was offered to me by Mr Dubois as a partner.

40 So your understanding was that Mr Abraham was working for Coca-Cola as a delivery driver, is that correct?---Yes, subcontractor or something, yes.

And that that was seasonal work, did you say?---No, he wanted to cease work. He was going to stop.

Oh, he wanted to cease work.---Yeah.

I understand. He wasn't happy doing that work and he was looking for something else.---It was very tiring, yeah.

And do you know whether the work he was doing for Coca-Cola, was he doing that work through a company?---Yes.

Did you know what company that was?---Yes, yeah.

10 What company was it?---Ibrahim Transport.

So Mr Abraham had a company called Ibrahim Transport?---Correct.

And did you have anything to do with that company?---Yes, I did transfer money into it at one stage.

You transferred money into it?---Not transferred. I got money sent to it at one stage.

20 You got money sent to it?---Yes.

What does that mean? Who did you get money sent to it by?---I got Mr Alameddine. Mr Alameddine had owed me money from previous for one of his, he was buying boats, and I don't know what he needed the loan, so I gave him money and he was paying me back, he had the money to pay me back.

So Mr Alameddine was also someone who attended the same school as you?---That's correct.

30 But he was some years ahead of you, is that right?---Four years.

He was in your brother Towfik's year.---Correct.

And he was a good friend of Towfik's?---Yes.

But you became friends with Mr Alameddine in your own right at some point, did you?---Yes, yeah.

40 And you say that at some point Mr Alameddine asked you for a loan - - -?
---Yes.

- - - in respect of the purchase of some boats, is that correct?---Yes. He was importing boats.

He was importing boats.---Yes.

Now, you're aware, because you've already told us, that at some point Mr Alameddine became an RMS contractor.---Yes.

And you knew once he became an RMS contractor that he was paying kickbacks to Mr Dubois.---Oh, yeah, within his own rights between them, yes.

Yes, but also making good money himself.---Yeah. Oh, well, I don't know what they were making, but yeah, of course they were making money.

10 And so do you recall whether the loan you say you gave Mr Alameddine for the purchase of some boats was before or after he started working as an RMS contractor?---I gave him the money in 2011.

Do you recall when in 2011?---I can't really recall, like, what day exactly, but it was early 2011.

And how much money do you say that you loaned him?---I gave him exactly 400 in cash.

\$400,000 in cash?---Yes.

20

So, in 2011.---Early 2011.

If you had that sort of money in 2011 that you could lend \$400,000 in cash to Mr Alameddine, then why did you need Mr Dubois' assistance to enter into a partnership in respect of the three café bakery businesses?---Well, he was my mate, and he wanted to come into business. He approached me, and I didn't say no. The same, I, I approached Mark to come and join me. Don't need his money, there was no money involved. Oh, just because, as a community or as mates, we like to help each other out. It's not like you
30 have, I have to benefit from you to get something. It, we don't work like that.

THE COMMISSIONER: So you lent him \$400,000.---Yes. Yes.

And how did you lend it to him, in cash?---Yes. Oh, all, always my accounts always had money in cash.

40 And I suppose that records were created to record the transaction?---Sorry? The records? Oh, I hardly dealt with banks.

You may not have ever heard of this before, but it's just possible, isn't it, that there were just some documents brought into existence to evidence a loan of \$400,000?---Between each other we didn't actually do any paperwork.

No.---Like, we never did anything like that.

No interest charged, I suppose.---Oh, I always got a bit more on - - -

Did you get repaid?---Yeah, yeah.

You did, alot?---So, and a bit more on top.

When did you get repaid?---I think it was 2000 and – he paid me some in 2012, in cash that he gave me, and he gave me the rest, I think, that was in, I think - - -

10 And what account were these moneys paid into?---He just, he gave me the cheques to Ibrahim Transport, to my mate's company. Was 370 all up, I think it was.

And what account did the money end up in?---So, Ibrahim Transport. And then I just took it.

Which bank?---Which bank?

20 What bank?---I think it was St – no, I think it was probably Commonwealth. Yeah.

What branch?---If I did pull it out, it would have been Bankstown, Bankstown.

Okay. Come on, let's go.

MS SPRUCE: Mr Goldberg, you've had access to the restricted website in relation to this inquiry, haven't you?---Yes.

30 And you've looked at all the documents.---Not all of them, no.

All the documents that pertain to you you've looked at, haven't you?---Not all of them, but yes.

But you've looked at some of the documents, haven't you?---Yes, of course I have.

40 And what you're doing now is you're just fabricating evidence to match the documents that you know are available to the Commission. Correct?---If that's what you suggest, please, that's your decision, not mine.

Well, that is what I'm suggesting.---Okay.

And I want to know from you whether you agree with that.---No.

THE COMMISSIONER: Well, do you accept it or do you reject it?---No, I don't, don't. No, Commissioner. Whatsoever.

MS SPRUCE: Well, you say that you loaned Mr Alameddine \$400,000. Now, why would Mr Alameddine repay that money to you through Mr Abraham's business, Ibrahim Transport?---I, he gave me the cheques, I filled them up, and just put them underneath my mate's name, I trusted him, so, what, there was no harm in it.

THE COMMISSIONER: Why not put it into a bank account of your own? Why go via this other company?---So the, at the time so the missus doesn't find out.

10

Pardon?---So the wife didn't find out at the time.

Oh, sure.---That was the honest truth. And plus, I had a gambling habit.

Yes.---Well you get the Star City record will show that. I've said that before.

MS SPRUCE: So Mr Goldberg, you set up MJ Wilson under Mr Abraham's name.---Correct.

20

And you say that that was because you were going to involve Mr Abraham in this business of maintaining the grass levels around the TIRTLs.---Yes.

And you heard Mr Dubois give evidence that he doesn't know Mr Abraham.---That's correct.

And didn't have anything to do with him.---That's correct.

30

And is your suggestion that that was a lie from Mr Dubois?---No, that's correct. He doesn't know him.

He doesn't know him?---No, he doesn't, that's correct.

So you three were going into partnership but Dubois and Abraham had never met each other?---Well, Mr Dubois was always going to be the silent partner. Was me and Mark going to do the work, yes.

40

And so when you describe Mr Dubois as a silent partner, is what you mean that he would just get paid a cut of the profits?---Of course, yes.

And you liked to characterise that as a partnership?---As a partnership, yes, because we were - - -

Share.--- - - - he was going to leave the RMS, so - - -

But the truth is it's just a kickback, isn't it, for securing the contract for you. That's what you thought was going to happen.---No, he was a partner in it. It was going to go three ways, so I wasn't giving him a kickback. You,

youse, you want to call it kickback, that's your decision. But as a partner, it's not a kickback. It's his right, it's his fair. He gets his share.

Now, did you get Mr Abraham to fill out and sign the ASIC documents in respect of the registration of MJ Wilsons?---I think so, yes. If I remember clearly.

And then if we could go, please, to volume 6, page 104.---I don't really remember it much.

10

You see there that on 13 January, 2013, you opened an account - - -?---Yes.

- - - in the name of MJ Wilsons Projects?---Yes.

And you and Mr Abraham are signatories to the account.---Correct.

And is that Mr Abraham's signature?---Yes.

20

You took Mr Abraham with you to the bank?---We actually went together at Bankstown.

And when did you break the news to Mr Abraham that the deal that you thought was going to go through in respect of doing maintenance work for the TIRTLs wasn't going to happen?---We, we did end up talking about it, it just didn't happen.

It just never happened?---No, it just didn't happen.

30

So you ended up receiving six contracts awarded to you from the RMS. ---Yes.

But not the contract that you say you thought you were getting.---Yes.

But nevertheless six different ones.---Yes, that's correct.

And you received over \$1 million into the MJ Wilsons bank account. ---That's correct, yep.

40

But you never mentioned that to Mr Abraham. Is that correct?---Yes. I didn't mention that, no. I didn't.

So you took \$100,000 as I understand your evidence - - -?---That's right, yes.

- - - from that. And even though the idea initially had been for Mr Abraham to be included in the partnership at some point, you made the decision just to shut him out of the arrangement?---No. Like I had said from the beginning, the whole point why Mr Dubois had done that contract was to

use the profit so he can buy the machineries and equipment needed to get that contract to work to get it done. That's the only reason why I never gave Mark a cut out of it. The money was supposed to be used to buy equipment. I said that from the morning and I'll say it again.

Well, I'm sorry, I didn't understand it. So let me be clear.---Okay.

Is your evidence that the six contracts that were awarded to MJ Wilsons - - - ?---Yes.

10

- - - which the RMS paid MJ Wilson over \$1 million for, was in order that a large share could be paid to Mr Dubois, is that correct?---A large share? He said that he did all the paperwork. He goes to me my cut is 100.

THE COMMISSIONER: No, don't worry about what he said. Just answer the question.---Yeah, well, it was 100,000 each.

Just answer the question. Put the question again.

20

MS SPRUCE: Well, you received over \$1 million from the RMS, and \$100,000 you say went to you.---Yes.

And the rest of it went to Mr Dubois, didn't it?---Yes, because he was paying the contractors, he said, to do all that.

Right. Now you're saying that some of that money was intended to fund the purchase of machinery - - -?---The 100,000.

30

- - - so that you would be in a position to actually perform this contract that you talk about, where you were going to maintain the grass around the TIRTLs.---Yes.

So you say that was the \$100,000, do you?---Yes. That's correct.

So you have \$400,000 in 2011 to lend to Mr Alameddine for the purchase of boats.---I had a lot more than 400,000.

You had a lot more than \$400,000?---Yes, I did. Yep.

40

And Mr Dubois recalls at that time you were driving a convertible BMW and you seemed to be doing well for yourself.---Yes.

Right. So why is it that you had to receive contract work through the RMS, in respect of which you actually did nothing, in order to receive a windfall of \$100,000 so that you could buy equipment to then perform the contract that you say you were going to get in respect of the TIRTLs?---Like I just said, that wasn't my idea. It was all Mr Dubois' idea. It had nothing to do with me. It wasn't my idea. My idea was simple, to get the contract, and

he's the one that offered these contracts that he'll do and he'll do la, la, la, and that was it.

So poor old Mr Abraham was working for Coca-Cola Amatil and didn't like that work and wanted to get out of it.---That's correct.

And he was your friend.---Yes.

10 And you'd told him that you had this deal that was going to happen with Mr Dubois whereby you and Abraham and Mr Dubois could each get \$240,000 over three to five years, per annum over - - -?---I was going to say per year.

Per year.---Yes.

Over three to five years.---Three to five, that's correct.

And that would have been pretty exciting for Mr Abraham, he would have been pleased about that?---Oh, yeah. Yes.

20 But you didn't ever tell him that it wasn't going to happen?---No. Because it didn't end up happening.

And Mr Abraham didn't ever follow up on that with you?---No, he didn't. That's the honest truth. No, he didn't.

So you left the MJ Wilson company and bank account in his name but you didn't ever tell him anything about it?---No.

30 Now, did Mr Abraham ever receive any payments from you in respect of any of this?---No, zero dollars. Zero dollars. I never gave him anything. And that's the truth. Nothing at all.

Could we go, please – just recalling, before we leave the page we were on, which was, and I'll throw it back and just let you know, you know I took you a moment ago to the document showing that you opened the MJ Wilson bank account on 13 January, 2013.---Yes.

40 And then if we could go, please, to – just give me one second. Sorry, Commissioner. I'm just locating a document. Sorry about the delay. Page 59 of volume 4.11. Now, Mr Goldberg, what you see here is an authority for a business account and it's account held by Ibrahim Transport Pty Ltd at the Commonwealth Bank.---Yes.

So Ibrahim Transport Pty Ltd is Mr Abraham's company?---Yes, that's the one. Yep.

And you see there that on 13 January, 2013, so the same day that you opened up the MJ Wilson bank account, that you have become an authorised

signatory on the bank account for Ibrahim Transport Pty Ltd.---That's correct, yes.

Well, why did that occur?---I don't recollect the exact things but, yeah, I am, yeah, I did do it but I don't exactly recall why. I actually don't recall.

Well, you had nothing to do with this business, did you?---No.

10 This was the business that Mr Abraham used to deliver soft drink.---At the time I think it he was ceasing it so, I don't know, no. I, I don't have an exact answer for that. Sorry.

You don't have any recollection of when you did this?---Well, it's the same, same day but over why, I don't know why I would put my name down.

Was it just a coincidence that on the same day you opened up an MJ Wilson bank account that you also added yourself as a signatory to this account? ---Maybe, maybe. Possibility.

20 Well, the reality is that it was convenient for you to be the signatory to the bank accounts of companies that were not in your name.---To use the account.

Isn't that right?---Well, this is the only one.

Well, it's not the only one.---This and Wilkins Corp.

30 Well, MJ Wilson is a company that's not in your name, correct?---Oh, sorry. Sorry, and that one.

And you're a signatory to that account, correct?---Sorry, I forgot about that one.

Do you agree with that?---Yes, of course I do.

And this is another company that's not in your name but you're a signatory to the bank account.---Okay, and what are you trying to get to?

40 I'm suggesting to you that that was convenient for you - - ?---Of course it was.

- - - because you were intending to engage in dishonest enterprises, and so you didn't want the companies to be in your name, but what you did want was to have access to funds being paid to those companies. Correct?---No.

Now, if we could go, please, to page 64.---I had to come up with ideas.

Now, you see here this is a bank statement for Ibrahim Transport Pty Ltd.

---Yes.

And it commences on 13 January, 2013, i.e. the day on which you became a signatory to the account.---Yes.

And if you have a look up the top, the statement is addressed to The Director with an address in Greenacre.---Yes.

And you recognise that address?---Yes, I do.

10

And what is that address?---That's one of our properties I used to live at sometimes.

Was that your father's property?---Mother's.

That was your mother's property.---Yes.

And so that address didn't have anything to do with Mr Abraham, did it?
---No.

20

And Mr Abraham wouldn't receive statements sent to that address.---I guess no, no.

And Mr Abraham wasn't having his business bank account statements sent to that address prior to 13 January, 2001, was he?---No, of course not.

So for some reason, at the time that you became a signatory to Mr Abraham's account, you also organised for the bank statements to be directed to premises that you had access to.---Yes.

30

And the intention was that you would be the person that would receive those statements. Correct?---Yes.

And that was because your intention was that you were going to take over the use of this bank account. Correct?---Most probably yes.

And the reason you wanted to take over the use of this bank account was because it was in respect of a company that was not in your name. Correct?---No, not really, no, but yes, I did take over it.

40

Well, why on earth would you take over somebody else's business's bank account?---Well, look, I just did it, I don't know, there's no - - -

You've got no explanation that you can give the - - -?---There's no explanation. The only explanation I have probably why I transferred money to that, to this company was probably just so I can hide the money away - - -

Sorry, so you could hide the money away?---Yeah. Because at the time, and I've said it to youse on last time, if you go to Star City, I had a very bad gambling habit, like 10s and 1000s of dollars a day. So maybe I took the money and I blew it, like, didn't want my family to know about it or my missus, at the time.

So you agree that this was a form of deception.---Deception for who? Deception?

10 Well, as I understand your evidence is you say that you wanted to use this as a bank account to essentially - - -?---I said, most likely probably.

- - - run your gambling money through it.---My own money. My own money that belongs to me, yes. And there's nothing wrong with that. It's not deception. Deceiving myself.

20 Well, you were at least deceiving your wife, weren't you?---She wasn't my wife at the time, she was my girlfriend, and my family had issues with me because I used to go gamble like crazy, because I – like, I was bored, there's nothing to do in Sydney, so I used to, every night, nearly every night, I was at Star City. That was my habit.

So you thought the solution to the problem was to have bank statements in the name of Ibrahim Transport delivered to your mother's address. Is that your evidence?---Yeah, it's – yeah. Oh, well, I did do it that way, yes. It's not my company, so I didn't care. My mum doesn't look at statements anyway.

30 Well, if your mum doesn't look at the bank statements, then why wouldn't you just have them delivered in your own name?---Good question. I just didn't do it. Maybe because when it's mine, my mum probably put it in the bedroom for me. If my girlfriend was there, she'll probably open it up. It's still my money, there's nothing wrong with that. Sorry, I haven't done nothing illegal or wrong here. So, please, I don't know why you're bringing up my gambling habit for, like, so what, what I did with my money?

I didn't bring up your gambling habit, Mr Goldberg, you did.---But I'm just saying, there's - - -

40 THE COMMISSIONER: I think it was you who brought up your gambling habit.---Yeah, I know, well, I'm sorry, but there's no need of - - -

Now, how much longer are we going to be with this witness?

MS SPRUCE: I think we'll be finished by lunchtime tomorrow, Commissioner.

THE COMMISSIONER: Yes, well, I'd hope so. All right.

MS SPRUCE: If we could go, please, to volume 6, page 350. Mr Goldberg, this is an EFT authorisation form that had to be filled out in respect of MJ Wilsons Projects Pty Ltd in order for it to become a vendor with the RMS so that it could receive payment from the RMS.---Yes.

And do you see it's been signed or purports to have been signed by Mark Abraham?---Yes.

10 And do you recall whether this is a form that you gave to Mr Abraham to sign?---I never got any forms regarding MJ Wilsons to give to Mark to sign. It never happened.

So you say you didn't ever see any forms in respect of MJ Wilsons?
---Neither, not me, not even Mark.

You never saw a quote?---No.

You never saw an invoice?---No.

20

You never saw a contract?---No.

You've never seen this form?---Like I said, no. Mr Dubois said he'll take care of it all.

And have a look, you see there there's an email address, mjlwilsonprojects@[REDACTED]?---Yeah, I can see that.

30

Do you recognise that address?---No.

Did you have anything to do with the establishment of that address?---No, not me.

And do you see the contact number next to it?---Yes.

Do you recognise that number?---No.

That's not a number that belonged to you?---No.

40

And you see the address that's being used there.---That's correct.

It's the same address that we saw on Mr Abraham's bank statement, is that correct?---That's correct, yes.

And did you tell Mr Dubois that he should use that address?---No, never at any time.

Now, if we could go, please, to volume 6, page 736. See this is a letter now, some time later, on 4 April, 2014, on MJ Wilsons letterhead?---Yes.

Have you ever seen that letterhead before?---No, I haven't.

No?---No.

And I take it, then, you've never seen this letter before?---No.

10 And you didn't have anything – well, take a moment to read it, but - - -?
---No whatsoever.

You didn't have anything to do with this letter?---No.

Well, if you have a look at the content of the letter - - -?---Yes.

- - - it's a letter advising that MJ Wilsons has changed its bank account details.---Okay.

20 And it's asking for future payments to be made into the new account.
---Okay.

And if you see there then there's details given of an MJ Wilsons bank account.---Okay.

The account that's given, I want you to assume, although it says it's MJ Wilsons, is in fact an account belonging to Wilkins Corp.---Yes, I read that in the paperwork, yes, I did see that.

30 So you've learnt that in the course of this inquiry?---Yes, yes.

But were you aware of that at the time?---No, not at all.

That was not something you had any knowledge of?---Not, not at all.

All right. Now, if we could go back, please, to page 64 of volume 4.11. You'll see this is the bank statement for Ibrahim Transport that I took you to a moment ago.---Yes.

40 Which is now being sent to your mother's address.---Correct.

And you see there that on the 13th of January, that is the day on which you became the signatory to the account - - -?---Yep.

- - - there's a deposit of, there's a credit of \$52,800.---Yes.

You see that?---Yes.

And if we could then go, please, to page 30. See there's a cheque there made out on 8 January, 2013 to Ibrahim Transport Pty Ltd for \$30,000? ---Yes.

And you'll see that cheque is from Areva Corp Pty Ltd?---Yes.

You were familiar with Areva Corp Pty Ltd?---Yes, of course, yes.

10 Well, what was your understanding about who ran that company?---Mr Alameddine.

That was Mr Alameddine's company?---Yep.

And did you tell him to write this cheque out to Ibrahim Transport?---Yes, I did.

And so it's dated 8 January, 2013, so that's before you formally became a signatory to the Ibrahim Transport account?---That's correct.

20 But you obviously already had that idea in mind?---Probably lined up, yes.

And then on the next page, you see there's another cheque.---The 3rd.

This time from 3 December, 2012, written out to Ibrahim Transport Pty Ltd.---Okay.

From Areva Corp.---It's a while, okay. It's a whole month before. Okay.

30 So does that refresh your memory that you had - - -?---Probably set it up, yeah, probable - - -

- - - the idea in mind of becoming a signatory and taking over, effectively, Mr Ibrahim's account from sometime in December 2012?---Most likely, probably, yeah. Well, it's there. Yes.

So those two cheques account for the \$52,800 that we saw deposited into the Ibrahim bank account?---Yes. Yep.

40 And do you recall receiving those cheques from Mr Alameddine?---Yes.

And what do you say those payments were in respect of?---That was the money he owed me, that he was paying off to me.

That was part of the, what you say was a loan in respect of the purchase of a boat?---Yes, yes. Not, not boat. Boats. He bought several boats.

And then if we could go, please, back to page 64. Do you see that shortly thereafter, on 19 January, there's another deposit of \$105,000?---Yep.

And then if we go to page 35. See there's another cheque from Areva Corp to Ibrahim Transport on 18 January, 2013, for \$52,000?---Yep.

And then on the next page - - -?---52 (not transcribable)

- - - another cheque on the same date for \$53,000.---Yes.

10 You look puzzled.---No, I'm just thinking, well, the same day, he should have just wrote him one cheque, but okay.

Well, do you have any idea why he didn't write one cheque?---I honestly don't know.

Do you recall being present when he wrote those cheques?---No. I picked them up, I still remember, I picked them up.

You remember picking them up from Mr Alameddine.---Yes. Yes.

20 And have you got any explanation about why you didn't just deposit them into your own – well, rather, why you didn't ask him to make the cheques out to you to deposit them into your own personal account, other than you were trying to hide gambling?---There's no other reason. Honestly.

Now, after those cheques were deposited into the Ibrahim Transport account, what did you then do with respect to the credit that was sitting in that account, a significant amount of money?---Yeah, mostly likely would have probably blew it all.

30 Blew it all.---Yeah.

But did you first of all withdraw it all in cash?---Yeah, must have been, yes.

So if we go back, please, to page 64 - - -?---It was a bad year for me.

It was a bad year for you. Why was that?---I spent a lot of money gambling.

40 So you'll see there that those significant deposits go into the account, and if you look down the bottom of the page, you'll see there's total credits of \$161,800.---Yes.

And you'll see that the total debits for the period of this statement, which is 13 January to 19 February, \$161,010 comes out of the account.---Yeah.

And those are withdrawals of cash. And you'll recall that those withdrawals were all made by you.---Yes.

And do you say, what, that's money that you spent gambling, do you?
---Most likely.

And if we could go, please, to page 65, you see that there's further amounts go into the Ibrahim Transport account.---Yes.

There's \$45,500 on 22 May.---Which is?

\$27,200 on 27 May.---Yep.

10

\$20,000 on 29 May. And on 30 May, \$120,025.---Yes, I do.

Now, do you have any recollection of where all that money that was coming into the account was coming from?---Yes. Only one person. That would have been Areva, from Hassan, that's the money.

THE COMMISSIONER: Sorry, can't hear you.---From Hassan Alameddine.

20

Who?---Mr Alameddine.

MS SPRUCE: So it won't surprise you to know that those were all payments by cheque from Mr Alameddine.---Yes.

But once again, the cheques aren't made out in lump sum amounts. There's numerous cheques of smaller amounts.---Yes.

So for example, where we see the \$120,025, that's made up of five different cheques.---Okay.

30

You don't have any explanation for why the money was paid to you in that way?---Oh, honestly no. No.

And once again, I take it you then withdrew all of that money in cash?
---Yes, I did, as usual.

So it's clear, isn't it, looking at the two pages of the bank statement that we've seen, that from the time you take over this account, it's really only used for one purpose, isn't it? Mr Alameddine puts money in by cheque,
40 and then you withdraw the money out in cash.---Yes.

That's the only pattern in the account. There's nothing else going on in this account other than that then.---That's correct. That's correct.

And it's obvious that Mr Abraham no longer has anything to do with this account.---That's correct. That was my money.

And your explanation, I take it, in respect of all of those payments is that Mr Alameddine was repaying you for the boats.---Well, I never worked with Mr Alameddine with anything, regarding any work.

Is that a convenient time, Commissioner?

THE COMMISSIONER: Yes, Mr Goldberg, you may step down and go with the officers who are here and return tomorrow for a 10 o'clock start. ---Okay. Thank you very much, Commissioner.

10

Now, just before you do go, you're clutching there a bundle of documents, what are they?---These are all the transcripts of the, of the hearing that's been going on.

And there's an exercise book, what's that?---These are just notes that I've been writing down stuff, like regarding lies that were being said about me.

I'll just speak to my associate – yes, you may go now with the officers, thank you.

20

THE WITNESS STOOD DOWN [4.03pm]

THE COMMISSIONER: Just before I adjourn – yes very well, I'll adjourn.

AT 4.03PM THE MATTER WAS ADJOURNED ACCORDINGLY [4.03pm]

30