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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION PARAGON

Reference: Operation E18/0736

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 11 JUNE, 2021

AT 10.00AM

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

THE COMMISSIONER: Yes, good morning. We'll have the oath administered again, have my associate do that. If you wouldn't mind standing, please, Mr Goldberg, we'll administer the oath.

THE COMMISSIONER: Yes, thank you, Mr Goldberg, just take a seat, thank you. Yes, Ms Spruce.

MS SPRUCE: Mr Goldberg, you gave evidence yesterday about the money that was paid by the RMS into the MJ Wilson bank account, you recall that?
---Yes.

10

And the evidence you gave was to the effect that the money was paid by the RMS into the account, it was then withdrawn in cash by you.---Yes.

And the amounts that were withdrawn were then divided up between you and Mr Dubois.---Yes.

Mr Dubois would pay the subcontractors and take a cut for himself.---That's correct.

20

And you retained an amount that you said was around \$100,000.---That's correct.

If I could just take you, please, to volume 6.4, page 3, you see that this is the bank statement for the MJ Wilsons account?---Yes.

And you see there there's the pattern that I've just described to you, of money coming in from the RMS, and then money being withdrawn in cash.
---Yep, yes.

30

Now, it's the case - - -

THE COMMISSIONER: Just a minute, I'm sorry, I'm just trying to follow this here, it's paid in on what date?

MS SPRUCE: 21 February, 198,000 gets paid in by the RMS.

THE COMMISSIONER: Yes, and then - - -

40

MS SPRUCE: And then again you see on 25 March - - -

THE COMMISSIONER: What date was it?

MS SPRUCE: Sorry?

THE COMMISSIONER: What date in March?

MS SPRUCE: Sorry, 25 March, 2013, \$194,535 was withdrawn.

THE COMMISSIONER: I see. Yes, thank you.

MS SPRUCE: And you see in the debit column that cash amounts are withdrawn in regular intervals.

THE COMMISSIONER: Yes, thank you.

MS SPRUCE: Now, it's the case, isn't it, Mr Goldberg, that the only money that comes into this account is money paid in by the RMS?

10 ---Correct.

And almost all of the money is withdrawn in cash by you with two exceptions, and I want to take you to those two exceptions now to refresh your memory. If we could go, please, to page 5 of volume 6.4. This is the statement for the account starting on 1 July, 2013, through to 1 September, 2013. And you see there, once again, there's a significant amount of money being withdrawn from the account.---Yep.

20 Most of those withdrawals are cash withdrawals, with the exception of the two amounts of \$40,000 that you see coming out of the account on 4 July. ---Okay.

And if I could take you, please, to page 37, you see that one of those amounts of \$40,000, it's slightly difficult to read, but is a bank cheque that's been drawn in the favour of Samir Malass, on 4 July for \$40,000.---That's correct. Yes.

And Samir Malass is your cousin?---That's right.

30 And then over the page, please, to page 34. Sorry. Thank you, page 34. You'll see there that there's a second bank cheque in favour of Franca Malass.---Yes.

On the same day, for \$40,000.---Yes.

And Franca Malass is Samir Malass's wife, is that correct?---Correct, yes.

40 Are you able to explain to the Commission, please, what those two payments were in respect of?---I think that was, at that time, the purchase of the vehicle, I think, if I was correct.

Which vehicle are you referring to?---The Porsche.

This is you paying money to your cousin Samir?---Yes, I think so, yes.

So just going back a step, you're referring to the Porsche?---If I am correct, yeah, maybe that Porsche. I've dealt with my cousin with plenty of cars in those period of times. So I'm not a hundred per cent sure but, yeah.

But when you're referring to the Porsche, just to clarify, you're referring to the white Porsche that your brother, Mr Taha, received from Mr Dubois?
---That's, yes, that Porsche.

And you were aware that he received that as part of a resolution of the dispute between him and - - -?---That was between them, yeah.

I see. But you're aware that he received that Porsche from Mr Dubois?
10 ---Yes.

And you're aware that he then sold it to your cousin Samir?---Yes.

And you then purchased it from Samir, is that correct?---Yes, yep.

And so you say that this is the money that you paid?---I'm not one hundred per cent sure.

But it could be.---It could be.
20

And do you have any recollection of why you paid half of it to Samir and half of it to his wife?---Maybe that's why he had asked me for. I don't have a clear recollection of it. Okay.

But the money that is being used, which you think was being used to pay for the Porsche, is money that had been deposited into the account by the RMS, correct?---Correct, yes.

And it's money in respect of which you told the Commission yesterday you did no work. Correct?---I didn't have to do work, yes. It doesn't mean if you don't work – you know what, I'm not going to argue. Yes.
30

Well, the position is, isn't it, that you didn't do any work, you received a large sum of money into your account. Some of it you gave to Mr Dubois. But it now appears that in addition to the 100,000 that you told the Commission yesterday that you retained for yourself, you also used 80,000 to pay for your cousin, Mr Samir, in order to purchase a Porsche, is that correct?---Whether to purchase the Porsche or other vehicles, maybe he wanted a cheque at the time. I had plenty of cash. Maybe he didn't want
40 cash, so I would have did this. I'm not denying it. It's been done.

So the position is that, in addition, whatever the \$80,000 payment was for, and I understand the Porsche is just your best recollection, but whatever it was for, that was an additional 80,000 that you retained for your own purposes.---Well, I had retained the 100,000, not 80,000, all up.

Well, what I'm suggesting to you is that in addition to the 100,000 that you described yourself retaining yesterday, this is an additional 80,000 that you've retained on top of that.---Additional, no.

You don't agree with that?---No. I only had 100 out of it all was for me.

You say this was part of the 100,000?---Yes. I never got more than 100.

10 Now, Mr Goldberg, I next want to take you to the bank account in respect of Wilkins Corp.---That's correct, yes.

Now, you recall, do you, that you, through Ms Abdelkarim, opened three bank accounts in relation to Wilkins Corp?

THE COMMISSIONER: Sorry, I can't hear you.

MS SPRUCE: Sorry, Commissioner.

20 THE COMMISSIONER: Yes.

MS SPRUCE: Mr Goldberg, I'll repeat the question. You recall that Ms Abdelkarim, your then wife, was the director of Wilkins Corp?---Yes.

But she was acting at all times on your instructions in relation to the opening of the bank accounts?---Yes.

30 And you recall, do you, that you instructed Ms Abdelkarim to open three different bank accounts in the name of Wilkins Corp?---Did I instruct her? I don't recall. But it would have been.

Well, do you recall that she opened three bank accounts in the name of Wilkins Corp?---I realised it as you're saying it, but I don't recall it, yeah.

All right, well, that's perfectly fine if you don't recall it.---Yeah, I said, yeah.

I'll take them to you and that will assist you to refresh your memory. So if we could go to the first one, please, which is volume 6.3, page 4.

40 THE COMMISSIONER: Sorry, what was it?

MS SPRUCE: Volume 6.3, page 4.

THE COMMISSIONER: Thank you.

MS SPRUCE: Mr Goldberg, this is an account that Ms Abdelkarim opened in the name of Wilkins Corp at the Suncorp Bank in January 2013. Do you

recall attending the bank with her to open that account?---Suncorp, yes, and I had one, I had one with her.

I beg your pardon?---I was, I think I was a signatory to this account.

That's correct. You and Ms Abdelkarim were both signatories to the account.---Yeah, with Suncorp, yes.

10 Now, if you have a look there at the bank statement, opening balance of zero, and then there's a deposit on 14 January of \$59,500, and then the following day another deposit of \$45,000.---Ah hmm.

THE COMMISSIONER: 48,000, is it?

MS SPRUCE: 45.

THE COMMISSIONER: I'm sorry (not transcribable)

20 MS SPRUCE: Are you on - - -

THE COMMISSIONER: Sorry, we're 6.3, page 4, was it?

MS SPRUCE: 6.3, page 4. Hold on, sorry - - -

THE COMMISSIONER: So, and is this the same account? It says - - -

30 MS SPRUCE: No, it's the same account, but the statement that I'm referring to is from 14 January, 2013. Commissioner, it appears that I'm about to take Mr Goldberg to a number of documents, and the reference that is on my copy appears to be different from the reference that is on the electronic copy. It might be worth adjourning just for five minutes while I correct the references.

THE COMMISSIONER: Right. Very well. The one that came up before was for the period 20 May to 31 May, 2013. It did show a deposit 14 January, \$59,500, it was the next entry that - - -

MS SPRUCE: Was incorrect, yes.

40 THE COMMISSIONER: I see. So, all right.

MS SPRUCE: It's the wrong document. So perhaps if we could just adjourn for five minutes while I correct the page references.

THE COMMISSIONER: Yes, I'll do that.

MS SPRUCE: Thank you, Commissioner.

THE COMMISSIONER: Just let me know when you're ready. I'll adjourn.

SHORT ADJOURNMENT

[10.23am]

THE COMMISSIONER: Yes, Ms Spruce.

10 MS SPRUCE: Thank you for that opportunity, Commissioner. If we could go, please, to volume 6.3, page 27, we should all now be looking at the same document, and you see Mr Goldberg, this is a statement for the first Wilkins Corp account that was opened with account number ending 7-1-8-0, and starting on 14 January, 2013.---Yes.

And you see that there's two deposits, on 14 January and then the following day on 15 January.---Yes.

The first one for \$59,500 and the second one for \$45,000.---Yep.

20 And then if we could go, please, to page 30, you'll see that this is a deposit slip – it's not on my screen, Commissioner, but are you able to see the document?

THE COMMISSIONER: No, not at the moment. It's not - - -

MS SPRUCE: Can you see the document, Mr Goldberg?

THE COMMISSIONER: It hasn't come up on my screen yet.

30 MS SPRUCE: I think we may all have it now.

THE COMMISSIONER: Okay, I have a deposit slip, yes, 14 January, '13. ---Yep.

MS SPRUCE: And so you see there, Mr Goldberg, that that's the deposit slip in relation to the first deposit on 14 January of \$59,500?---Yes.

And the account name is said to be Ms Mariam Goldberg.---Yeah.

40 But in fact, the account was Wilkins Corp, correct?---That's correct.

And in fact, Ms Marian Abdelkarim never used the surname Goldberg, did she?---No.

THE COMMISSIONER: Could I just – just catching up on the – so it shows drawer CR Projects.---I think this deposit slip is filled by the bank.

Just a moment, CR Projects, that's 45,000.

MS SPRUCE: I think it's CB Projects, Commissioner.

THE COMMISSIONER: What is it?

MS SPRUCE: CB.

THE COMMISSIONER: CD?

10 MS SPRUCE: CB.

THE COMMISSIONER: Yes, thank you.

MS SPRUCE: And the next one is CBF Projects. And Mr Goldberg, that's your signature, isn't it, where it says Paid In By?---Correct.

And it's the case, isn't it, that that amount of \$59,500 comprised of two cheques from CBF Projects?---Correct.

20 And those cheques had been handed to you by Mr Dubois.---Correct.

And he'd asked you to deposit them into this account?---No, he, that's the money he was owing for the cafés, which he gave to me. So he didn't tell me, "Deposit these for me."

I understand. And then on the next page, please, page 31, you see that this is the deposit slip in relation to the further amount of \$45,000, deposited the following day, 15 January?---Yes, correct.

30 And again, that's your signature?---Yes.

And again, it's a cheque in the amount of \$45,000.---Yes.

And I take it your position is that that was – I withdraw that – that was a cheque handed to you by Mr Dubois?---Yes.

And you knew that CBF Projects was a contractor for the RMS?---I think so I knew at the time, yes.

40 Well, you understood, didn't you, that the cheques that Mr Dubois was handing you - - -?---Was money owed to him, yes. Like I said yesterday.

Money owed to him - - -

THE COMMISSIONER: Well, presumably it would be money coming in respect of - - -?---In respect of his kickbacks.

- - - in respect of a kickback, wouldn't it?---Yeah, that, that was his business.

That right?---Yes. That was his business.

Well, what do you base that conclusion on, that this would represent \$45,000 coming by way of kickback?---That, no, when he was giving me these, these were for MCR. That was for My Caffeine Romance he was paying off, yeah.

10

That's what you say, yes, but a moment ago I think you agreed with me that the 45,000 was likely to have been a kickback.---That's for his, what he was doing with the other people. I guess that was his kickback, yes.

Yes, with other contractors.---Yes, that was his kickback but he was paying me, yeah.

And it's said to have been the drawer of the cheque was CBF.---That's correct, yes.

20

You know that entity?---Yes.

All right.

MS SPRUCE: So, Mr Goldberg, you say that the fact that Mr Dubois was receiving kickbacks was his business.---Yes.

But it's the case, isn't it, that you knew he was receiving kickbacks?---Yes, I did.

30

And you knew the cheques that he was handing to you, drawn by CBF, were kickbacks that CBF had paid to Mr Dubois?---Yes.

And you knew at that time that CBF was an RMS contractor.---Of course.

And you knew that CBF was an entity controlled by Mr Chahine and Mr Hadid.---I think so. I didn't know their names then, but, yeah, like, I knew it was them, but, yeah.

40

THE COMMISSIONER: Controlled by?---By those guys, by - - -

Chahine.---Chahine and Hadid, yeah.

Hadid, yes.---I didn't know them, but.

MS SPRUCE: Mr Goldberg - - -

THE COMMISSIONER: Well, you knew – I'm sorry. You came to know that Hadid and Chahine were, as it were, working as a partnership under the - - -?---That's correct.

- - - under the, or in the entity of CBF?---Yes.

And that they were doing RMS work.---That's correct, yes.

10 MS SPRUCE: And you knew that at the time that Mr Dubois handed you these cheques.---Yes.

THE COMMISSIONER: How did you come to know that?---Oh, well, I knew from the year before, when the money was going through to MWK, and that's when I put a full stop to MWK. That's when I, I knew everything that was going on.

20 MS SPRUCE: Mr Goldberg, I'm just going to show you a photo of Mr Chahine and Mr Hadid.---There's no need. Oh, I didn't know how they looked like. I don't know how they looked like. I seen them here in the inquiry. Okay, yeah, have a look.

THE COMMISSIONER: Have you not met them?---No, oh, I met them (not transcribable) memory that it was that one time that I had seen them.

I think the photo is just to see if you can identify.---Yeah, I wasn't able to last time, but now I've seen how they look like, yeah.

Have a look at the photograph anyway.

30 MS SPRUCE: Well, you've given evidence that you've met them at least once, so - - -?---Only once.

- - - we'll show you the photograph. If you just look at the photograph at the bottom.---Yep.

You recognise Mr Dubois, I take it, on the far left?---That's correct. Yes. Yep.

40 And then on the far right, do you recognise that person?---Well, I, I know who he is now, yeah, but before my knowledge, no. I knew who they are now through the inquiry.

You say you only recognise them through the inquiry?---Yes. So if I seen them in the street, I would not recognise them.

But if you look at Mr Hadid, who's on the far left - - -?---Yep.

- - - and Mr Chahine – far right, sorry. And Mr Chahine, who’s next to him.---Yep.

Do you recognise them as people you’ve seen before prior to this inquiry?
---No. No. I have met them that one time, which was at night, at Mr Dubois’s house. I do remember the meeting. But did I ever mingle with them, talk with them? No. I actually, if I had seen them six months later, I would not even recognise them.

10 Well, we’ll come to the details of the meeting later, but you agree that you did meet them one night at Mr Dubois’ house.---Correct.

At a meeting.---Yes.

At which you, Mr Chahine, Mr Hadid and Mr Alameddine were present.
---Correct.

Now just going back to page 27, please, of volume 6.3. So, Mr Goldberg,
20 this is the bank statement I took you to earlier.---Yes.

And you now recall that the two deposits that you see there on 14 and 15 January were in respect of cheques drawn by CBF?---Yes.

And if you then see in the withdrawal column, what then occurs is that there’s a series of cash withdrawals.---Yes.

Sometimes on the same day, sometimes the day after, from different locations.---Yeah.

30 And then if we go over, please, to page 28, you see that the pattern of cash withdrawals continues.---Yes.

And then to page 29, please, until there’s no money left in the account.
---Yep.

And you see that the account is emptied by 18 March, 2013?---Yep.

And that account is then closed on 18 April, 2013.---Okay.

40 So that the only thing that ever happens in respect of that account is that money comes in from CBF, and then all of that money is withdrawn in cash increments over a relatively short period, you agree?---Yep.

Now, all of those cash withdrawals from that account were made either by you or Ms Abdelkarim, is that correct?---Correct.

And to the extent that those cash withdrawals were made by Ms Abdelkarim, she was acting at your request?---Correct.

And she handed the money straight to you.---Yes.

Now, once all of that cash had been withdrawn from the account, what do you say that you did with that cash?---Like I already said, that was money owed to me, but there was a difference of the, of the money, of all that money that went into Wilkins Corp that got returned back to Mr Dubois. What I do with my money is what I do with my money.

10 So you say that the full - - -?---I think - - -

- - - \$104,500 that was deposited into this account was money that you retained.---Yes, for – yes. He put in all up I think it was over 400,000. I was only owed 280 at the time, roughly, was owed to me. The rest of the money was handed over to Mr Dubois, because he had said, “Oh, can you pull it out for me?” I’m like, “All right, not a problem.” So I gave him the money.

20 So, you took the cheques from CBF.---Yes.

You deposited them into the account.---Yes.

You withdrew them in the cash.---Yes.

And then at Mr Dubois’s request, you returned – sorry, I withdraw that. You knew that the cheques represented kickbacks that had been paid to Mr Dubois by CBF.---Yes.

30 And you withdrew the full amount of the value of those cheques from the account, and then you returned some of that kickback to Mr Dubois in cash. Correct?---Yes.

And some of it you retained for yourself.---Most of it, that was owed to me.

And just confirm for me how much you say you retained?---I think it was, out of that, roughly around the 280 mark, if I remember clearly.

40 THE COMMISSIONER: Without reference to any records that’s only - - -?
---Oh, no, because that was for MCR. That was for the, My Caffeine Romance.

Yes, but you’re not suggesting that you can’t remember with any precision how much Dubois got and how much you got, you - - -?---No, I, I remember that it was over 400, when he gave me the cheques, and then he was like, “Oh, can you just give me the difference and you take the money I owe you?” I’m like, “Okay, not a problem.” So, I think it was - - -

How much do you say he got, or can't you say?---Well, no, I can say. It was, it was over 400, so at least 120.

At least 120 went to Dubois, you say?---Yeah, yes, yeah.

But it could have been more.---More. So whatever was over 400. I'm, I remember that.

10 MS SPRUCE: Mr Goldberg, I want to take you to the second Wilkins Corp account.---Yep.

So that you refresh your memory as to that account. So you recall I told you a moment ago that the first account was closed on 18 April, 2013?---Yep.

And then if we go, please, to volume 6, page 122.

THE COMMISSIONER: That's volume 6, is it?

20 MS SPRUCE: Volume 6, yes.

THE COMMISSIONER: Page?

MS SPRUCE: 122. Do you see, Mr Goldberg, this is the account opening form for a subsequent Wilkins Corp account opened by Ms Abdelkarim?---Yep.

And you asked her to open that account, didn't you?---Of course I did.

30 And then you'll see that on this occasion Ms Abdelkarim is the only signatory on the account, as opposed to the previous one, where you and she were both signatories, correct?---Okay. Okay, yep.

And the reason that you chose not to be a signatory on this account was, firstly, that it wasn't necessary because Ms Abdelkarim would follow your instructions in respect of the operation of the account, correct?---Sorry, were you there with us at the time?

I'm asking you the question.

40 THE COMMISSIONER: Mr Goldberg - - -?---No, like, honestly, I had a lot of issues with her at the time, okay? So she will close accounts, then she will open up accounts. We have a lot of issues between each other. So she opened it up, I normally do put my name down, but I guess this one she didn't. Do I recall why? No. I did not tell her go do it because you're going to do what you're told, I'm standing over her. Sorry, it was never like that. If she did open up the account, I would have asked her to open up the account.

MS SPRUCE: Correct. The only reason she opened up the account - - -?
---But I did not tell her, “You’re going to go open up the account and you’re
going to do what you’re told.”

Mr Goldberg, the only reason she opened the account was because you
asked her to, correct?---It’s that simple, yes. But - - -

10 And you knew that anything you asked her to do in relation to the operation
of the account, she would do because she was your wife, correct?---She
wasn’t my wife at the time.

Well, she was your girlfriend. And you felt confident that she would, if you
asked her to transfer money in or out of the account, she would do what you
asked, correct?---Correct.

Right. And for that reason you knew that it wasn’t necessary for you to be a
signatory on the account, correct?---Correct. Let’s just finish it off.

20 THE COMMISSIONER: Was there another reason why you didn’t become
a signatory to that account?---Commissioner, there was no talk about being
a signatory or, you know, “You do what you’re told” or any of these kind of
circumstances. I guess the other account was closed for a reason. Maybe
we had an argument at that period and then she reopened up another one.
So there was no actual reason.

30 MS SPRUCE: Mr Goldberg, the other reason that you didn’t want your
name on the account as a signatory was because you knew that the account
was going to be used for an illicit purpose, correct?---No. What illicit
purpose?

Well, the purpose that we’ll see if we go to the details of what happened - - -
?---Okay, let’s go.

- - - in relation to this account. So if we could go, please, to page 4 of
volume 6.3. So, Mr Goldberg, this is the bank statement in respect of the
account that you’ve just seen the opening form of, ending in 0-7-4-7, and it
commences on 20 May, 2013. Now, do you see there that there’s a number
of significant deposits made into the account?---Which were from CBF, yes.

40 And you accept, don’t you, that all of those amounts were amounts that
came from CBF?---Yes.

They were all cheques drawn by CBF, handed to you by Mr Dubois,
correct?---Correct.

And you knew that all of those cheques represented kickbacks that CBF was
paying to Mr Dubois?---Correct, which is none of my business.

And you held a belief that that was not your business.---Of course not.

But you had an agreement with Mr Dubois that you would take those cheques and deposit them into the Wilkins Corp account, withdraw the full amount in cash and then pay Mr Dubois some or all of that cash, correct?

---To pay back what was the difference of the money that was owed to me, for like the millionth time. Please.

10 THE COMMISSIONER: No, but the idea was to deposit - - -?---He, he just - - -

No, just wait a minute. Deposit into this account cheques made out by CBF?---Correct.

The amounts of the cheques representing, as you acknowledged, containing moneys for kickback or by way of kickbacks for Mr Dubois?---I guess so, yes.

20 And then you would, from those moneys, pay him an amount of cash, is that right?---Well, yeah. He had to ask me to, so I said, "Yeah, okay. Not a problem."

He did. So that was the three-step process, cheques from CBF deposited, money taken out, money split between you and him?---It wasn't split, Commissioner. It was - - -

Or divided or whatever word you want to use, shared between - - -?---It was the money, it was the money owed to me.

30 Yes, I know. You keep saying that but you got a parcel of cash which you'd drawn out of the bank, you're going to count up some and he gets some, you get the other.---I just, I just took out what was owed. I just took out my, I too out - - -

Is that right? You were sharing it out – no, no. Just listen to what I am saying. It's probably fairly self-evident, but that was the process, was it? The CBF cheques would be deposited in this particular account ending in 0-7-4-7, which was opened on your instructions, correct?---Correct.

40 Cheques come in from CBF into that account, they're deposited into that account?---Yes.

And then there's withdrawals from that account by you in cash?---Correct.

Some of the cash went to Mr Dubois, some went to you?---Yeah.

Is that right?---Oh, well - - -

I'm just looking at the physical process at the moment.---Yes.

The reasons, I understand what you have been saying, but that as the process, wasn't it, so far as this account is concerned - - -?---Most of the time - - -

No, no. Just a moment. So far as this account is concerned and in relation to these deposits that your attention's just been drawn to, recorded on the May statement, May 2000s statement?---Yes.

10

You agree with that?---I agree, yes, sir.

That that was the process?---Of the whole – yeah. Of the whole Wilkins Corp, that's what was the process of it.

In that process, what I call the process, the three-step process, facilitated, or assisted if you like, Mr Dubois to extract his, what I'll call, kickback moneys via Wilkins Corp account?---And a little but extra, yes. That's - - -

20

Is that right? Is what I put right?---Yes, that's correct.

So, it assisted Mr Dubois in the sense that the money was able to go through a corporate entity, Wilkins Corp, into his bank account and then you would withdraw it and he gets what he claims was his kickback money entitlement, right?---Yes, yes. But for, for the record, it was not opened for that reason. It had nothing to do with that. It was he owned me money, he gave me the cheques, he goes, "This is the money owed to me Can you" - - -

30

But what I put to you nonetheless was the process?---Yes.

It enabled him, in other words, to be able to ultimately receive money from contractors which he wouldn't have been able to get his hands on if - - -? ---Oh, he was able to - - -

No, no. Wait a minute. If it went directly to an account in his name plainly?---Yeah. Well - - -

Because that would be exposing his scheme - - -?---Of course.

40

- - - which he was getting money on the side, if you like, from being a public official. Is that right?---That's correct, yes.

So, the intervention of Wilkins Corp and its bank account in that sense facilitated or helped him with his scheme. Is that right?---Commissioner - - -

No, no. That is right, isn't it?---It's right to a certain amount.

Well, all right. But without a corporate vehicle to deposit the money, such as Wilkins Corp, he wouldn't be able to receive RMS money himself directly because it would expose him.---That's correct. But also, Commissioner, I made him stop depositing money into MWK. Why would I open up something either in my wife's name or something linked to me to actually do that for him?

10 I understand what you're saying. Whatever the purpose in setting up the account, that's the way it in fact was utilised.---A little bit, yes, in a way.

It might have had other purposes - - -?---A little bit, yes. I did, I'm not denying that.

Well, whatever, if it's a little bit or a big bit or a medium bit, that was the channel through which Mr - - -?---I know - - -

20 Wait a minute. Don't interrupt, please. I'm talking about these three deposits that you've been taken to and I'll just refresh your memory. They were made on 20 May - - -?---I'm, I'm not sure which deposits they were but generally - - -

Well, that's why I'm refreshing your memory.---Like, I'm talking about all generally - - -

Yes, well you just listen now.---Okay.

Just in case, just in case you've forgotten.---Okay.

30 We're talking about the Wilkins Corp account.---Yes.
Opened on your instructions.---Yes.

We're talking about a bank statement you've been shown for 20 May through to 31 May, 2013, and the three deposits. You remember three deposits were shown to you?---Yes. I guess so, yes.

40 The deposits were 56,500, followed by another deposit of 48,000, and another deposit of \$48,503. And they were the entries shown in the bank statement.---Yeah.

Once those deposits had been made, the cash was withdrawn out of the account by you.---That's, of course.

Dubois got some of it, you also got some of it.---Not at - - -

That's right, isn't it?---Okay.

No, no, don't say, "Okay."---No, no, just, no, just so - - -

No, no, stay with me, stay with me.---I am staying with you.

I'm not going to go over it again.---Okay.

I did that for your benefit, so that you remember what deposits we're talking about.---Yes, yes.

10 Once you withdrew the cash, he got some, you got some.---If that's how you want to say it, yes.

So in that sense, you facilitated or assisted Mr Dubois to get his hands on what he claimed was his kickback in moneys without the risk of exposure of him to RMS. Right?---Yes.

20 And of course you appreciated that was the reason why he was wanting to get the money indirectly through this form of transaction using a corporate bank account.---Yeah. Like he knew like, because he owed me money, he's like, "Oh, can you do this, can you do that?"

Yes, I know. But you understood - - -?---He could - - -

- - - what was going through his mind, what his purpose was - - -?---Of course.

- - - was to get his hands - - -?---On as, on as much as money he can.

30 - - - on the kickback money by an indirect route so that he wouldn't be exposed to RMS as to what he was up to.---Of course. Yes. Of course. Yeah.

All right, now, Ms Spruce, I'm sorry, I spent a bit too long on that bank account entry, but I think we now understand the position.

MS SPRUCE: Thank you, Commissioner. Mr Goldberg, I just want to understand your evidence in respect of the amount that you say was owing to you in relation to cafés.---Yes.

40 Now, you said yesterday that in relation to My Caffeine Romance you were owed \$240,000 by Mr Dubois.---200, it was 500, so it's 250, plus refurbished, we renovated the whole place, so that was plus.

And is that how you arrive at the figure of 280? You've been referring today to a figure of 280.---I think so, yes, yeah. I remember clearly it was roughly around the 280 mark.

So you say you were owed 280 in relation to My Caffeine Romance.---Yes.

And how much do you say you were owed in respect of Coffee Boss?---220, I think it was.

THE COMMISSIONER: How much?---220, plus, plus refurbishment as we done, and 180 was for Humphrey's.

Plus refurbishing?---Yeah. Like we renovated the whole shop.

About how much did it put on?---I can't really say about Coffee Boss.

10

You can't say.---I don't know, maybe, I don't know, maybe all up plus 50. I'm not sure exact amount for Coffee Boss.

Yes, you gave some evidence about this yesterday.---Yes.

MS SPRUCE: So Mr Goldberg, you say, do you, that you were owed around \$680,000 in total in relation to the cafés?---If that's what it calculated to, yes.

20

Mr Goldberg, it's the case, isn't it, that you're inflating the cost of the cafés and the amount you say Mr Dubois owed you in order to explain why so much money passed from Mr Dubois' hands into your hands - - -?---No.

- - - and to try and legitimise that occurring.---What am I legitimising? I, I just told you I did give him cash. What, what is there to lie about? I have nothing to lie about. I don't know why you're painting a picture that's completely wrong. I'm very sorry about that, but I am saying the truth. I did take out money and give him money that he put in there as extra. We can keep going with this all day. It's not going to change my answer.

30

THE COMMISSIONER: You didn't give any record of the amounts you expended on these businesses, coffee businesses, Coffee Boss or the other café, Café Romance, did you?---Commissioner, at the time, at, at the time when I had Coffee Boss and all the cafés, I was renting the upstairs apartment that we had turned into an office. So when I did leave, everything stayed there, for all the cafés.

But that doesn't answer my question. Did you maintain any records in relation to expenditure from the businesses Coffee Boss, Coffee Romance?

40

---At the time, yes, not, but not with me.

What happened to them?---I left them there for him. Yeah, with the apartment upstairs, 'cause it was all rented out.

MS SPRUCE: Mr Goldberg, can I take you, please, to volume 6.3, page 2. Sorry, page 1. Thank you. Now, Mr Goldberg, this is a summary document that's been prepared, which summarises the evidence in the bank statements.---Yes.

You understand?---Okay.

And what it shows is that - - -?---Oh, yeah.

This is in respect of the Wilkins Corp account that we've just been looking at.---Yep.

10 Ending in number 0-7-4-7.---Yes.

And you see there the credits.---Yes.

Add up to \$424,553.---Yes.

Sorry, I withdraw that. \$353. And as you said, all of that money came in from CBF. Do you see that?---Yep. Is that, is that 350? Says 424 here at the bottom?

20 Four thousand - - -?---424,000.

\$424,353.---353, yep.

Is the total - - -?---Yes.

- - - of the money that came in from CBF, yes?---Yes.

And you see there in the debits column it shows what happened in respect of the money that came in?---Yep.

30 So you see the total amount of cash withdrawals from the account was \$158,275.40?---Yes.

And once again, to the extent those withdrawals were made by Ms Abdelkarim, she was acting at your request?---Yes.

And handing the money to you?---Yes.

40 And then you see there, there's a reference to a Dubois Suncorp account with the number of 7-1-7-2.---Yes.

That was an account that Mr Dubois held in the name of Minea Cuisine.---Yep.

To which he was the signatory.---Okay.

So do you recall transferring \$8,000 to Mr Dubois into that account?---What was the date? July. Yeah, that would have been when I was finalising the six-month period for him. That must have been.

Finalising the six-month period for him?---Of paying the money, yes. His profits.

You say that was you accounting to him for his profits - - -?---Yes.

- - - in respect of the operation of the cafés?---Yes. So the 8,000, and I got 271 to me, yeah, 280 roughly, yeah, that's correct.

10 And then do you see in the next column there's a reference to a Goldberg Suncorp account ending in 9-4-4-6?---Yes, that's correct.

Now, that was your personal Suncorp bank account - - -?---Yes, I think so.

- - - that you were the sole signatory account?---Yep. Okay, yep.

And that was an account you used for ordinary day-to-day living expenses? ---I think so.

20 And you see there that \$271,150 is transferred by you into that account? ---Yep, and I would have pulled all that out too.

You say you would have pulled all that out?---Of course.

And why do you say that?---'Cause I don't like my money in the bank accounts. Never have.

You prefer to keep your money in cash?---Yes.

30 And, what, you just store it in cash at home?---Store it, use it, make money with it. Do a lot of things with it. I don't like bank accounts. Never have, never will.

And then if we go to page 2, please. Sorry, it's the wrong document, Commissioner. We're just finding the correct documents. Apologies, Commissioner, the correct document is now on the screen. So, Mr Goldberg, I told you a moment ago that you transfer \$271,150 into your own personal account.---Yes.

40 And then this is a summary document summarising the underlying bank statements, which shows what then happened to the money that came into your personal account. And you see that out of that money you transferred \$49,094.79 into Mr Dubois's Suncorp account - - -?---Okay, is that - - -

- - - ending in 7-1-7-2.---Okay, does that include the other 8,000 or - - -

That's in addition to the previous 8,000 again into the Minea account.
---Addition. Well, no, I guess he made the other, yeah, so I guess he made the other 50,000, then. I did do that.

So you say that that again is accounting for profits - - -?---One hundred per cent.

- - - in respect of the cafés?---Minea Cuisine was only made for his, for, for the businesses, cafés, for himself.

10

THE COMMISSIONER: Did you maintain accounts, business records for Coffee Boss?---Yes, at the time for all.

And café - - -?---Yes, we had the - - -

Where are the records?---I left them all in the apartment, in the office upstairs, with the, so Mr Dubois should have all them. There, there was a computer there - - -

20 Did you go back to get them?---No, because - - -

Have you ever asked him, have you ever asked Mr Dubois for the accounts?---No, we haven't because we had the fallout, but he should have everything. There's an office upstairs. Weekly payments, everything.

And I take it you hadn't seen the business records, banking records, including in respect of Coffee Romance, Coffee Boss, since - - -?---Since - - -

30 - - - since you left them upstairs?---Yes, that's correct.

So that's quite some years ago.---Yes.

And you haven't bothered to try and refresh your memory of any of these matters, as to the sources of money generated by either of those two businesses?---Most of the times I was dealing with the accounts, so it was mostly all cash, so - - -

40 Yes, so you have essentially no records as to what payments you got out of the two businesses?---No, at the time, yeah. Yeah, yeah, at the time, we did. Like, we had all the records, had everything upstairs.

But you haven't looked at any records for years in relation to those two businesses?---No, we haven't. No, we haven't, yeah. That's why I thought around 50,000. Turns out to be more. Okay. 'Cause I remember he wasn't happy with that.

So you have no idea of how much money was made in any given year by either of those businesses?---Well, I had them before - - -

No, no, just answer my question.---I had them less than a year, so - - -

Sorry?---I didn't have them for a full year.

No.---Yeah.

10 They were only short-term businesses, both of them.---He took over.

Yes.---Yeah.

So long as you had any interest in them, they were only short-term business propositions, weren't they?---No, they were long-term for us.

Yes. No, but in fact they didn't last long.---Because of the situation we had between each other.

20 So how long did the Coffee Boss, did you have any association with that business for?---I think all up maybe eight months.

Eight months.---Nine months.

And Coffee Romance? How many months?---Maybe a bit shorter. Probably six months.

About six months.---Yep.

30 MS SPRUCE: So, Mr Goldberg, if we could just look again at the document that was on the screen a moment ago. You see that out of the 217-odd thousand that came into your account, and 49-odd thousand goes to Mr Dubois - - -?---Yes.

- - - and it's the case, is it, that the remaining \$222,056 is money that you retained?---Yes.

40 And I take it you say that was money that was owed to you in respect of the café businesses?---Well, the whole amount was instead of giving him cash, the 50,000 that I had at home, I guess I would have just minused it out and gave it to his account directly. So, yes, but all of it was mine. Not sure about the 94.

Now, Mr Goldberg, there's a third Wilkins Corp bank account that gets opened.---Yep.

This time it's opened with the Commonwealth Bank rather than Suncorp. ---That's correct, yes.

Do you remember that?---Yes, yeah.

And this one is opened on 5 July, 2013.---Yep.

And if we could go, please, to volume 6, page 706. You'll see here a business transaction account with account number ending 4-1-0-8 is opened in the name of Wilkins Corp, the Commonwealth Bank.---Yes.

10 And then if we go to page 708, please, you'll see that the sole signatory on this account is Ms Abdelkarim.---Yes.

And if we go to page 707, you'll see that a debit card has been requested in relation to the account in the name of Ms Abdelkarim.---Yep.

Now, once again, Ms Abdelkarim was opening the account at your request, correct?---Yes.

20 And do you recall whether Ms Abdelkarim retained the debit card or did she hand it to you?---I really don't recall that.

And once again, you chose not to have your name on the account as an authorised signatory?---I didn't choose. It wasn't a choice. I just, I guess I didn't put my name. Doesn't mean I had a choice.

And I'm going to suggest to you again that you did that firstly because you knew that Ms Abdelkarim would follow requests made by you in relation to the operation of the account?---(not transcribable) if I were you. Yes.

30 And it suited you not to have your name on the account because you knew you were going to use it for a dishonest purpose?---(No Audible Reply)

Does that amuse you?---Yes, it does. The way you say it. No. Just, I'm going to keep them short answers. Yes and no.

So your answer to the question is no, is it?---No.

40 THE COMMISSIONER: Sorry, to be clear about it. Once this account was opened with CBA she would deposit or withdraw moneys as you requested?---Well, if I said so, yes.

Pardon?---If I told her to.

Yes, that's what I'm saying.---Yes.

If you requested her to do something on this account, you relied upon her to do it?---Yes, yes.

MS SPRUCE: If we could then go, please, to volume 6.3, page 41. I'm hoping this is the correct document. Yes. So, Mr Goldberg, this is the opening bank statement in respect of the third Wilkins account and you see there that on 5 July there's a credit for \$49,350 and again on 11 July, a credit for the same amount. Do you see that?---Yes.

And if we go, please, to page 44, you see there down the bottom that that's the first cheque for 49,350, which is a cheque made out to Wilkins Corp from CBF Projects. Do you see that?---Yes, yes.

10

And then if we go, please, to page 46, you'll see there's the second cheque, \$49,350.---Yes.

Again made out to Wilkins Corp by CBF Projects.---Ah hmm.

So those were cheques that were handed to you by Mr Dubois, correct?
---Yes, must have, yes.

20

And you knew that those cheques were in respect of kickbacks that CBF owed Mr Dubois in relation to the receipt of contract work from the RMS?
---Yes.

And you had an agreement with Mr Dubois that you would deposit those cheques into the Wilkins Corp Commonwealth account?---Well, how did he know it's Commonwealth? I had no agreement with him.

THE COMMISSIONER: What's the answer to the question? Yes, you did?---I did deposit it but I never told him.

30

Did you have an agreement with him whereby you'd deposit these cheques that you're being asked about now into the - - -?---Deposit, yes.

No, just – into the account which you've been shown, which was with the CBA.---Yes.

And your agreement was that you would deposit the moneys and then you would withdraw - - -?---I think - - -

40

- - - an amount – just a moment, haven't finished. And you would withdraw amounts of cash out of that account and he would get part of that cash?---I think he got, I think he got it all.

Sorry? He got it all?---I think he got all of this one because I remember he even transferred 102,000 into this account, and that's when I lost it.

Okay.---It was through the RMS. I pulled it out and gave it all to him. If I'm correct. I'm not a hundred per cent sure about these two cheques, if he got it all, but by the looks of it, most of the - - -

In any event, your agreement to operate this account in the way we've just been discussing - - -?---Yes.

- - - was one way of facilitating or assisting Mr - - -?---Assisting, yes.

- - - Dubois to receive kickback moneys via - - -?---Assist.

10 - - - Wilkins Corp, rather than risk exposure from getting the money directly from CBF.---Yes.

Sorry, from CBF or - - -?---Yes, Commissioner.

And CBF in turn having been funded by RMS. Is that right?---Yes, yep.

So you knew by this time – and we're now talking about July 2013 – that Mr Dubois was heavily into this corrupt scheme, is that right?---Yep.

20 And you were willing to aid in assisting him in that scheme?---Not in that way, Commissioner. But, yes.

No, no, but you did in the way we've been discussing. That is - - -?---In the way, yes - - -

30 No, no, no. I haven't finished. But in the way we've discussed. That is to say this account would be opened, the CBF cheques would be banked into that account, you'd withdraw the cash. And in this case I think you've said the whole of the money withdrawn went to Dubois?---I think so, yes. I think this account - - -

And in that way by, as it were, cooperating with Mr Dubois as he wished, you were assisting him to give effect to his scheme for receiving kickbacks without the risk of him being exposed by receiving them directly.---You can look at it that way, yes.

Is that right?---Yes. Well, common sense - - -

That is right, is it?---Common sense, yes, but - - -

40 Yes, okay.--- - - - I didn't do it that way.

No, but you knew. That's why he was asking you to funnel it through this process, so that he wouldn't be exposed.---In a way, yes.

And in that way you came to appreciate, certainly by this time, when you say you got the whole of the amount, money, he was heavily into this scheme of ripping off RMS. Is that right? Yes, I know you laugh. It might

be funny from your point of view, but - - -?---No, like, he ripped them off, but - - -

- - - from RMS's point of view I don't think it would have been very funny. ---I think in his eyes he earned it.

Anyway, coming back to the point. On this occasion you said he got the whole lot, two amounts of 49,350.---As my recollection.

10 You certainly knew by then he was into a serious business of getting - - -?
---He was making a lot of money.

I haven't finished. Yes, making a lot of money, use your term, from RMS.
---Yep.

Indirectly disguising how he was getting it.---Yes.

20 Why would you continue to assist him in a scheme of that kind, which was a scheme obviously designed to rip off RMS?---Well, first of all, my intentions weren't helping him to do so. That's why I stopped him from doing it to my company, but - - -

But why would you assist him in that way?---Well, at the time he was my business partner in multiple businesses.

So because you trusted him as a business partner at the time?---Of course we did. We both trusted each other.

30 And because he was a business partner, you decided to help him so far as the RMS money was concerned?---Of course it's in black and white, but at the time it wasn't something, "Oh, can you do, launder this for me," or, "Can you do this for me?" It was like, "Oh, listen, I've got this cheque," or, "I got this cheque," or two, whatever they are, "Can you just please deposit them for me?" And, and I did.

Point of my question is this, I'm simply asking you – you've conceded that you did assist him in the way we've been discussing.---Yes.

40 I'm just trying to understand, why would you continue to assist him in his corrupt scheme?---Commissioner, we're around for around a year, not even, and we left him.

I'm sorry?---We were only around for roughly a year, and we left each other, like, this didn't last, because we were just sick of it.

But why would you help him in this scheme, you - - -?---Oh, he was, he was like a brother to us. This guy used to eat, sleep, drink at our house. Like, we trust, it was a trust.

Okay. So because of your relationship that you had with him, which was a close relationship.---Yes, and the business.

And that explains why you were going along with him receiving these, having the cheques routed through the account that we're talking about. ---Yes.

10 And enable him to get his hands on the RMS money, to maintain his cover. ---Yes.

And your explanation as to why you would and did help him was that he was very close to you. He's a very close friend, if not regarded almost as family.---At the time. At the time, yes.

20 MS SPRUCE: Mr Goldberg, in the discussion you just had with the Commissioner, you referred to 'us', "Mr Dubois was very close to us, and we were only involved in the scheme for a short period." I take it you're referring to you and Towfik Taha.---When I referred as 'us', I meant my whole family, that he was part of my family, where he will enter, eat, sleep, like practically part of the family. You know, us, the way we are as a family, okay, if you eat with us on a table, you're one of us. There's no difference, we don't look at you as a liar or anything. You know, it's just the way we are, we trust each other automatically, as being, our background, that's how we are with each other.

And you also agreed in your discussion with the Commissioner that you'd assisted Mr Dubois to receive the payments.---Of these ones, yes.

30 Of these ones, in respect - - -?---I've, as my recollection, I did know I had a really big argument, first of all, over the 102,000 that came through the RMS to this company, to this Wilkins Corp, that, yeah, that, and I think these two cheques weren't mine. So most likely they were there and that they were his, so I would have pulled them out or got someone else to pull them out, and hand them over to him, and - - -

40 Well, we'll come to that in a moment, but what I just want to ask you now is, in addition to assisting Mr Dubois to get the cash from the scheme to him in the way that you've agreed with the Commissioner you did - - -?---Yes.

- - - you were also directly involved in the corrupt scheme, weren't you, because you were doing RMS work through MJ Wilsons?---We did that one, one contract.

There were six contracts awarded to MJ Wilsons.---Okay, there were six contracts that, end of the day, as a businessperson, I made a bit of money out of it. I wasn't corrupt. I didn't see no part of it being corrupt.

So you had two roles in relation to the scheme, didn't you? One was as an RMS contractor, paying kickbacks to Mr Dubois, and receiving profits for yourself for doing very little or no work, correct?---How is that kick – no, there was no kickbacks. You keep coming back to kickbacks. He was a partner.

10 Well, call it a cut.---It was a partnership. There was no kickbacks. A partnerships gets equal profit. That's exactly what happened with MJ Wilsons. I said that to you several times yesterday. I'll say it again today.

And what I'm asking you, if you could just listen to my question - - -?
---There was no kickbacks.

- - - is that through MJ Wilson and you getting work for doing little or nothing and paying a cut to Mr Dubois - - -?---I don't have to do anything to make a cut.

20 - - - you were directly involved in the corrupt scheme. Do you agree?---No, I don't agree.

And the second way in which you were involved is in the way we're seeing in respect of these bank accounts whereby you assisted Mr Dubois to convert kickbacks that he received into cash, and you funnelled the cash back to him.---X amount, yes.

30 And now, if we could go back, please, to page 41 of volume 6.3, you see this was the bank statement we were looking at a moment ago in respect of the two amounts for \$49,350 that came into the account from CBF. Correct?---Yes.

And you said that it was your recollection that on this occasion, all of the money went to Mr Dubois?---I think so. I'm not 100 per cent sure.

I understand, it was a long time ago. So let me just assist you to refresh your memory. If you have a look in the debit column, you'll see that on 10 July there's a withdrawal of \$49,000 from the account.---Yes.

40 And then if we could go, please, to page 49. You'll see that there's a bank cheque made out to you.---Okay.

Do you recall that?---Well, I guess then that came to me. I guess I was wrong because I didn't, I can't remember it.

And so that would have been organised by Ms Abdelkarim at your request?
---I guess so.

And you don't recall receiving that. Is that what you're suggesting?---I, no, I don't to be honest. I don't really remember.

But you accept, looking at it, that that money must have come to you?
---That must have come to me then. So I guess I was wrong that that went to him.

And so did that represent a fee or a payment that you received from Mr Dubois in return for assisting him to access the cash?---So he paid me \$49,000 as a fee?

10 I'm asking you whether – you have agreed with the Commissioner that you were assisting Mr Dubois by taking cheques that were in the nature of kickbacks, effectively converting them into cash and passing the cash back to Mr Dubois.---No. I - - -

And I'm asking you whether you received anything firstly - - -?---For doing that? No.

- - - as payment or reward for doing that job?---No.

20 And you say you don't recall what this \$49,000 amount was for?---No. Actually, I, I really don't. Maybe I, I can't – maybe there was still money owing. I'm not one hundred per cent sure but I can't really recall.

And then back to page 41, please. And so you see there, on 10 July, the \$49,000 which is the bank cheque to you.---Ah hmm.

And then on 17 and 18 July there's two withdrawals of 30,000 and 19,000. ---Yep.

30 So another \$49,000 comes out of the account?---Yep.

And that's withdrawn in cash and you say, do you, that that was given to Mr Dubois?---Like I said to you, I can't be a hundred per cent sure about these ones.

THE COMMISSIONER: So some of it could have found its way back to you and some of it went to him?---Possibility. I don't, I, I really don't recall these ones at all.

40 MS SPRUCE: And then if we could please go - - -

THE COMMISSIONER: I take it you'd from time to time withdraw this money yourself or sometimes Mariam would do it?---Yeah. Most of the times. It depends. Like, this account was underneath her name so she would do if I had told her to.

MS SPRUCE: If we could go then to volume 6.4, page 6. And Mr Goldberg, you'll see there this is something you've referred to earlier in

your evidence where you recall an amount of \$102,300 being credited to the Wilkins Corp account from the RMS?---Yeah.

Now, that was a very unusual occurrence, wasn't it, because Wilkins Corp wasn't in fact an RMS contractor?---That's correct.

And never did work for the RMS?---No, never.

10 Now, do you remember yesterday I showed you a letter? And I'll take you back to it, which was volume 6, page 736. Now, do you recall I showed you this letter, and you can take a moment to read through it.---I read it yesterday.

I appreciate you say you haven't seen it before but just so you can understand the context in which that payment from the RMS turns up in the Wilkins Corp account. Somebody under the name of Mark Abraham has written a letter advising that MJ Wilsons Projects Pty Ltd has new bank account details, and when the new bank account details have been supplied, the BSB number is the number relating to the Commonwealth Bank at
20 Bankstown and the account number, ending in 4-1-0-8, is the account number of the Wilkins Corp account held at the Commonwealth Bank. But the account name has been described as MJ Wilsons Projects Pty Ltd, even though the details of the account are in fact in relation to a Wilkins Corp account.---Yep.

And you say you've never seen this letter before?---Never.

And you have no recollection of Mr Dubois telling you that he was going to do this?---No whatsoever.

30 Well, if we go back then, please, to volume 6.4, page 6. As I understand the position up to this point, you've had three bank accounts in the name of Wilkins Corp, correct?---Yes.

And the way in which those accounts have operated is that Mr Dubois hands you cheques, and the cheques are deposited into the account.---Yes.

And then separately to that, you've got one bank account in the name of MJ Wilson, and in respect of that account, money comes by direct electronic
40 transfer from the RMS.---Correct.

So it must have been a surprise to you to find \$102,000 suddenly turn up in this account, transferred from the RMS.---Yep.

And so how did you become aware of that having occurred?---When, when, after it happened, I guess, I guess my ex had told me I think at the time or afterwards that there was money in there. And when I did speak to Alex about it, he reckons he done it by accident, that he had transferred money

that belonged to I think MJ Wilsons still outstanding for one of the jobs that the money was supposed to be transferred. And he transferred them over accidentally to this account. How it happened, I guess we'll see in the other letter that he, he must have drew up himself and sent it through to himself. Nothing to do, to do with me whatsoever, or Wilkins Corp.

So you say you had a conversation with Mr Dubois and you asked him why this money was in this account.---Yes.

- 10 And were you asking him that because you wanted to know what he wanted you to do with it or were you - - -?---No, I wanted to know why is the RMS money coming into this account.

So you were confronting him, in effect, about why this money was here?
---Of course. Because automatically money's coming into this account through RMS, with no RMS work happening. That could be a fraud charge. That's what I looked at at the time, what's going on. He reckons it was a mistake, that he will fix it up.

- 20 So you say, certainly by this point, when the \$102,300 comes in, you start to hold the view that perhaps - - -?---The cracks were showing between the lines about many things by then.

- Perhaps the role that you're playing in this scheme in relation to depositing money and receiving money into bank accounts and returning it to Mr Dubois, you'd become aware by this time - - -?---It was just the way I looked at it – and I'll be very clear and honest about it – it's like the little bit that he was using me, like in a little way, for bits and pieces. Because he knew I was against it. That's why I had shut them down on MWK. I was
30 against them using companies for these reasons. And I guess I let him slide here and there, but nothing to the extent like, like this. Like, when I seen that, that was like, wow, still not happy about it.

- THE COMMISSIONER: In what way did you think he was using you?
---At this time, because every time will ask me, oh, if he gave me the cheque for outstanding amounts, there'll always be extra money on top and, like "Can you give me the extra money? This is what they owed me, and they wrote them out like this, I'm sorry," and he'll hand them over to me. So I'll take them, deposit them, take what's owed and give him the rest in
40 cash, which I at the time didn't want to do, but I did do it because he was my friend and I accepted to do it for him. But this is the, yeah, the RMS, man, that was a bad one. There was no reason to do it to this account. MJ Wilson was still open. Why he did it, I guess youse can ask him.

MS SPRUCE: So, Mr Goldberg, what then occurred in the conversation you're referring to with Mr Dubois?---Like I just told you.

Well, what did he say to you about what you should do with that money?
---He said it was a – of course I did exactly what I wanted to do with that money. I pulled it all out and I gave it to him. That’s exactly what I did, because that wasn’t my money owed to me. That wasn’t my money. That was his money.

Just explain that to me, because Mr Dubois told you that that money was a payment from the RMS that should have gone to MJ Wilsons.---Correct.

10 And that it had come into this account by mistake.---By mistake, yes.

Now, MJ Wilsons was the company that you were using to do work for the RMS through.---Yes.

And you gave evidence yesterday that you never saw any quotes or invoices or documentation in respect of the jobs that the RMS awarded to MJ Wilson.---No. That’s correct.

20 And that notwithstanding that, you would receive a cut of the proceeds of the jobs that MJ Wilson did for the RMS.---Correct, but - - -

So, by the evidence you’ve given so far, your understanding would be that this is another payment, one of many, that has been paid by the RMS to MJ Wilson in respect of a contract that presumably you knew little about, but that wouldn’t have been any different from the normal circumstance.
---Didn’t bother me.

30 And so why wouldn’t you hold the view that part of this was money that was owed to you - - -?---No, because I already - - -

- - - as your cut of the partnership between you and Mr Dubois - - -?
---Because I already got my 100,000 from MJ Wilsons. I already got my money from MJ Wilsons. So that was my cut. He reckons that was money that was still outstanding for the contract that, work that had been done.

40 So is it your evidence that you had a partnership with Mr Dubois whereby MJ Wilson would put itself forward for RMS work?---For the main contract that we were talking about that didn’t happen, yes. And he did this contract alone.

But I just want you to be clear, was the agreement you had or the partnership you say you had with Mr Dubois that whether MJ Wilson was awarded one or six contracts, Dubois was going to pay you \$100,000?
---That was the cut for this job. He said that, “The profit of it, we’re going halfies, you get around 100 grand.” So I got 100, he said he got 100. The rest of the money was for the subcontractors, like I’ve said.

But, sorry, when you say that was the cut for this job, are you referring to the job - - -?---The whole six.

- - - in respect of maintaining the TIRTLs that never happened?---Not, maintaining the TIRTLs? That's - no.

Doing landscaping or - - -?---No. That didn't happen yet. This job was for the six contracts that he got paid. So I was making 100,000 on the six contracts that he was going to take care of it all himself.

10

I see. So after it became apparent that the job maintaining the landscaping around the TIRTLs was not going to come your way - - -?---No, no, no, that was in the work in the process.

That was still supposed to be in the pipeline.---In, after, at, towards the end of July, I mean, sorry, the end of 2013, that's when we were going to get that contract, after July, the new - - -

20

So is this the case - you had an agreement with Mr Dubois that that job, maintaining the grass and the landscaping around the TIRTLs, was in the pipeline?---Yes.

And prior to that coming to fruition, there was a number of contracts, as it turns out, six?---Yes, as one, he told me it was one. I didn't know there was six, but yeah.

I see. So Mr Dubois told you there was - - -?---A contract.

30

- - - a different contract that he could send the way of MJ Wilson?---Yes.

And that MJ Wilson would get paid a certain amount of money in respect of that contract?---Correct.

And that out of the money that was paid, you would be able to retain \$100,000?---Correct.

And the rest of the money you were to return to Mr Dubois.---Yes.

40

And you understood that that was partly so that Mr Dubois could pay the subcontractors, who he was going to organise?---Yes. Yes.

And another part of it would be his cut.---Correct.

THE COMMISSIONER: Is it the position that he didn't end up engaging any subcontractors, and there was no work done under that contract?---I, I actually found that out in the inquiry. He, and he had double dipped by giving it, those contracts to CBF.

So, just to be clear about it then, the six contracts, which you were going to get 100,000, involved work for RMS, but no work was actually done, there was no subcontractors employed to do that work?---That was all him. Yeah. I didn't know.

So in other words, it was just a blatant fraud.---For him, yeah. He's the one that did that.

10 That he was - - -?---Mmm, and then I - - -

- - - through your company putting forward this contract for approval.
---That's correct. Yes.

And if approved, the arrangement was you'd get 100,000 out of it.---Yes.

But you say no work was ever done, and it - - -?---I understood that through the inquiry, and that CBF had done the work. I guess he had double dipped. That's what I've understood.

20 But so that it was a total fraud, in other words.---Well, yeah, that's what I've understood from the inquiry. Yes.

No, on your account, on your account.---Yes.

And you knew from the outset it was going to be a fraud on the RMS, didn't you?---Well, at the time we were in partnership and I thought he – he said that he was doing all the work but - - -

30 But you knew he wasn't really going to do the work and you knew that?
---To be honest, no. Because he's the one that always, most of the time when we used to always be sitting out and having dinner, talking, he would be the one that, "Oh, I have to organise contractors for this job." Like, even all the other contractors, he was the one organising the subcontractors for it.

But you understood this whole proposition from which you were to get 100,000 that was put up by Mr Dubois was a fraud?---No. It was, at the time I thought it was all legit.

40 Well, it became very clear to you shortly after - - -?---Through the inquiry.

- - - when the contract came into existence that it was a fraud?---Through the inquiry I did find out. All this time - - -

How soon after the contract was made did you become aware of the fact Mr Dubois was not going to do the work and nobody was going to do the work?---I, Commissioner, I thought the work was done. I didn't realise until the inquiry, listening to the inquiry that the work had not been done. Before that, I always through he had done he work. So really, he's put

myself in, like, risk by committing a fraud. I would never accept that. It's one thing inflating prices and another thing not doing the work.

You're saying that you were not party at all to the fraud?---No, I wasn't. I honestly wasn't. I didn't do no, no quotes, no invoices. He told me from, from the get-go he will take care of everything, he will do it all.

10 Why would your company be involved if it wasn't going to do anything?
---Like I've said it yesterday, Commissioner, the whole point why he said he's organised this contract to be done was for the, like, to make a bit of money so we don't have to spend our money to buy all the machineries we need for the landscaping contract. That was the whole point of these contracts that were done.

Yes, Ms Spruce.

20 MS SPRUCE: Mr Goldberg, as I understand your evidence, you say that you didn't know the details of any contract work undertaken by MJ Wilson?---No.

30 So that if it was the case that Mr Dubois subcontracted it out, you didn't know about that?---No. I, we went, like I said, we went once, he came past my café, we'd jumped in the car, we went to Lucas Heights, Henry Lawson Drive and I think another site, or a couple on Henry Lawson Drive. I'm not sure how many we went to. And he was talking about, and he took photos and talking about what needed to be done about asphaltting. Not that I understand at the time, nor to be honest, nor did I care. I'm like, "Okay, you do what you need to do." He was like, "Yeah, I'm going, we're going to do this, we're going to do that." I'm like, "Okay." And that was the only time I was involved in that contract or knew anything about it. The quoting system, invoicing, whatever youse call it, all that paperwork, or even fixing up the paperwork for the RMS, the signing stuff, that never came to me and at the same time, which meant that never came to Mark because he never knew Mark. So he had organised everything on his end.

So, if that be the case that in respect of some MJ Wilsons jobs no work was done at all, you say you don't know anything about that?---That's what I heard from the inquiry. No, I didn't, no. Whatsoever.

40 I understand. Now, in respect of what you've just explained, if I could just take you, please, to volume 6.4, page 3, which is the MJ Wilson bank account.---Yes.

And you see there that on 21 February, there's a payment for \$198,000.
---Yep.

And when that arrived in the account, you would have assumed, wouldn't you, that that was the payment for the one contract that you thought MJ

Wilson was doing with Mr Dubois?---Okay. The time, the way it was explained to me, there was the several sites but it's one contract. I did not know it's separate contracts. So, I don't know how it worked, the system or how, whatever he did. I didn't know that it's six different contracts, six different purchase orders, what I've understood from the inquiries.

10 THE COMMISSIONER: Well, were you working hand in glove with Mr Dubois to obtain this 198,000 that was deposited on 21 February?---So when the money did come in, he did call me and tell me, "Oh, the money's been transferred. Can you pull it out so I can pay contractors?"

Yes, but before it came in, did you have an arrangement with him to obtain from RMS that amount of money based on some supposed contract entered into?---He told me it was like 1.2 million all up.

Are you saying you had no involvement in any enterprise with Mr Dubois to obtain this \$198,000?---As a partnership to, that the work was getting done, yes.

20 And what was the project for which this \$198,000 was paid?---I, there were six sites. I don't know which one's which.

You don't know?---I never seen anything, Commissioner. All I know is 1.2, he was going to take care of the work, and he'll be left with 100 and 100 for me. That's all I ever understood from it.

So as you understood it, MJ Wilsons Projects Pty Ltd - - -?---Yes.

30 - - - were being paid by RMS the sum of \$198,000 and you had no idea as to what the contract was for which RMS were paying \$198,000, is that what you're saying?---There were six sites.

No, no, no. Stay with me. Is that what you're saying?---I don't know for which site that was, no, of course not.

You don't know what it was for?---No. I knew it was six sites.

40 Is that what you're saying?---Yeah, I knew there were six sites. That's the only thing I knew. And I took, I went off his words. So whatever he said, I'm like, okay, sweet. Didn't think he'll do that. Piece of shit.

MS SPRUCE: And, Mr Goldberg, the same is true, isn't it, of the next payment from the RMS that you see there on 25 March.---Yes.

For \$194,535.---Yep.

You didn't know what contract that was in relation to.---No, I didn't.

You didn't know what, if any, work had been done.---No, I didn't.

And it's the same position, isn't it, in relation to each of the deposits made into the MJ Wilsons account by the RMS.---That's correct.

So that - - -

THE COMMISSIONER: So you got a share of 198,000 on both occasions?---A hundred – sorry? I just got 100,000 out of the lot.

10

Is it possible that you got a lot more than \$100,000?---Commissioner, if I got a million dollars, what's the difference? I will say it straight out.

Is it possible that you were paid, through the scheme that Dubois was operating, much more than \$100,000 over the period of time?---Not on the, no.

Hmm?---No. This was the deal between us. He told me that it was a hundred grand each profit. The rest was - - -

20

Did you keep any records as to how much he paid you from these contracts?---This contract, just a hundred thousand for me. That was it.

Did you keep, did you keep any records?---No, I didn't. The record's right there.

So you're just acting on recollection at the moment?---No, like, no, we knew it was a hundred thousand. That's all I know. That's the only thing I made with him, profit out of these contracts.

30

You kept no records of what payment he made to you?---He didn't make payments. I took the money from the accounts.

Yes. You made no record of how much you were taking out of the cash that you withdrew from the accounts?---I took all the money out and I very clearly – and it wasn't shoeboxes by the way, he'd say that I gave him out shoeboxes.

40

And you made no account as to how much, out of the money you withdrew, you gave to him and how much you kept for yourself?---Yeah, I did. I gave it to him. I gave him - - -

Did you keep any records?---No.

No.---(not transcribable)

Never? Never ever? Hey?---What for?

Oh, yes. All right.---There's no need for it.

Yes, it's very funny. I appreciate why you're laughing.---Sorry. It's just there was no need for records.

You find it very amusing, don't you?---No, Commissioner.

Well, why are you laughing?---Because there was - - -

10 Why are you laughing?---Because I was just trying to explain to you - - -

You don't see this as serious business at all, do you?---No, because I was trying to explain it to you - - -

You think it's just a game, don't you?---How's this a game?

Well, why are you laughing?---Because I was trying to explain it to you that the only record of it all was he was the one that sorted all the paperwork out, like I've said from yesterday and today.

20

Yes, sure.---So I have no recollection of any paperwork coming to me.

So what's funny about that?---So he had everything.

What is funny about that?---I've just been saying it, like, from yesterday and today.

Next question, Ms Spruce.

30 MS SPRUCE: So, Mr Goldberg, just in fairness to you I want to make sure I've got this correct. You say that Mr Dubois told you that there was one job that would come to MJ Wilsons - - -?---Correct.

- - - while the other TIRTL maintenance job was in the pipeline.---Yes.

And that the total value of that job would be around \$1.2 million.---Correct.

And that out of that \$1.2 million you were able to retain \$100,000.---That's right.

40

In effect for doing nothing other than an initial visit to the site with Mr Dubois.---Yes.

Which you described yesterday as more of a social visit.---Yes.

Now, you mentioned a moment ago in your discussion with the Commissioner that the cash you gave Mr Dubois wasn't in a shoe box. ---Yep.

And you're referring, I take it, to the evidence Mr Dubois gave that you would come around to his house on occasions with a shoe box?---Yes.

With around 100,000 or \$200,000 cash in it?---Yeah. That's what he said.

But it's the case, isn't it, that you did pay large amounts of cash to Mr Dubois?---Yes.

10 And so how do you say that occurred? Do you say it was not made in a lump sum payment?---Yes, is was.

It was made in a lump sum payment?---Of course it was.

And do you say it was one lump sum payment?---Two lump sum payments for this - - -

Two lump sum payments.---For this, yes it was.

20 And do you recall how much each of those lump sums - - -?---500. 500, each one in a bag. If he doesn't remember, if he's listening, it was a black bag with gold Lonsdale on it.

So the same bag each time?---Same bag, yes.

So the first time you gave Mr Dubois \$500,000 in cash in a black Lonsdale bag?---Yep.

At Mr Dubois' home?---Yep.

30 And Mr Dubois obviously emptied the bag in your presence to give the bag back to you?---That's correct, yes.

And did you see what he did with the cash?---He counted the money.

He counted the money?---Yes.

And then did you see where he put the money?---No.

40 So you then left?---Yes. Oh, we both left.

And do you recall approximately when that first amount was given to him? ---I guess when I first reached the first 500 I gave it to him in one big lump, lump sum. So just check out the dates.

Just explain to me why you believed you were paying him \$1 million. Where did that figure come from?---He came up with that figure, that's how much it cost the subcontractors to do the work. That was, he told me that's

how much it cost. I'm like, "Okay." I don't know. I'd never dealt with it before.

Just so that we're clear, this \$1 million that you gave Mr Dubois in two lump sums in the Lonsdale bag is in respect of the money that came into the MJ Wilson account?---Correct.

In relation to RMS work?---Correct.

10 Separately to that, you gave Mr Dubois cash in relation to money that came into the various Wilkins Corp's accounts?---Wilkins Corp, that's correct.

So at the moment we're just talking about the money that came into the MJ Wilson account?---Yes.

And you say that that money was returned to Mr Dubois in two lump sum payments?---Correct.

20 In a Lonsdale bag?---Correct.

And you say that the first payment was made when there was \$500,000 available in the MJ Wilson account?---That's correct.

Now again, just to be clear, when the first RMS payment came in of \$198,000, did you take your share of 100,000 out of that?---No, no. The money that I pulled out, the cash, the majority of it was for him. Like, from the beginning. Because he needed to pay off the contractors. So he was like - - -

30 I see. So you understood there was some urgency for Mr Dubois to get the money to pay the subcontractors?---That's correct.

And that your 100,000 could wait and come at the end?---That's correct. Along those lines.

So, well when you say along those lines, is there anything - - -?---Yes. No, no - - -

40 I want to understand. So if there's anything that's not correct.---No, no. Along those lines, that's correct.

So, Mr Goldberg, by the time half a million dollars comes into the account, you make the payment to Mr Dubois?---Yes.

And just explain to me if there was some degree of urgency about paying the subcontractors. Is there a reason why you waited until you'd accumulated \$500,000?---That's exactly what he wanted.

So you were just following instructions - - -?---Exactly what he told me to do, yes.

- - - from Mr Dubois about the way in which he wished to receive the money?---That's correct.

And then is it the case that after a subsequent \$500,000 has amassed in the MJ Wilson account, you then put that money in the same bag?---Yes.

10 And drove it over to Mr Dubois' house?---That's correct.

And gave the money to Mr Dubois?---Ah hmm.

And I take it he counted it in your presence?---Yes. And I think it was missing \$350. I couldn't stop laughing at him.

And so he asked you to give him an additional \$350, did he?---Yes.

20 And then, Mr Goldberg, do you recall accompanying Mr Dubois to an auction at the Tradies at Gymea in June 2013?---No, he came along with me and my father.

I see. So you and your father were going to an auction.---And my brother, yes.

And your brother. Which brother was that?---Mustafa.

Christopher?---Mustafa.

30 Mustafa.---Yep.

And was Mr Dubois there as a friend of Mustafa's or a friend of yours or a friend of the family? Why was he there?---No, no, he was, he was at my parents' house. Like, we were all there. And this auction happens once a year, I think it was, and we were going there and he tagged along.

I see, and it's a jewellery auction, is that correct?---Yes, that's correct.

40 And what was the purpose that you were going there for?---I was looking for a diamond ring.

For a particular reason? To propose to Ms Abdelkarim?---I was getting engaged, yeah. Sorry, not a diamond ring. Diamond.

And so if we could go, please, to volume 6.5, page 5.---(not transcribable)

You see that this is a tax invoice from First State Auctions, which lists a number of pieces of jewellery that have been purchased.---Yes. Yes.

And it's in the name of John Goldberg.---Yep.

And that's your address at Greenacre listed there.---Correct.

And so does that cause you to recall that this is jewellery that you purchased at the auction that night?---Yes.

10 And do you recognise, you see there's handwritten annotations on the document? You see someone's written "H, H, H, tick, tick, tick" and some calculations?---Yeah.

Do you recognise that handwriting?---No, I don't. It's not mine.

Now, it's the case, isn't it, that Mr Dubois called you Humphrey?---Yep.

And this – I withdraw that. It's the case, isn't it, that on that night - - -?
---That day.

20 - - - out of the jewellery that you purchased, some of you purchased for Mr Dubois?---No, I didn't purchase for him. I, like, he bought his own what he wanted. I bought what I wanted. It wasn't a gift from me to him. And when we went back home that night, it was during the day, the auction. It wasn't at night-time. It was during the day. It was like 10.00am it started. He paid me back what he, his stuff were. I never, ever gave it to him as a present like what he said. Never. So make that very fucking clear. Piece of shit.

30 All right, well, just to be clear, you say you went to the auction together, and a number of items were purchased at the auction.---Yes.

And they were all purchased under your name.---Correct.

And paid for by you on the night.---Yes. I had the money.

40 All right. And then you say that – I withdraw that. Did you have an arrangement with Mr Dubois that you entered into at the auction that he would pay you back for the items that you paid for on his behalf?---Yes, of course. He paid me back that same day, yes.

And were you paying for the items in cash?---If I remember clearly, I think so it was in cash. I always had like at least 50,000 on me on a daily basis, so I must have paid in cash. I'm not one hundred per cent sure.

And you say, I take it, that Mr Dubois needed you to pay for the items because he didn't have means to pay with them on him?---Oh, no. He never had money. Yeah, he never had money on him.

And so looking at this document, can you recall whether the items that have an H against them are the items that you purchased for yourself? Would that stand for Humphrey, do you think?---Well, his first name is Hassan, my first name is Hussein. I don't know if those were mine. By the looks of things, they are mine 'cause I think I did by that pearl diamond pendant, but I'm not one hundred per cent sure of what was mine, what was his. But he bought the majority.

He bought the majority?---Yes.

10

And so do you have any recollection of approximately how much he repaid you in respect of the jewellery?---Honestly, off my head, I think it was, I don't know, I can't, I can't exactly tell you the amount. I don't really don't know the exact amount, but, yeah.

Well, Mr Dubois' recollection was that it was that you purchased jewellery for him, he says, of around \$20,000.---He's nothing but a fucking liar, okay? It's that simple. It did not happen. I did not give him any gifts.

20

Well, all I'm asking you at the moment is whether you, that helps you to recall that perhaps the amount that he owed you in respect of the jewellery, you say, was around \$20,000. Or do you have no recollection about the amount?---I did not give him any gifts. He came along with me, he was my mate. He bought stuff for himself, and I bought stuff for myself. He goes, "Fix it up, I'll pay you later on when we get home." Sweet.

I understand that. I'm just asking you whether you recall - - -?---I know, I know, but I'm just trying to explain to you what happened between me and him, and my father was there too.

30

I understand. I'm just asking you whether you recall how much you believe Mr Dubois owed you in respect of the jewellery.---I, I don't know exact amount, honestly. That I don't know. I know, like, I don't know the exact amount.

Now, the document that we're looking at on the screen was found in Mr Dubois' safe when a search warrant was executed by the Commission on 18 June, 2019.---Yep.

40

Do you have any idea why the document would have been held in Mr Dubois' safe?---Well, I guess when I, he took his jewellery, I must have given it to him.

And do you recall also giving him various other documents?---I think they came with - - -

Certificates of authenticity and the like.---Yes, yeah. Like, he grabbed them there, as we were there, so when we bought them, like, he grabbed all this

stuff automatically. And I grabbed my stuff. So it's not like I walked up and go to him, "Oh, here you go, mate, this is a present." No. That never happened between us. Oh, dude, fuck. I didn't know he was my boyfriend, go buy him jewellery. Fucking pissing me off.

Now, Mr Goldberg, do you understand that at the conclusion of this inquiry myself and Senior Counsel Assisting will make submissions to the inquiry about factual findings that should be made?---Yes.

10 And you understand that we'll make submissions not just in respect of Mr Dubois' conduct but also in respect of the conduct of other people involved in the scheme, including you?---Yes.

And so as a matter of fairness to you, I want to put some propositions to you in relation to your involvement in the scheme, and you can tell me whether you agree or disagree with them.---Yep.

20 And before we do that, you understand that when I refer to the scheme, I'm talking about the arrangement whereby Mr Dubois awarded RMS contracts to friends and family, rigged the quoting process to ensure the contracts were awarded to his preferred contractor, and received payments by way of kickbacks from the contractors. You understand that?---Yes.

Now, it's correct, isn't it, that you knew about that scheme?---Yes.

And you knew all of the details of how the scheme operated?---So much of it, yes.

30 And it's the case, isn't it, that you told Mr Dubois that he should no longer use MWK as an entity to receive kickbacks from the scheme?---Yes.

And the reason for that was because MWK was a company registered in the name of your brother?---That's correct. He was using my brother.

And also that MWK had a bank account to which Mr Dubois was a signatory?---No. Not because of that, no. Only one reason, because it was my brother's company and he was using him. It was that simple. I didn't care if he had his name on it, it's none of my business. I didn't care.

40 You didn't care whether payments could also be traced to Mr Dubois?---To - yeah, I don't care.

Notwithstanding that he was your friend and like a member of the family. ---End of the day, he knew what he was doing. It's that simple. He - - -

And you also gave Mr Dubois advice that Australian Technology Group should no longer be used as an entity through which Mr Dubois provided his services to the RTA.---I never gave him advice, no, whatsoever.

And I suggest to you, you also advised Mr Dubois that he should open a clean company to provide his services to the RTA.---No, that never happened.

And Mr Dubois, following your advice, and with your assistance, established Davencorp Pty Ltd.---He asked me to ask my accountant to open a company for him. That was my only involvement with that. I never assisted him. I never told him to do so. That was his own decisions,
10 nothing whatsoever to do with me. Just to make that very clear.

Well, you organised for the registration of Davencorp for him through your friend and accountant Mr Metleg.---Like I said, yes. That's all I did. He asked me to.

And you offered to take Australian Technology Group off his hands?
---Because he didn't want it no more.

And to effectively liquidate it?---He didn't want the company anymore so I
20 took the company.

And that's why you became the director of Australian Technology Group on 20 January, 2013?---Not because of liquidation, no. No, nothing to do with liquidation. I said that yesterday and I'll say it again. If I was going to liquidate or if I had much knowledge about all that, why didn't I do it to MWK to begin with, if that was my primary concern? That's just blatantly lies from his mouth.

Now, sometime late in 2012 or early 2013, you had a meeting at Mr Dubois'
30 house with Mr Dubois, yourself, Mr Alameddine, Mr Hadid and Mr Chahine?---Yes.

And you advised Mr Dubois either prior to that meeting or at that meeting that any contractor companies that had made payments into MWK should no longer be used as RMS contractors for the purposes of the scheme.---No. I never advised him and – how can I come up with that?

And you advised Mr Alameddine that Areva Corp should no longer be used as an RMS contractor because it had paid moneys to MWK.---No. Never.
40

You knew, didn't you, that Areva Corp was Mr Alameddine's company?
---Yes, of course I did.

And the company he used to do RMS work?---Yes, yeah. We were very close but I never at any time – that meeting happened for one reason and one reason only. MWK was not to be, anyone to put any more money into it. It was getting shut down and they had to find their own conclusion of where they want to go with their own money to pay their kickbacks to him.

They're not going to be using my brother's company anymore. So he had to sort it out with them. That's why they were all dirty at me, because I stopped it from happening.

Well, it's the case, isn't it, that you offered to liquidate Areva Corp for Mr Alameddine?---No. Never offered liquidation for any of these companies whatsoever.

10 And that's the reason, isn't it, why you became a director of Areva Corp in mid-2013?---No. That wasn't the reason why I became the director of that company whatsoever. Did I liquidate it? No. We got that company for one reason, so we can offload it because it was a vendor for the RMS, so we can sell it, so we can put it up for sale. That was the only reason why we got that company. He wasn't going to use it anymore and we were going to sell it because he still owed me, there was, I think he still owed me a little but more money but that didn't end up happening. I did not at any time give him advice. I didn't know I'm a financial adviser for these people. They started before me in 2009 and they continued until 2019.

20 THE COMMISSIONER: All right. You've made your response. Yes. ---These people, mate.

You deny the proposition that was put to you?---No. Of course, oh, yes.

You deny the proposition that was put to you about Areva Corp?---Yes, Commissioner.

Okay, that's all. I think we've got the message. You dispute it, yes.---? ---Well, because I'm in gaol I'm the easy target for everyone.

30 Yes, you continue.

MS SPRUCE: Mr Goldberg, you took over Areva Corp and you requested that Mr Alameddine pay you an amount of \$40,000?---No. No. That talk had, never had happened. I never asked anyone. Okay. As, as I heard through the inquiry too, that I hit them up for money – if I want to hit them up for money, what would I hit them up for 40,000? I knew what they were making. No.

40 Well, Mr Goldberg, what I suggest to you - - -

THE COMMISSIONER: I think we got the message.---Sorry, Commissioner - - -

No - - -?---I'm just a bit frustrated.

Just giving you the opportunity to respond to the propositions that are being put.---Yeah. I know. I'm just frustrated, that's all. I'm very frustrated because absolute lies.

You understand these propositions are being put to you so that you will have the opportunity of responding?---Of course, yes.

10 You don't have to give the whole story around it but you can make clear what your response is.---Sorry. It's just frustrating because they've, they've been lying to me.

Firstly you deny it and secondly you made clear what your view is or what your evidence is.---Okay.

MS SPRUCE: Now, Mr Goldberg, I suggest to you that you told Mr Alameddine that you could take care of the taxes for Areva Corp because you knew people in the Taxation Department and you could organise for the taxes to be paid at a reduced rate. Do you agree?---No. The only thing I've done with them for the – they went and seen my other tax agent in
20 Merrylands and they were dealing with him direct. Nothing to do with me. They were dealing direct with the accountants.

And I suggest to you that Mr Alameddine did pay you \$40,000.---No.

And that you didn't use that money to pay any taxes in respect of Areva Corp.---He never paid me any money, no, sorry.

30 And at the same meeting you advised Mr Chahine and Mr Hadid that their company, Complete Building Fitout should no longer be used as an RMS contractor because it had paid money into MWK?---No.

And you offered to liquidate that company for them.---No.

And you requested that they pay you \$40,000 for the payment of taxes - - - ?---Bunch of dogs.

- - - in relation to Complete Building Fitout.---No.

40 And Mr Chahine and Mr Hadid refused your request and did not hand over their company to you.---None of that happened.

Now, Mr Dubois also paid you an amount of around \$40,000 in relation to the payment of taxes.---Wow. Wow, okay. Taxation. No, that didn't happen. None of this happened.

And your brother, you recall, Mr Taha, also says, and I put to you that it's the case, that he paid you around \$12,000 in respect of the payment of taxes for TTS.---With, with my brother, it was directly with my accountant Omar.

All the other guys, I sent them to an accountant in Merrylands, ATS Tax Experts. They can go deal with him. I never dealt with their stuff. I never got involved with their stuff. It was none of my business. Just to make that very clear. They're all following the same line.

Just to be clear, you say you did organise the payment of taxes for Areva Corp and Mr Dubois?---No. I never organised the taxes.

10 Well, you directed them to a particular accountant, is that correct?---They needed an accountant. I go, "Go use that guy, he's good."

All right, but you say you didn't actually receive money from them?---No. Zero dollars.

Now, the next thing I want to suggest to you is that having advised that MWK was not to be used - - -?---Yes.

20 - - - to receive kickbacks from the scheme, you effectively became the architect of a new scheme for laundering money paid by contractors as kickbacks to Mr Dubois.---How's that? No, I didn't.

The features of that scheme were, firstly, that each contractor should pay kickbacks into the bank account of a separate entity, rather than all of the contractors paying kickbacks into one entity, as had occurred with MWK. ---They were using my brother. I put a stop to it. The way they wanted to pay him is, Counsellor, is their issue and their problem between themselves and Mr Dubois. Don't drag my brother into it. And when I did find out, we put a stop to it.

30 The second feature of the scheme that you proposed was that each entity - - -?---Feature?

- - - should receive kickbacks – I withdraw that. That each entity which received kickbacks from the scheme should be one which was in the name of a third party unconnected to Mr Dubois, and unconnected to any person who was working for Mr Dubois as an RMS contractor.---No.

40 And the third feature of the scheme that you proposed was that Mr Dubois should not be a signatory to the bank account of any entity which received money - - -?---No.

- - - by way of kickbacks from the scheme.---Swear to God, none of this stuff had happened, okay?

Well, what I suggest to you now, Mr Goldberg, is that in order to put that scheme into effect, you took over control of the Ibrahim Transport bank account. Correct?---Mate, that was money owed to me with Hassan. That

was something completely separate to do with RMS. That has nothing to do with RMS. It was a personal matter. Ask him.

And the reason you took over that bank account was because Ibrahim Transport was a company in the name of Mark Abraham, who was a person unconnected to the corrupt scheme. You agree?---Look, look, no, if youse want the honest truth, I'm telling youse the honest truth, okay? I suggest to you, sorry, you're completely wrong. That was money owed to me. It was a business deal between me and Hassan. It had nothing to do with RMS
10 work relation of any kind of anything whatsoever.

And I suggest to you that you used the Ibrahim Transport account to deposit kickbacks paid by cheque from Areva Corp - - -?---No.

- - - into the account.---No.

And you then withdrew the money paid into the account in cash so that you could pay those kickbacks in cash back to Mr Dubois.---No.

20 And - - -?---Clearly, even when you had asked Mr Dubois about this, he had no knowledge of it. And I'm telling you no one had knowledge of it is because it had nothing to do with RMS.

Well, Mr Goldberg, I suggest to you that the evidence you gave yesterday about the amounts Areva Corp paid into Ibrahim Transport being in respect of a boat loan, of a loan that you made to Mr Alameddine in relation to a boat purchase, was untrue.---That's your suggestion. Maybe you should keep your opinion to yourself.

30 And that the sole reason that you took over operation of the Ibrahim account was in order to use it for the purpose of assisting Mr Dubois to funnel money from the corrupt scheme - - -?---No, I did not.

- - - back to Mr Dubois.---No, I did not. I had no involvement.

I suggest to you that the next thing you did was register a company called Wilkins Corp in your wife's name.---Here we go.

40 You agree?---Yes, I do agree on that.

And the reason that you registered it in your wife's name was to ensure that that company was not registered in the name of any person who was an RMS contractor, which included yourself. Correct?---I wasn't a RMS contractor to begin with. So why didn't I do all this in my name? Why didn't I do it in my name? I guess you have all the answers. Why am I sitting here for? If you have those answers.

And Mr Goldberg, the evidence you gave yesterday about establishing Wilkins Corp for the purpose of running a family day care office with your wife was untrue?---Okay, why don't you check the record after that the company we opened for her, called My Little Angels? It was called My Little Angels. Have a look at the company that was registered underneath her name afterwards.

Mr Goldberg, please respond to the question.---I am responding.

10 You can just agree whether it's true or untrue.---Okay, no.

You say that's not true.---No, what you're saying.

And the next thing I want to suggest to you is that your sole purpose in registering Wilkins Corp was to create a second entity that could receive payments from the corrupt scheme to be funnelled back to Mr Dubois.---No.

20 And for that purpose, you opened three bank accounts, acting through Ms Abdelkarim, in the name of Wilkins Corp. You agree?---Yes.

And I suggest to you that the reason you opened three different accounts was to reduce the amount of money that was travelling through any one account?---No, what difference would it make?

And you deposited cheques from CBF Pty Ltd in the nature of kickbacks into those accounts?---In the nature of money owed to me, yes.

Do you agree or disagree?---As a kickback, no, not all of it, no.

30 And you then withdrew the money in cash or otherwise transferred it back to Mr Dubois.---I never transferred it to him. The money that was owed to him that was his cut was given to him in cash. He never wanted accounts.

And you knew that the scheme you were assisting Mr Dubois with was a corrupt and dishonest scheme. Agree?---No, I don't agree. Had no involvement with his situation.

40 And you knew that your involvement in the scheme was also dishonest. Do you agree?---No.

And Mr Goldberg, in addition to assisting Mr Dubois to launder funds from the corrupt scheme, it's also the case, isn't it, that you through MJ Wilson became an RMS contractor?---No.

You don't agree that you became an RMS contractor through MJ Wilson. ---No. I did become a RMS contractor, but not for the reason of helping him out, no.

Well, I suggest to you that you approached Mr Dubois and told him that you wanted to receive RMS contracts.---No. Honestly, no.

And you established MJ Wilson for the purpose of doing RMS work.---Yes.

And you put that company into Mr Abraham's name in order to conceal your involvement in it.---There was no concealing. But yes, as a partner, yes. It was part of it.

10 And you wanted to conceal your involvement in it, because you knew that the scheme you were entering into was a corrupt and dishonest one.---No.

And from the money that you received in the name of MJ Wilsons from the RMS, you paid a cut to Mr Dubois.---A partnership equal payment, yes.

And that cut was effectively a kickback to pay Mr Dubois - - -?---No.

- - - for securing RMS contracts to MJ Wilson.---No. No.

20 Commissioner, the next and final matter I wish to ask Mr Goldberg about requires a variation of the section 112 direction that you made in respect of a compulsory examination that he attended on 1 December, 2020.

THE COMMISSIONER: Sorry, the date?

MS SPRUCE: 1 December, 2020.

30 THE COMMISSIONER: Yes. Being satisfied that it is in the public interest to do so, I hereby vary the direction made on 1 December, 2020 pursuant to section 112 of the Independent Commission Against Corruption Act 1988, concerning the evidence given to the Commission on that day by the witness, Mr John Goldberg, also known as Hussein Taha and also known as Adam Malas, M-a-l-a-s, in a compulsory examination on that date, so as to permit the transcript of that evidence to be made available by way of upload to the restricted website for Operation Paragon for the purposes of examination by Counsel Assisting and for access by parties who have been granted leave to appear and to be represented at this public inquiry, but not otherwise publish or communicate the evidence.

40

VARIATION OF SUPPRESSION ORDER: BEING SATISFIED THAT IT IS IN THE PUBLIC INTEREST TO DO SO, I HEREBY VARY THE DIRECTION MADE ON 1 DECEMBER, 2020 PURSUANT TO SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT 1988, CONCERNING THE EVIDENCE GIVEN TO THE COMMISSION ON THAT DAY BY THE WITNESS, MR JOHN GOLDBERG, ALSO KNOWN AS HUSSEIN TAHA AND ALSO KNOWN AS ADAM

MALAS, M-A-L-A-S, IN A COMPULSORY EXAMINATION ON THAT DATE, SO AS TO PERMIT THE TRANSCRIPT OF THAT EVIDENCE TO BE MADE AVAILABLE BY WAY OF UPLOAD TO THE RESTRICTED WEBSITE FOR OPERATION PARAGON FOR THE PURPOSES OF EXAMINATION BY COUNSEL ASSISTING AND FOR ACCESS BY PARTIES WHO HAVE BEEN GRANTED LEAVE TO APPEAR AND TO BE REPRESENTED AT THIS PUBLIC INQUIRY, BUT NOT OTHERWISE PUBLISH OR COMMUNICATE THE EVIDENCE.

10

MS SPRUCE: Thank you. Mr Goldberg, you recall attending a compulsory examination at the Commission on 1 December, 2020?---That's correct.

And on that occasion you swore an oath - - -?---Yes.

- - - to give truthful evidence.---Of course I did.

20 And it's the case, isn't it, that you didn't give truthful evidence on that occasion?---I'll make it very, I'll make it very clear. On that day, okay, I, I was locked up, I've been locked up for the last five years. When I came into that room, so many things, 90 per cent of the things I did not even remember. Questions that Mr Downing was asking me, I did not even remember. The only reason why I have so much knowledge of it now is because of all this inquiry, and I've been following it step by step. At that time, documents that even that were signed by me I was not even able to admit to it because I did not know. I had zero memory.

30 THE COMMISSIONER: Now, I'll ask the question be put to you again so that you can answer it.

MS SPRUCE: Mr Goldberg, if you could just answer yes or no.---Yes. Yes, I did give, yes.

It's the case, isn't it, that on that occasion you didn't give truthful evidence?---To my best knowledge, I did, yes.

Well, I'll take you to some specifics.---Yes.

40 At page 1571 of the transcript, at point 21.---Ah hmm.

You said that you had no knowledge of Alex Dubois over his 10 years at the RMS awarding contracts to people in return for kickbacks.---Okay, yes.

And that wasn't true, was it?---Like I said, my brain was completely locked down. So if I did say that - - -

THE COMMISSIONER: No, just a moment.---Yeah.

Please answer the question so I don't have to ask it to be put a second time.
---No, I'm making it very clear, Commissioner.

Put the question again, please.

MS SPRUCE: Mr Goldberg, when you told the Commission that you had
no knowledge of Alex Dubois over his 10 years at the RMS awarding
contracts to people in return for kickbacks, that wasn't true, was it?---At that
10 time I had zero memory, yes.

THE COMMISSIONER: If you'll answer the question.---Yes, I am
answering the question. I did say that.

Was it untrue?---No, it wasn't untrue. That's what my memory.

Was it true?---At that time, Commissioner, my memory was very bad.

Was that truthful evidence, do you say?---At that time I answered what I did
20 know.

It's being put to you as untruthful evidence. Do you agree?---At that time,
my answer to it - - -

Do you agree?---Okay, let's agree to it. Say yes. I'm just explaining to you,
it's - - -

You accept the proposition in the question, but I'm trying to get an
explanation as to why you gave untruthful evidence.---Yeah, because I was
30 completely blocked out.

Please don't talk over me. Are you accepting the proposition in the question
- - -?---Yes.

- - - but you're seeking to give evidence as to circumstances which would
explain or justify why you gave untruthful evidence, is that what you're
seeking to do?---That's, yes, that's correct, yes.

So, as I understand it, then, you accept the proposition that the evidence
40 that's just been quoted to you from page 1571.21, was untruthful evidence?
---Yes.

And you seek to rely upon the matters you've already told us about as some
form of explanation?---Like, yeah.

Is that right?---I had zero memory of everything. I'd been in gaol for too
long, yeah.

Yes, next question.

MS SPRUCE: And, Mr Goldberg, at transcript 1571, at point 29, you said you'd never learnt from either Alex Dubois or Towfik Taha that Towfik Taha's company, TTS Group, was getting contracts from Alex Dubois and paying kickbacks.---Well, if I did say that, okay.

THE COMMISSIONER: Is that truthful?

10 MS SPRUCE: That was untruthful evidence.

THE COMMISSIONER: It's been put it wasn't true.---It wasn't true because – sorry. I was shut down.

Firstly, you accept that?---Yes, yes.

Now you want to add something?---Yes. Because at the time, Commissioner, and I said it very clear, I was honestly shut down mentally and my memory wasn't good. I was, I'd been locked up for a very long
20 time and I had no recollection and being asked all these questions was overwhelming at the time. That's why I'm here today and yesterday and every answer is out there. I've agreed to everything that I do know.

Thank you. Yes.

MS SPRUCE: And at transcript page 1571.34, you said you were never involved in obtaining RMS work and never involved in paying kickbacks to Mr Dubois in return for that work. And that wasn't true, was it?---But I, I never gave kickbacks but I did agree, I think after lunch, when I did go back
30 in, I had remembered MJ Wilsons. Mr Downing was there, if that was correct. I had forgotten, I remembered MJ Wilsons.

THE COMMISSIONER: All right. I'll have the question put again and if you'd answer it directly.

MS SPRUCE: Do you agree or disagree that the evidence you gave, that you said you were never involved in obtaining RMS work and in return paying kickbacks was untrue?---Yes.

40 You agree that it was untrue, is that right, when you say yes?---Yes, yes.

And at transcript 1572.10, you told the Commission on that occasion that the first time you ever heard any suggestion that Mr Dubois was awarding contracts to people he knew, and in return getting kickbacks was in the witness box for your compulsory examination on that day. And that was untrue.---That's correct – oh, that's untrue. Yeah. But I, and all that stuff, I don't remember it all from that day.

And at transcript 1572.41, you gave evidence that you knew Hassan Alameddine but that you had no knowledge that Hassan Alameddine, through his companies, was doing RMS work and that was untrue?---Yes. For everything that I did say at the time, I was blanked out, yes. Not that it was untrue, that's all I had recalled.

And at transcript 1575.13, you said you had no recall of Towfik Taha saying, in 2012, that he was paying kickbacks to Alex Dubois via TTS.
---Correct.

10

And that was untrue.---I didn't remember anything back then. I'm not here to disagree with that whatsoever.

THE COMMISSIONER: It's being put to you it was untrue.---Yes. Because at the time, Commissioner, I literally did not remember anything. All these matters are black and white. Like, there was no knowledge.

MS SPRUCE: And, Mr Goldberg, at transcript 1573, you denied knowing about Complete Building Fitout and said you had no knowledge of
20 Complete Building Fitout Pty Ltd or CBF Projects Pty Ltd and that was untrue, wasn't it?---No that was actually true because I only recalled all that during this inquiry what CBF was, Complete Building Fitout. I didn't know until the inquiry.

THE COMMISSIONER: It's being put to you that at the time you gave that answer, that answer was untrue.---No, that was true. I didn't, I remembered that during the inquiry, CBF.

30 Which inquiry?---This, as I was watching it, CBF.

Well, let's take your mind back to the date, which is 1 December, '20, as to what was in your mind then and what you said then.---At that time - - -

Just a moment. I'll have the question put to you again so that you can recall what the question was about.

MS SPRUCE: Mr Goldberg, at the compulsory examination you were asked whether you had ever heard of the company Complete Building Fitout Pty Ltd and you answered no and you were also - - -
40

THE COMMISSIONER: Was that true or untrue?---Yeah, no. I didn't recall it at the time. I did not recall it.

MS SPRUCE: Well, Mr Goldberg, you've given evidence today that at the time that you were receiving cheques from Complete Building Fitout and CBF Projects that you knew at the time who those companies were?---Yes. But at that day, at that time of December, I did not know who Complete

Building Fitout was. That's what I'm saying. You asked me on that day, I answered you for that day.

THE COMMISSIONER: But you did know who Complete Building Fitout was at the time of receiving the cheques?---Yes.

What, you claim now that you had forgotten that you knew when you were asked about it on 1 December?---Yes. That's correct.

10 MS SPRUCE: Mr Goldberg, in respect of the untruthful evidence that I have put to you was given at your compulsory examination, I understand you say that you had problems with recall.---That's correct.

But I suggest to you that in each of those instances you were being deliberately dishonest. Do you agree?---No, honestly no. I put my hand on the Qur'an and that means something to me. I'm very honest. No. That wasn't happened, no.

20 And the reason for your deliberate dishonesty was to minimise your involvement in the scheme and your culpability.---Commissioner, can I answer properly to that question?

THE COMMISSIONER: Sorry, I was distracted for a moment. Would you put the question again, so - - -

30 MS SPRUCE: The question was, I'm putting it to you, and you can agree or disagree, that the reason that you were dishonest during your evidence at the compulsory examination is because you intended to minimise your involvement in the scheme and therefore reduce your culpability in relation to the scheme.

THE COMMISSIONER: I'll allow the question.---Can, can I answer that properly, Commissioner?

You answer the question, please, that's being put to you.---Okay. Okay. It's very - - -

40 Now, there was a reason why you were giving untruthful evidence, was to minimise your responsibility. Do you agree with that?---I, no, I don't, because at the time I did not recall anything. And everything is in, of course recorded, or with paperwork. If I did remember, I would had said yes. I wouldn't lie.

In effect it was being put to you that you were giving untruthful evidence in the compulsory examination in order to minimise your involvement in the scheme and matters relating to it.---Yeah. No, no, Commissioner. Zero. Nah. None at all. It was just gobsmacked with it all in one go.

MS SPRUCE: Mr Goldberg, in addition to those matters, there's a number of significant inconsistencies between the evidence you gave at the compulsory examination and the evidence you've given yesterday and today.---That's correct.

For example, in the compulsory examination, you gave evidence that the price of My Caffeine Romance was \$200,000, \$100,000.---Did I say that for My Caffeine Romance? My Caffeine Romance was actually 500.

10 I'll just find the reference for you, Mr Goldberg. So Mr Goldberg, this is at page 1,569 of the transcript.

THE COMMISSIONER: Sorry, 1,000 - - -

MS SPRUCE: 569 of the transcript. At the start of the page, you were asked the purchase price of Coffee Boss and you say that was \$200,000. ---Yeah, it was 240, but yeah.

20 But then you were asked, with the other café, My Caffeine Romance in Kirrawee, "How much was the purchase of that?" And you answered, "\$100,000."---Oh, that's, well, by mistake, it wasn't, My Caffeine Romance was doing 150 kilos a week of coffee. You can't get that for 100,000.

And the evidence you've given over the last two days is that the price of that café was in fact \$500,000.---Like I said, yeah, it was \$7,000 profit a week.

30 And I'm suggesting to you that you've fabricated the amount of \$500,000, deliberately increased it to try and explain why so much money was coming from Mr Dubois to you.---No, no. Sorry, no.

And Mr Goldberg, you were also asked during the compulsory examination about the Habbouche Family Trust document - - -?---Which I did not recall. Yes.

- - - that bears your signature.---Yes. That's, I remember that very clearly.

You remember being asked about that?---Yes, and I did not recall.

40 That's at transcript 1952.15.---Ah hmm. Yes.

I withdraw that. The CE transcript reference is 1652.41.

THE COMMISSIONER: Sorry, one thousand six hundred - - -

MS SPRUCE: And fifty-two. Point 41. And if we could just go, please, to volume 6, page 80. You were shown this document and you were asked whether that was your signature, where it says Adam Malas.---Yes.

And you said that that was not your signature.---Yeah, I did not recall. I did not recall this whole document.

THE COMMISSIONER: No, no, it's been put to you what you actually said.---Yeah, I, yeah, I know, I yeah.

So just bear in mind so that you don't trip yourself up.---Okay.

10 It is being put to you that the actual evidence you gave was, I understand it, it was not your signature.

MS SPRUCE: That evidence was untrue.---Yes.

Because whether you recall the document, you recognise your own signature, don't you?---Yeah, but it was more, a bit, a little bit different to what I done. I did not remember so I said no to this documents and other documents.

20 Well, I'm suggesting to you that that was deliberately untruthful evidence and - - -?---Okay, the same way I said I don't even remember Adam Malas.

And, Mr Goldberg, you recall that I asked you about a document at page 41 of volume 1.1. You recall I asked you about this document, and you agreed that taha6986@[REDACTED] was your email address and that you'd emailed this document to Mr Dubois.---At the time, I did remember this document as it was shown to me in the other hearing.

THE COMMISSIONER: Just wait for the question. Sorry, what's the - - -

30 MS SPRUCE: That in the compulsory examination - - -?---I did not recall it.

- - - in the compulsory examination, at 1578.21, you told the Commission that taha6986@[REDACTED] was not your email address, and you then said that you didn't even have an email address.---Yep. Did not know how to use - - -

40 I withdraw that. That you didn't even use emails.---I didn't know how to use it. Yeah, that's correct. Like, even to now, I said, yeah, that must have been my email address, but I would not, was the one that forward it forward to Dubois. I said that yesterday too because I don't know how to use it.

But the evidence you gave in respect of that not being your email address was untrue, wasn't it?---I did not remember any of this. 90 per cent of the stuff that was said on that compulsory, okay, I did not remember any of it. I'm sorry, I was blanked out. I would like to see how you would, how you would go after five years gaol. See if you can remember what you ate yesterday. Jesus Christ, man. None of it wasn't intention. I only spoke at

the time what I was able to remember at the time. Afterwards I would go out for lunch and I came back in to Mr Downing and I said, oh, I remembered that one, two, three, MJ Wilsons. Oh, afterwards I kept remembering stuff till this day. Now I know everything clearly.

10 I understand. Thank you, Mr Goldberg.---So I'm very sorry if I did mislead youse at that day, but it was unintentionally and I have no knowledge or recollection of everything that happened. I've been over five years in gaol, okay? I'm lucky to remember what I ate the week before after doing five years of gaol. And that's the honest truth.

Mr Goldberg, I'm just going to give you the opportunity to comment on one final point of inconsistency.---Yes.

Which is that you gave evidence in the compulsory examination - - -?---Ah
hmm.

20 - - - that in respect of the work that MJ Wilson did for the RMS, that Abraham, Mr Abraham did get a cut - - -?---No, I said no.

- - - that he got a percentage of the profits, and that Mr Abraham took photos of the work that was done. That's at 1583.44.---Did I say that?

And you also gave evidence that you then, at some point, took over the job of taking photos of the work that was done, and that's at 1589.21.---Well, that's not true.

30 That was untrue, was it?---Yeah, well, that, that never happened whatsoever. That never happened.

Yes, because the evidence you've given today is that you did nothing at all in respect of the MJ Wilson jobs.---Yeah, that's one hundred percent what I said, yeah, so - - -

And so the evidence that you gave about that at the compulsory examinations - - -?---It's completely untrue, yeah. Well, whatever was going through my head at the time, I don't know.

40 THE COMMISSIONER: Why would you mislead the Commission on that point?---For that, for that, Commissioner, I still don't remember. I'm, I'm just freaking out - - -

It's been read back to you as to what you then said on that occasion - - -?
---Yes.

- - - in the compulsory examination on 1 December, 2020. You acknowledge it was not truthful.---Yes.

Why would you have told an untruth about that?---Initially, Commissioner, like I had said, I don't recall 90 per cent of that stuff. I didn't even recall about Wilkins Corp at that day or even remember all that, 'cause I went back stressing out about all these things, trying to remember. I did not recall even what's Adam Malas as a company doing. It's all in those transcripts, Commissioner. Like, 90 per cent of the stuff was completely out of whack. It wasn't one or two things.

10 MS SPRUCE: All right, and Mr Goldberg, finally at the compulsory examination, you gave evidence about the process by which MJ Wilson obtained work and organised for that work to be done.---Yes, I remember that.

You remember that. And you - - -?---I remember that it was supposed to be, as I remember, Ozcorp or whatever it was, Country Pavement was mentioned, 'cause I was just going off what I remembered from Dubois.

20 And you gave evidence to the effect that you would obtain from the subcontractors the price of doing the work? That is, you would get quotes from subcontractors yourself.---Yes.

And that you would then add a little bit on top, you said, to cover taxes and the like.---(not transcribable) yeah.

And you said that although it was Mr Dubois who put you in contact with the subcontractors, it was you that obtained the quotes from them, and that you then gave them to Mr Dubois.---That's correct.

30 And that he then put together the written quote.---Yeah, that's what I said at the time. That's what I thought I said had happened.

Yes, and you also said that he then – I withdraw that. That you then organised for the subcontractors to go out and do the work.---That's what I had - - -

40 THE COMMISSIONER: It's been put to you that that answer on those matters was untruthful in the CE. Do you agree or accept that that was untruthful.---Yes. Oh, one hundred per cent that was – yes, one hundred per cent it is, Commissioner.

MS SPRUCE: So it's clearly inconsistent with the evidence you've given about that matter yesterday and today.---Well - - -

And so you say, do you, that it's the evidence you've given yesterday and today that should be believed?---Yes, one million per cent.

THE COMMISSIONER: Wait a minute. Just you keep cutting people off, with respect.---Sorry, sorry. I'm just, yeah, just agitated 'cause that, that is untrue.

It's been put yesterday the evidence you gave is inconsistent with the evidence you gave in the compulsory examination about your arranging the work, and you accept it was untruthful.---Yes.

Now, the next proposition.

10

MS SPRUCE: You say that the correct version of events is the evidence that you've given about those matters yesterday and today?---Everything I've said yesterday and today is clearly one hundred per cent of what I remember happened step by step. Not just recollection, one hundred per cent, yes.

20

THE COMMISSIONER: The question is why would the Commission accept your evidence yesterday and not accept the evidence that you gave on that matter in the CE?---Because on that day too, if we go back to that day with what I've said too, I've said I don't remember. Like, I couldn't remember anything, Commissioner. I didn't, my - - -

No, you didn't say, "I don't remember." You gave - - -?---I didn't lie about one - - -

- - - you gave an untruthful answer.---Not about one or two things, about, about a million things because I actually couldn't remember anything. I was completely blanked out.

30

So you accept that - - -?---I, I accept it.

- - - you accept that during the course of the compulsory examination on 1 December, 2020, you gave untruthful evidence on many matters?---Yes, yes, of course. Of no, not intentionally, of me not remembering.

And it's being put to you that you intentionally gave untruthful evidence - - -?---No, it wasn't intentionally.

40

- - - just so there's no misunderstanding.---No, it was not intentionally. None of it was done intentionally.

No, no, well, you've already accepted that the evidence that - - -?---I did say those - - -

You've already accepted that the evidence that's been put to you from the compulsory examination was untruthful.---Yes. Yes.

And you stand by that, don't you?---Yes. Of course.

Thank you.

MS SPRUCE: Mr Goldberg, just one final matter, you're presently incarcerated in relation to some firearms offences, correct?---Correct. Yes.

And when you were charged with those offences, you were also charged with knowingly making a false statement to the police. Do you recall that?
---Yes. Yes.

10

And although you were not convicted of that charge, you admitted that you were guilty of it and it was taken into account on a Form 1. Do you agree?
---That's correct. Yes.

20

And it's the case, isn't it, that you're in the habit of making false statements whenever it suits you?---No. Not whenever it suits me. At the time there was issues and dramas with people. I wasn't going to give it up, so I did try to protect myself first before giving up information. You know? That's how it went. But I straight away told the police the truth anyway, the second day, sorry, the third day. And there it is right in front of you.

THE COMMISSIONER: You appreciate that misleading law enforcement agencies is an extremely serious matter.---That's why I fixed it up.

No, no, no, just answer my question.---Yes, of course.

You accept that lying is a very serious matter.---Yes. Also my life is.

30

You accept that lying on oath is an even more serious.---1 million per cent on the oath, yes.

When you lie on oath, it's even more serious, isn't it?---Of course. I'm lying to God.

When you're interviewed by law enforcement agencies and you lie to them, that's extremely serious, isn't it?---Of course.

40

And it was put to you that you will lie whenever it suits you in order to minimise the risk, any risk to you.---Commissioner, Commissioner - - -

No, no, I'm just saying, this is what's being put to you, that you will lie whenever it suits you in order to minimise your responsibility or involvement. How do you respond to what I've just put to you?---No.

You reject that?---Yes.

All right.

MS SPRUCE: Thank you, Commissioner. I don't have any further questions for Mr Goldberg.

THE COMMISSIONER: Yes, very well. Now, is there any application to cross-examine Mr Goldberg? I note there's no application. Now, Mr Havas, there's nothing you want to raise?

MR HAVAS: No, Commissioner.

10 THE COMMISSIONER: I'm just making sure that I haven't overlooked, that's all.

THE WITNESS: Commissioner - - -

MR HAVAS: No, no. I'm indebted to you, Commissioner, no.

THE COMMISSIONER: Nothing?

MR HAVAS: No.

20

THE COMMISSIONER: All right.---Commissioner, can I just finalise one more thing?

Yes.---I asked for that private hearing yesterday, the thing was to re-sort out what I had said the last time, because I wanted to fix it all up properly, because at the end of the day, this isn't a lie. You can go get anyone from gaol and ask corrective services, I actually was blanked out. My brain was not working at the time. And I do apologise for that time, and I came to do it the right way, I came to do the right thing. I didn't even remember
30 Wilkins Corp. And I wasn't misleading in any shape or form.

All right. Thank you, Mr Goldberg.---No worries.

Now, Mr Goldberg, that completes – there's no reason why Mr Goldberg should not be excused on his summons?

MS SPRUCE: No, Commissioner.

40 THE COMMISSIONER: Mr Goldberg, you're free to go, and you're excused from further attendance.---Okay, thank you.

So if you go with the officers, please.

THE WITNESS EXCUSED

[1.12pm]

THE COMMISSIONER: Yes, I'll adjourn. Are we ready to proceed at, say, 10 past 2.00?

MS SPRUCE: Yes, Commissioner.

THE COMMISSIONER: All right. I'll adjourn until 10 past 2.00.

LUNCHEON ADJOURNMENT

[1.12pm]