

PARAGONPUB00358
14/05/2021

PARAGON
pp 00358-00420

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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 14 MAY, 2021

AT 9.30AM

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

THE COMMISSIONER: Mr Downing.

MR DOWNING: Good morning, Commissioner.

THE COMMISSIONER: Good morning.

MR DOWNING: If Mr Steyn could return to the witness box, please.

10 THE COMMISSIONER: Yes. Thank you. Mr Steyn. I'll have the affirmation re-administered, Mr Steyn.

THE COMMISSIONER: Just take a seat. I confirm that the declaration I earlier made under section 38 of the Act continues to apply to today's proceedings.

MR DOWNING: Thank you.

10 MR CLARK: Commissioner, I'm sorry, Commissioner, could I just briefly mention a matter that Mr Steyn raised with me this morning?

THE COMMISSIONER: Yes, yes.

MR CLARK: Commissioner, in relation to some of the questions, Commissioner, that you were putting to Mr Steyn yesterday, he was concerned that he thought perhaps that you might have regarded him as being evasive. He just wished to place on record, Commissioner, that some of the questions you were asking him were matters that had occurred some
20 time ago and he wasn't actively seeking to dissuade you or to put you off in relation to your line of questioning, and indeed some of the matters he just genuinely did not recall, but as he said, he's attempting to make a full confession in relation to the matters that concern him but he's certainly not attempting to be evasive in any way and he didn't want you to think that.

THE COMMISSIONER: I note those comments.

MR CLARK: Thank you.

30 THE COMMISSIONER: Thank you. Yes, Mr Downing.

MR DOWNING: Thank you, Commissioner. Mr Steyn, over the last couple of days I've asked you a number of questions about your dealings with AA Steel and the Alexanders.---Correct, Counsel.

And also about Lancomm and Mr Rahme.---Yes, Counsel.

Dealing first of all with AA Steel, did you ever inform Mr Dubois of the nature of your dealings and arrangements with AA Steel?---I don't believe I
40 did Mr, sorry, Counsel.

So that is that for instance that they were paying bills for you and providing cash to you. You never told Mr Dubois that?---I don't believe I did, Counsel.

Or did you ever tell him that they were, that there was any arrangement whereby in return for them getting work that they were looking after certain things for you?---I don't believe I had a discussion with Mr Dubois.

Or did you ever indicate to him that with AA Steel that you were directing them to increase the price on their quotes in order to allow a margin for you?---No, I don't believe I did.

Well, as far as your dealings with Lancomm, did you ever speak to Mr Dubois and indicate anything about first of all that Mr Rahme was providing benefits of any form to you?---Don't believe I did, Mr, sorry, Counsel.

10 Or the provision of phones or cash?---I don't believe I did.

And did you ever indicate anything to Mr Dubois about the arrangement with Mr Rahme and J&C Maintenance?---No, I don't believe I did.

I'm going to come to some companies, Peter Manuel Services and PMD Consulting a little later.---Sure.

20 Did you ever say anything to Mr Dubois about those companies and the way in which they were being utilised?---We had discussions initially about, with Mr Duchesne about setting up the PMD.

Right. With Mr Duchesne?---Yes.

But I'm asking about whether Mr Dubois - - -?---Mr Dubois and myself and Mr Duchesne.

30 And what was the nature of that discussion?---When Mr Duchesne was to set up a company where he would work with my father-in-law who was coming to Australia, to do some quality assurance works.

But as far as any - I'm going to suggest to you that perhaps PMD and PMS, and I'll use those acronyms for now, were set up for a slightly different purpose, but do you say you never ever said anything to Mr Dubois to suggest that in any way those companies were being used as a means of receiving kickbacks?---No.

You say there was a discussion with Mr Dubois and Mr Duchesne - - -?
---Yes.

40 - - - along the lines of Mr Duchesne and your father-in-law perhaps going into business together.---Correct.

Now, I've asked you also questions about Mr Hadid, Mr Chahine and Mr Alameddine and the work that they did on various projects at the RMS, including projects that you were responsible for.---Yes.

Did you ever understand that any of those gentlemen, when they were working on your projects, they were allowing any percentage of the bills that they were rendering and being paid for as a form of reward to you?
---No.

10 Did you ever speak to any of those gentlemen about the fact that, or about an arrangement whereby they would set aside a certain percentage from the works that they were, or sorry, from the moneys they were being paid for jobs that you were responsible for, as a form of reward for you?---No, I don't believe.

Did you ever have a discussion with Mr Dubois about that being an arrangement, that is that where they were working on your jobs, that for whatever moneys they charged, they would set aside a certain margin or an amount for you?---No.

20 Did you ever ask Mr Dubois to organise for those gentlemen to pay for things on your house?---No, I believe Mr Dubois said he would take care of it.

So you say that you didn't ever go and approach Mr Dubois and say, "Here are things I want you to pay," that what he would do, according to your evidence is, you would raise a particular item and he would say, "I'll take care of it."---Correct.

And on your version you would then later learn one way or another that it had been paid for by one of the contractors.---Correct.

30 Now, you gave evidence on Wednesday that you believe that what occurred when you were working with Mr Dubois was that you were caught up in a network of corrupt works. Do you recall that evidence?---Yes.

And you identified Mr Dubois as the primary source of your conduct.---Yes.

Thinking about your evidence now, would it be a more accurate description to say that while you had already acted corruptly in your dealings with some contracts before you met Mr Dubois, that perhaps he broadened your horizons in terms of what sorts of conduct might be available?---Yes.

40 And would it be fair to say that through him you saw the scale at which it was possible to obtain a monetary return from your position?---Yes.

And is it fair to say that through him you were introduced to a network of contractors beyond those you were using yourself, that you ultimately used to expand the scale of your activities?---Through Mr Dubois, yes.

And that is that through those other people that you met, the contractors Mr Dubois was using, you were introduced to them and you were then able

through their works to obtain financial returns in return for works they were performing.---Benefits, yes.

Benefits. Thank you. I now want to go to a different topic. You were present in the Commission and you heard some evidence from Ms Alexander on Tuesday about a particular Mercedes-Benz car.---Yes.

10 You would have heard her evidence that while she went to a dealership, Mercedes-Benz Sydney in Alexandria, and was present with her husband and you and that her name was put on the paperwork for a car, that in fact it was you who took it away.---Yes.

Now, is it correct that in late 2018 you sought, through Mr Dubois, to organise for a car that was to be for you or for your wife?---Yes.

Was that to be for your wife or for you?---It was, they were looking for an SUV and he said he had contacts in the car industry and he would get, he would help me get one of those cars.

20 An SUV or a sedan?---Correct, SUV.

Well, the car that was ultimately obtained was a C63 AMG sedan. Correct? ---Yes.

So did you at some point change your mind as to what you were after?---No.

So, all right, let's go through it step-by-step.---Sure.

30 Is it the case that you were looking for a car for yourself or for your wife? ---It was for my wife.

And she'd had a car at that stage I think for some years.---Correct.

Was it a Toyota Kluger?---Yes.

And you were looking to get her a nicer car.---Yes.

40 But it's the case, isn't it, that you weren't looking to get it in the sense of you paying for it?---No.

You agree with that?---Yes, I agree, sorry.

That's fine. Sorry, it's clumsiness in my question. So you approached Mr Dubois, is that the case, to assist you in trying to find a car?---Yes.

I take it you knew that he was someone who had a bit of a passion for cars? ---Yes.

And indeed had some fairly nice cars himself. You were aware of that?
---No. Sorry.

Sorry, were you just aware that he liked them?---I was aware that he liked cars and - - -

And had you spoken to him from time to time about his interest in cars?
---Yes.

10 What did you understand at the time was the nature of his interest in cars?
---He just had a passion for cars and he had friends with cars that used to go out on drives and that, car club drives and that.

As in track drives or - - -?---No, just like when they drive down the coast or something in car clubs.

Okay.---That's what I understood.

20 Thinking about the period when you were working with him at the RMS,
what car did you understand he drove?---At one stage he was driving a little pink Starlet because we used to pick on him about it, and then he had an Audi station wagon car which was always in the workshop being worked on.

Is it the case you weren't aware of him having any luxury cars?---Definitely not from what I've seen, definitely not.

30 In any event, you, I take it, had had some discussions with him over the time you work with him about cars, to the point where you believed he was a bit knowledgeable about them.---Yes.

Did he seem to have contacts when it came to where you could source cars?
---Correct.

Did you have any knowledge as to who those contacts were or where they were located?---No.

40 But in any event, did you ask Mr Dubois if he could assist you in trying to find a car?---Yes.

So initially, was it a Mercedes-Benz SUV?---Yes.

And do you recall what he said at the time?---He had contacts that he dealt regularly in cars, in, through the car clubs and that and he had some friends in Melbourne that had, what do you call it, stock. He said, I think the word 'stock'. And he said he would have a look and have a chat with them and see what stock they had.

And did you understand then at a point in early December 2018 that he in fact travelled to Melbourne in order to look for a car?---He travelled to Melbourne regularly.

But did you receive some contact from him in December '18 to indicate that he was in Melbourne and looking at a car to do with what you'd asked him about?---I believe, yes, I would say yes.

10 Do you recall at the time what he told you was, well, what if anything he told you in respect of the car that you had raised with him?---No. Off the top of my head, no.

Just to put this in time context, I'm going to ask that you look at some documents, please, and the first document is, sorry, volume 20.1 at page 7. I withdraw that, I'm sorry, it's page 14. You'll see this is a Virgin Australia document in Mr Dubois's name, do you see Passenger, it shows him? ---Yes, Counsel.

20 And under Departure Date, you'll see a date. It's in reverse order, but 2018/12/05, so 5 December, 2018.---Yes, Counsel.

And you'll see it shows you a travel or an airline code V-A-8-3-0, and down below you'll see it shows Sydney-Melbourne under Pre-reserved Seats, you'll see it shows Sydney-Melbourne, V-A-0-8-3-0.---Yes, yes, okay.

And what I'm going to suggest is that, in the days that followed, you were aware Mr Dubois was in Melbourne and that he had some contact with you about particular cars that he was looking at.---Might have.

30 Do you recall that while he was down there, he texted you from time to time, called you from time to time, and you communicated from time to time via WhatsApp?---Yes, Counsel.

And was that to do with him looking for a particular SUV of the type that you'd identified?---I wouldn't know exactly what was discussed that day, but there was discussions about SUVs.

40 And had you a particular model in mind that you'd told him you were interested in?---Just – yes.

And what was that?---Was a, I think it was GLC 300 or, or 43 or something.

And did you then get some – do you have a recollection that he then indicated to you that there was a particular different model of Mercedes that he had identified that might be suitable?---Yes, I think so.

And can you recall what he told you?---I, I, I, off my memory, and – just off my memory, I think he said something about there was a, a grey Mercedes, to take that for now, he'd sort it out later.

All right. In that respect, if we could go, please, to the same volume but page 22. You'll see that this is a tax invoice from a dealership in Melbourne, Ezyauto Pty Ltd in Port Melbourne. It's dated 6 December, 2018, so the day after I showed you the travel records for Mr Dubois.---Yes.

10 It's made out in the name of Sandra Alexander.---Yes.

And it's a used 2018 Mercedes Benz C63 AMG and colour grey.---Yes.

And it also shows the purchase price of \$128,500.---Yes.

Now, pausing there, does that sound like the car that you recall Mr Dubois discussing with you?---Yes, Counsel.

20 And did he indicate to you, paraphrasing or summarising, that while the SUV you're after wasn't available, that there was this car that might be suitable, and if you organise for this now, then you can sort out a swap or perhaps a trade later?---Correct.

Now had there been some discussion before this point about Sandra Alexander being the person whose name the car would be put into?---Yes, Counsel.

30 And what was the nature of that discussion?---Mr Alexander said, "Do not register the car in your name."

Sorry, Mr - - -?---Mr Dubois, sorry.

Right.---Alex Dubois.

He advised you of that?---"Do not register the car in your name. Register it in somebody close."

40 All right, well, was that when you had the initial discussion with Mr Dubois about him perhaps assisting you with getting a car?---Along that time frame.

And I take it then it was also discussed that you wouldn't be paying for it. ---Yes.

All right. When you had that initial discussion with Mr Dubois, what was discussed as to who would ultimately be paying for this vehicle?---He would take care of it. Didn't specifically say who. He said he would sort it out.

Did you ask him to have one of the contractors pay for it?---I don't believe so.

Are you sure about that?---I don't believe I, I - - -

You say that he said something – so breaking it down, you indicate that you're after a car.---Correct.

10 And you say he says he would take care of it.---'Cause he had the contacts, he would sort it out.

Well, contacts to be able to source a good car at a reasonable price might be one thing.---Ah hmm.

I'm asking you now, though, about who was going to pay for this car. You understand that?---Yes (not transcribable)

20 And was there an explicit discussion during that first approach by you to Mr Dubois about who was to pay for this car?---No.

Do you say, though, that you went and said you were after a car for your wife?---Yes.

He says he would take care of it.---Yes.

Surely, given that you're talking about a European luxury brand SUV, you'd be thinking about something that's going to be in the realm of \$100,000. ---Sorry, Counsel. To get a second-hand, roughly 60, 60K, 70K.

30 All right. 60 or \$70,000. But still, not an insubstantial amount of money. ---No.

You must have, in your own mind, have given some thought to whether you were going to pay for it or whether someone else might pay for it.---Yes.

And when you approached Mr Dubois, who did you believe was going to pay for it?---He didn't say. He said, "Look, we'll sort it out." And I said, "Well, a Kluger costs 60,000."

40 THE COMMISSIONER: Sorry, did you have some understanding as to who was likely to pay for the car?---From our discussions, he said he would take care of it.

So you understood he was indicating that he would look after the cost? ---Yes. Correct, Commissioner. But - - -

As to how he would manage to pay for the vehicle, did you go into any details as to how he was going to do it?---No, Commissioner.

Just simply indicated that he would make arrangements for the car to be purchased?---Yes, Commissioner. And that discussion wasn't our first discussion. It was over an extended period of time.

MR DOWNING: But you say he says he would take care of it?---Yes, Counsel.

10 But let's go back a step. Certainly by the time that you're speaking to him in December or some point in late 2018, presumably about the car, you'd had an experience over some years of going to him and raising different aspects of the work, literally from getting an architect on board to paying for different materials along the way, where you knew if you spoke to him about things, they miraculously got paid.---Yes, Counsel.

Isn't it the case that you approached him with a view to you not paying, that it would be someone he would arrange would pay?---I don't believe I approached him with that view, but that view certainly came about.

20 Well, it's one thing to approach him, and you seem to have indicated you approached him, because you knew he knew something about cars and where to get them.---Yes, Counsel.

But do you not acknowledge that by going to speak to him about the car, him saying he would organise it – I withdraw that. By even going to approach I'm about the car, you were seeking more than just an insider's knowledge as to where to find one.---Yes.

30 You were seeking that, in effect, you not have to pay for a car that would ultimately be provided for your wife.---Yes.

And you say, though, that he indicated he'd take care of it, but said no more.---No.

About as to who precisely might.---No.

40 Wouldn't you have wanted to know – I withdraw that. You say you assumed, I take it, though, don't you, that it would be one of the contractors.---I would say so.

Wouldn't you want to know who it was that might be providing, in this case, fairly valuable return to you when it came to the provision of a wife for your car [sic]?---No, should I say I turned a blind eye to it.

You didn't think that perhaps knowing who it was, so that you could then look after them with work, would be important to know?---No.

Had you, in the course of this discussion – I withdraw that. You say in the course of the discussion Mr Dubois raises with you the idea that you shouldn't have this registered in your own name?---Yes.

Wasn't something you asked about?---No.

Wanting to keep it distant from you?---No, Mr Dubois said don't, don't register it in your name.

10 And given that it wasn't something that you were going to pay for, and you assumed it was going to be paid for by a contractor, I assume you thought that was a pretty good idea?---Mmm, yes.

And did you suggest Ms Alexander?---He just said to me, "Whoever you've got that's close to you that has cars." I said, "Well, Alexanders have cars." He said, "Well, register in their name."

20 Did you, at the point of that first discussion, speak to either Sandy or Ashley Alexander about the car that was to be bought in Sandy's name?---Yes, I believe I had discussions with Mr Alexander.

And, please, try and tell us, using words as close to what was said, what did you do? Did you ring him up and say to him what?---No, I think we were at a function. I said, "Alex is organising a car and we need to register it in yours or Sandy's name." And he said, "Yeah, no problem."

So was that the extent of it?---Yeah.

30 All right.---I think, sorry, can I – I think he said to register it in his business name, and then changed his mind and said, no, register it in Sandy's name.

THE COMMISSIONER: So can I just be clear on this. When Mr Dubois suggested or came up with the idea that this car would not be registered in your name, you had an understanding as to why he was making that suggestion?---Yes. Yes, Commissioner.

40 And what did you understand was the reason that he was suggesting that it not be put into your name?---I believe the words we used were along the lines of "So it can't be traced back to you."

And you understood that when he was talking about registering the car in this way, so that it could not be traced back to you personally - - -?---Yes.

- - - he was really referring to the need to disguise where the money was coming from, so it wouldn't leave a trail, as it were, between you and somebody else, is that right?---I would say so.

And that was, again, ultimately, however the money was going to be paid and from whom, ultimately it would be the money that came through the RMS money stream to contractors.---Might very well.

Yes, okay, thank you.

10 MR DOWNING: All right, can I ask, then, that you go, please, to volume 20.1, page 19. And you'll see that this is, again, it's a download from a phone, and it's Mr Dubois's phone in this instance. But do you see on that page there are numbers in respect of the items. If you go down, please, to number 15, and you'll see that under "party" you'll see it's a WhatsApp exchange between you and Mr Dubois.---Yes.

You'll see that it's got the WhatsApp username as Buzz. That was Mr Dubois's nickname, wasn't it?---Yes.

20 And you'll see on 6 December, at 2.58, you inquire of Mr Dubois as to whether it's insured, and you – I'm not reading it all out – but you indicate that if it's not, you'll need details so you can get the new owner to insure it. ---Yes, Counsel.

And the new owner, I take it you were referring to the person who would be on paper the owner, which was Sandy.---Yes.

And then you'll see message number 16, same day, but at 3.09. Mr Dubois responds about the insurance situation.---Yes, Counsel.

30 And if we go over the page, please, to page 20, message number 20, it seems that you actually through the WhatsApp chat asked Mr Dubois to send some pictures.---Yes.

And I think you've indicated you had a recollection of him sending some pictures of a grey car.---Yes, I, I think.

Now, it's the case, isn't it, that – or I withdraw that. So after the events on the 6th, were you ever sent a copy of the invoice that I just showed you, the tax invoice from Ezyauto at page 22?---Was I sent one? I, I - - -

40 Did you ever see it?---I think I did. I think Mr Dubois showed it to me.

And did you ask him at that point about who had paid?---No.

Because what you would have seen, wouldn't you, is that rather than a used SUV that you thought might be at the 60 to \$70,000 mark, what's now being bought is a AMG C63 Mercedes at a cost of 128,500.---Yes.

So is your evidence you don't recall asking him about who had actually paid for that?---No, I don't recall asking him.

Were you not curious as to who had just footed the bill for an almost \$130,000 car for your wife?---The car wasn't to be (not transcribable) left with my wife, the car was meant to be held for a period, and he said, "Use it, but keep the kilometres very low," because he's going to sell it on.

To then try and get the car you wanted?---Yes.

10 But you say as best you can recall there was no enquiry of Mr Dubois at the time about who had actually paid the 128,500?---To my recollection, Counsel, no.

Now, did something happen in respect of that car so that ultimately it never made its way to Sydney?---I believe something did happen, but he never got into details as to what happened. He just said that deal went sour.

It went - - -?---Went sour, the deal.

20 Okay. Did he then suggest that either he or perhaps the Melbourne dealers were trying to source another car?---Yes, I believe so.

And you ultimately, I think you've already confirmed, attended on 21 December at Mercedes-Benz Sydney with Ashley and Sandy and picked up a car there.---Yes, Counsel.

What did you hear – and tell me from whom, whether it was Mr Dubois or someone else – as to there being a car in Sydney?---He said there's one in Sydney, that - - -

30 That's him telling you?---He did mention to me there's one in Sydney that we – he showed me a couple, a couple of vehicles, and he said there's one in Sydney which he believes is suitable for, for a, a hold and a onsell.

From a?---Suitable for a hold and an onsell.

Right. So when you say hold, as in, it not being the car that you actually wanted, the SUV?---So, no, purchase the car, hold onto it for a little bit, use it but keep the kilometres low, then onsell it.

40 And did you tell him that that was something that you were okay with?---I think so, yes.

And did you then speak about going to the dealerships in order to see the car and buy it?---No, I didn't go and see it. It was only on the day picked up. That's all.

But how did you know that it was there and to go?---Mr Dubois told me.

All right. Now, on the day you attend with Sandy and Ashley.---Yes.

Can you tell me what communication with them that led to you all, all three of you going?---I believe I was at Mr Alexander's workshop that afternoon, and I got a call from Alex saying, "Can you go with Mr Alexander 'cause they're going to pick the vehicle up?" And I said, "Can it not be done on Saturday?" And he said, "No, it has to be done today."

10 And so do you all then get in Mr Alexander's car?---Mrs Alexander came to the workshop and we got in her car, and drove to Mascot.

And if we could go, please, to same volume, page 25. And you'll see that that's a Mercedes-Benz Sydney invoice dated 20 December, 2018 for a diamond white C63 AMG Sedan, and the price of \$124,000.---Yes, Counsel.

20 Now, in the course of the drive to the dealership, did you have any discussion with Ms Alexander about the fact that she was about to become the owner of a new car?---No, I don't believe so.

Well, up to that point you'd spoken only to Ashley about her name being used to buy the car, correct?---Yes.

So you're now in the car with Ashley and Sandy, surely there was some discussion about what you were actually about to do.---No, I believe Mr Alexander and Mrs Alexander had discussions. Not in the vehicle at the time.

30 You don't recall any discussion about why the car was being acquired, why it was going to be in Sandy's name?---No.

In any event, you attend and she signs to become the owner of the car. Correct?---Yes.

And indeed you take some photos at the time.---Yes.

And also some screenshots of documents in respect of the car, don't you? ---Might have.

40 If we could first of all go to same volume, page 48. Do you recall taking that photo of the car with the bow on it while Ms Alexander was doing the paperwork?---Yes, I do.

And next one, page 49. Do you recall taking a photo of her next to the car with the bow?---Yes, I do.

And if we could go back, please, to page 46. Do you recall taking a screenshot of the vehicle details, that is the rego and the description of the car?---Yes, I do.

And the next page, please. You'll see that this seems to be a screenshot in respect of the insurance of the car.---Yes.

10 From the exchange you had with Mr Dubois earlier it seemed that you were keen to make sure that it was insured, and did you take a screenshot here to confirm the policy details?---No, that's Mrs Alexander's screenshot.

But wasn't that not something on your phone?---She might have sent me a screenshot.

Who paid for the insurance?---Mrs Alexander.

20 And after attending the dealership, the car's purchased, as far as you know, Mrs Alexander signs the paperwork, you take it home.---No. We went back to, I think we drove to about Homebush area and Mr Alexander got in the car with me and we went back to his workshop.

But then that night, didn't you take it home with you?---Yes, I did.

Because it was for the use of you, or at that point were you intending that this car, the sedan, to be used by you or your wife?---It was her, it wasn't, it wasn't really to be used, sit in the garage and it would be used on a weekend for a small - - -

30 But by who?---Myself or, or, or my wife, but my wife didn't like it.

All right. And you then had the car at home for some months, didn't you? ---Yes, covered up in the garage.

Well, you took it out at least a couple of times for a drive, didn't you? ---Yes, yes.

40 Indeed it's the case, isn't it, that in late December 2018 you and your wife and Mr and Mrs Alexander go on an overnight trip up to the Central Coast and take it up.---Correct, Counsel.

And you drove it on other occasions.---A couple of occasions, yes.

Now, having gone on the day when the car was obtained from Mercedes-Benz Sydney and having received the car, did you then make some inquiries from Mr Dubois or anyone about who had actually paid for it?---I don't believe I did.

You weren't curious enough to even find out who had met the cost of a \$124,000 car that you had?---As far as I knew it was Mr Dubois but obviously not.

Sorry?---It was obviously, as far as I knew it was through Mr Dubois but not who specifically.

10 But I think you've agreed earlier that you assumed that it was probably not him that was ultimately paying, it was one of the contractors.---Yes.

But you didn't ever ask him who it was?---No.

And did you ever speak to any of the contractors, for instance Baz or Hoody about whether they paid for it?---I don't believe I spoke to any, I believe Mr Baz had a similar car, a two-door one (not transcribable)

20 I mean weren't you having discussions with Mr Dubois about the need to ensure work went the way of these contractors that were picking up things for you?---No, I don't believe I - - -

So as far as you were concerned, you just wanted Mr Dubois to organise it and didn't care beyond that as to who paid?---Well, Counsel, as I said, it was organised and it was supposed to be a short-term hold, maybe six months, six to eight months, and then he was going to onsell it, so it wasn't a permanent - - -

30 But wasn't the intention, though, that when it was going to be onsold, you would then try and get the car that you actually wanted for your wife, which was the SUV?---Yes.

So at the end of the day, whether this car was kept or it was sold, and then a different car was kept, someone was going to be paying north of \$50,000 so that you or your wife could have a car?---Yes.

And you say that you weren't curious enough to discuss with Mr Dubois or the contractors who it was?---No. Mr Dubois said he had it all under control.

40 And you weren't, you say you weren't having any discussions with Mr Dubois about making sure those contractors were getting enough work for them to, in effect, be able to pay for the car?---No.

THE COMMISSIONER: But in terms of which contractor was really funding this motor vehicle, it either had to be one of the contractors that Mr Dubois was regularly dealing with or it was one of the contractors that you were regularly dealing with.---Yes.

It's got to be either one group or the other.---Yes, Commissioner.

And of those two groups, it's most likely to have been a contractor with whom you were dealing with on a regular basis, isn't it?---No.

Well, the benefit was flowing your way with the purchase of this car, and was it not being, did you not assume that it must have related to – that is, the money must have come from one of the contractors who had been dealing with you? It would make sense, wouldn't it, that it would have had to have been one or other of the contractors that you were familiar with so that you kept this scheme ticking over? That is to say, is that not logical? You would get the work for certain contractors. You would put an extra loading into it, which we're calling the rewards or kickbacks, and it would make sense that this car was one of those rewards, do you agree?---No, Commissioner. When it came to the, let's say the particular contractors that Mr Dubois used, Mr Dubois priced their work.

I see. Well, this was not just any old car. This was an extremely expensive motor vehicle.---Agree.

20 That was in effect being – you were receiving as a gift, is that right?---Yes. To use, yes, Commissioner.

It's not every day that one has a benefactor who provides a motor vehicle worth \$124,000, but it did happen to you.---Yes.

You must have been curious as to who had been so generous to provide this motor vehicle for you, so that at least you could thank him or her.---It was Mr Dubois that I thanked.

30 Is that right?---Mr Dubois that I thanked, Commissioner.

You thanked Mr Dubois?---Yes.

But he was only, you say, the intermediary. There was somebody else further up the chain who was actually responsible for you getting this expensive motor vehicle.---Mr Dubois was the person that organised it.

Yes, but one of his contractors or your contractors.---Yes. Yes.

40 Could have been either, couldn't it? Could have been a contractor that he was dealing with on a regular basis or it could have been one of the contractors you were dealing with.---Well, from the evidence I saw I think earlier in the week, I think it was Mr Barrak, or Barry.

Do you say you were not interested to know who was the one who was actually providing the money for you to get the benefit of a \$124,000 Mercedes?---No, Mr, as I said, Mr Dubois said he's got it all sorted out.

MR DOWNING: It is the case, though, that certainly by this time, December 2018, you were on reasonably friendly terms with Mr Chahine and Mr Hadid?---Yes.

Indeed, I've shown you the photo already of you attending Mr Dubois's birthday party in July of that year.---Yes. Yes, Counsel.

So you had their phone numbers, you corresponded with from time to time. ---Yes, Counsel.

10

But you say you didn't speak to them at all about this?---No, I don't believe we discussed about this vehicle, 'cause - - -

Now do you recall at around this time also, having a text exchange with a friend Gary Lewis about your new car?---Yes.

Who's Gary Lewis?---Friend.

20

And if we could go, please, same volume, page 39. Do you see starting here with a series of exchanges, or sorry, a series of texts on the 21st, which is – the 21st seems to be the day that the car is picked up, you're sending JPEGs to Mr Lewis?---Yes.

And then in message number 11 you're asking for his advice about ceramic or Opti-Coat paint protection.---Yes.

So that's a reference to the car.---It's a polish.

30

But it's polish for the car.---Yes.

And then at message number 16 you seem to send him a photograph.---Yes.

And it's small there, but if we could go ahead, please, to page 51. I'm sorry, that's him to you – I withdraw that – that's from Mr Lewis to you, but if we could still go to 51, do you recall him sending you this, so that after you asked him about the paint protection he sent you this suggestion as to paint detailers?---Yes.

40

If we could go then ahead, please, to page 41 – and you'll – I'm sorry, I'll wait till it comes up. We're now, if you could just enlarge that a little, still in a text exchange with Mr Lewis, but on 23 December. You'll see message number 45 you indicate to him that it's an AMG C63 S.---Yes.

Then in message 48, confirm it's a 2017 demo with 2,500 kilometres on the clock.---Yes.

49 you describe it as "To Craig from Craig."---Yes.

And you then, in the course of the exchange, in 54 you indicate that it's "A few optional extras," sorry, "A few extra options, ceramic brakes for \$10,000." See that?---Yes.

Message 67 you send the photo you took of the car with the bow on it.
---Yes.

And if we go over the page, please, to message 71, you joke with Mr Lewis that they didn't want to give you the bow, "The bastards."---Yes.

10

Now, if we could go back, please, to page 20. You've indicated that it was Mr Dubois that you dealt with and thanked for this. At page 20, so this is not back into messaging exchange with Mr – sorry, it's a WhatsApp exchange. Do you see message number 29, bottom of the page?---(No Audible Reply)

So that's Mr Dubois to you on the 25th, so Christmas Day.---Yes.

He wishes you a merry Christmas and signs off, "Zoom, zoom."---Yes.

20

I take it that you took that as his joking reference to the car that had been obtained?---I would say so.

And then over the page, please, to page 21. You respond on Christmas Day and you say, and I'm not reading all of it, but "Zoom zoom would not be possible without you, mate. Thank you, bro."---Yes.

So you were thanking him for his assistance in obtaining the car.---Yes.

30

As best you can recall, how long did you have the car for?---A couple of months.

Could it have been through to about May 2019?---May have been.

I want to take you to another photograph. Before that if we could go, please, to same volume, page 45. Now, this is an extract from your phone. Do you see message number 125? I'm not going to read his name, but it's a message from your son indicating on 8 February, 10 days till he's off his P's.---Yes.

40

And then the next message, he says, "Better start warming up the C63."
---Yes.

And you certainly had it then.---Yes.

Could we then go, please, to page 64. First of all, that's your driveway I take it?---Yes, Counsel.

And it looks like from what's on the ground there are soap suds, so it looks like the car might have been washed.---Yes, Counsel.

Do you recall taking a photo after you'd washed the car?---Yes, Counsel.

And I'm going to suggest to you that this was on 25 May, 2019.---Okay.

10 And in that regard, if we could go, please, to page 45, which is the same page that I just took you to with the exchange with your son about getting off his P's and the C63.---Yep.

Image 134 is – capture time 25 May, 2019, 2.46. So looking at that photograph and that record of the capture time of the image, do you accept that it's likely that you still had the car for your use as at May 2019?
---Yeah.

All right. What then happened to it?---It was returned to the Alexanders.

20 And do you know what happened to it from there?---Oh, Mr Alexander used to drive it around.

Did you – well, how did it come to go back to the Alexanders?---I think in previous discussions with Alex earlier in the piece he said, "If anything ever goes wrong, return it to the registered owners."

Sorry, you had a discussion with?---Mr Dubois. And he said, "If anything ever goes wrong, return it to the registered owners."

30 All right. So did it get returned at the time that the search warrant was executed?---I think before.

Well, what had led to it being returned to Sandy at that point?---I just returned it to them because I didn't want no involvement anymore.

Sorry, what do you mean by that? No involvement in what?---In, with the vehicle. It was just too much of a headache. My wife didn't like it. She wanted it gone.

40 Did you speak to Alex then about perhaps doing what had been described before, which was selling it and then getting the appropriate SUV?---And he said, yeah, he did say, "Look, return it there and we'll do it, I'll sort it out."

THE COMMISSIONER: Was this after the search warrant was executed?
---Before, I think.

Before.---Yes, Commissioner.

MR DOWNING: So you gave it to Sandy. Did you speak – sorry, was it to Sandy or to Ashley?---Nah, I just dropped it off at their house and left the keys in the - - -

Did you speak to Alex then about taking steps to organise for the Mercedes SUV that you'd originally wanted?---I think we had conversations along those lines.

10 And is it the case that by the time of the search warrant being executed, they hadn't come to fruition in the sense that nothing had happened about getting another car?---No, nothing's ever happened about that.

But I take it there's been no further discussions about it after the search warrants were executed.---No.

All right. I want to move to a different topic. And I've asked you some questions about Mr Rahme and Lancomm already, and the nature of your dealings with him.---Yes.

20 You did indicate that you believed that there may have been one instance where a bill was submitted and paid by Lancomm where in fact they'd done no work.---Yes, Counsel.

I think you said it was work that had been done previously.---Yes, Counsel.

So that in effect it was billing for something that had already been done and paid for, or – I'm sorry, I don't want to mislead you. Did you say that the work had been done internally or that someone had already done it?---Well, we had done the work onsite ourselves.

30 All right. I'm going to ask you to look at a couple of documents now to see if you identified this as the job you were referring to when you said that there was one that you believed that Lancomm was paid for, for doing no work. If we could go, please, to volume 13.3, page 160.

THE COMMISSIONER: Sorry, what's the reference again?

MR DOWNING: 13.3, page 160.

40 THE COMMISSIONER: Thank you.

MR DOWNING: Now, do you see that this is an email on 24 May, 2018, it's not from Mr Rahme himself but from a Danny Jelwan at Lancomm? ---Yes.

And did you know Danny Jelwan as an employee?---Can't say, I don't think I've met him personally.

It's CC'd to Mr Rahme but sent to you.---Yes.

And you'll see it's described as, "The attachment is a quote for RMS works, March to June 2018".---Yes.

So this is a quote and it's sent on 24 May, but for works March to June. Just pausing there, I mean, it would be unusual, wouldn't it, to get a quote in May for works that apparently had already started back in March?

10 ---Sometimes, sometimes a contractor can't do the work without a purchase order because it's a small, small risk.

But typically when someone like Lancomm submits a quote, it's with a view to doing work in the future, rather than covering work that's already been done, correct?---Yes.

And if we go, please, to the next page, page 161, you'll see it's a quote from Lancomm to you and you'll see below it's got six line items. There's one lump sum of \$42,000 plus GST and it's fairly broad in terms of what work was actually done. Read through it if you want. I mean, it identifies point-
20 to-point and average-speed camera sites on the Pacific Highway. It refers to some work at West Wyalong to do with bushfire and soil erosion.---Yes.

It identifies some bore pipes at Blackmans Point. Looking at that now, do you believe that is the job that Lancomm submitted, well, in this instance a quote, but ultimately an invoice and was paid through a job where no work was done?---Yes.

And if we go ahead, please, to page 162, you will see that on that day you get the purchase order details from someone within the RMS?---Yes.
30

Well, sorry, it's Transport for NSW, I think by that point. In any event, you then, on 30 May, same day, you send off the purchase order details to Lancomm.---Yes.

If we go over the page, you'll see by reference to the total and a brief description that this is the purchase order that relates to that quote.---Yes.

And then if we go ahead, please, to page 164. This is now a 14 June, 2018, email. It's from Mr Rahme's wife.---Yes.
40

And you knew she was working in the office and would typically submit paperwork?---Yes.

And it's for this job. Well, you'll see the purchase order number ends in 7989.---Yes.

If we go ahead, please, to the next page, you'll see that the purchase order is for that sum, 46,200, and relates to the same work. And then to page 106,

please. I'm sorry, 166. Sorry about that. And this is the invoice corresponding with that quote and that purchase order.---Yes.

And this was what you directed Mr Rahme to submit in order for him to be paid but without doing any work?---Yes.

Now, separate to this instance, it's the case, isn't it, that in respect of other jobs you did tell Mr Rahme to increase his quoted price in order to cover a cut that would come back to you?---May have, Counsel.

10

Isn't that the case that, consistent with the way you dealt with AA Steel, not with every job but with certain jobs, you would direct him to increase the price so that it would be sufficient to cover their costs and a small profit margin for them, but to cover a margin for you?---With, as I explained yesterday, Mr Rahme would price it with his profit margin in and say, "Oh, what's our room for movement?" And I would say, "You can add another eight or 10 to it." And that portion would be split fifty-fifty between him and I.

20 You say it was always split fifty-fifty?---Correct.

And consistent with what we went through yesterday, was the money then – well, at least in 2018, after J&C Maintenance was set up, was the money then paid into J&C Maintenance and then paid out of there through Mr Kafrouni?---From my recollection, I think that's how it is, but I can't confirm it.

30 What about prior to the set-up of J&C Maintenance, which was in early 2018? How did the money - - -?---I don't know how he got the money, but he just give me.

But from time to time you would tell him that he could increase the invoice.---Yes.

And he would then do that.---Yes.

You would then submit it for payment within the RMS and it would be paid.---Yes.

40 Did you ever tell him that he could increase the cost of an invoice in order to cover the cost of work he did on your house?---No, I don't believe so.

I want to move to another topic now, and that is Mr Manuel.---Yes.

Now, Peter Manuel is your father-in-law?---Yes.

And he has been – he's from South Africa?---Yes.

But he's been to Australia a number of times.---Yes.

And he lived here going back to the early 2010s for a period, is that correct?---Yes, I think so.

But then it's correct, isn't it, that in 2018 – perhaps late 2017, but certainly by early 2018 – he was in Australia for a period.---Yes.

And was he living with you for that time?---Yes.

10

Did he live with you in [REDACTED]?---Yes.

And by way of background, Mr Manuel, as at 2018, was about 70 years of age?---Yes, I think so.

And his background was boilermaking, correct?---Yes.

So he worked in South Africa for many years as a boilermaker?---Yes.

20

Now, it's correct, isn't it, that in the period March to May 2018, you organised for Mr Manuel to set up a couple of companies?---Yes.

Now, one of them was PMD Consulting Services (Australia) Pty Ltd?---Mr Duchesne set it up.

You say Mr Duchesne did?---Yes.

All right.---Prior to, I think prior to Mr Manuel coming to Australia.

30

So what do you mean by Mr Duchesne set it up? So let's go back a step. ---Ah hmm.

Did Mr Manuel himself know Mr Duchesne?---Yes.

So prior to him coming to Australia in 2018, they knew each other?---Yes. Yes.

And was that from contact they'd had during Mr Manuel's prior times in Australia?---Previous visits, yes.

40

Were they friends?---Yes.

THE COMMISSIONER: So you say it was Mr Duchesne who suggested to your father-in-law to set up PMD Consulting?---No, as I said earlier, Commissioner - - -

I'm sorry?---As I said earlier, Commissioner, there was discussion. We had a meeting with Mr Dubois and Mr Duchesne and myself, and we were seeking someone to do quality assurance works.

So a meeting between you, Mr Dubois and - - -?---Mr Duchesne.

Mr Duchesne.---Yes.

10 And what was the subject of discussion?---Him supplying, providing support for quality assurance works.

Him? Him?---Providing Mr - - -

Who is "him"?---Mr Duchesne.

Mr Duchesne. Providing?---Providing support for quality assurance work.

20 And did that discussion lead to PMD Consulting Services being established or not?---Yes. Yes. PMD stood for "Peter and Marty Duchesne".

MR DOWNING: Peter - - -?---And Marty Duchesne.

Well, so you say that – well, I withdraw that. Were you aware, before Mr Manuel came to Australia in 2018, that he had this desire to do something with Mr Duchesne?---Yes. He, he was – sorry.

30 How had you learnt that?---Discussing it with Mr Manuel. He, because of his age, he wasn't physically able to do hard work, but he needed to have an income, maintain an income.

Well, I mean, Mr Duchesne, by that point, had been, for some years, operating M&M Inspections.---Correct.

I mean, one option might have been that Mr Duchesne could simply employ him and pay him a wage to do something within his business.---No, I think Mr Duchesne had his own M&M and that was exclusive to his other clients, and they were going to set up this company where they could assist.

40 Now, while Mr Manuel himself had a background in boilermaking, he had no particular experience in doing quality assurance or quality checks, did he?---That's why he was going to work with Mr Duchesne, because he had the experience but he was going to work with Mr Duchesne on that.

Well, had the experience in boilermaking.---In boilermaking.

So the way you describe it, you learnt through someone, was it through Mr Manuel or Mr Duchesne or perhaps even your wife, of this plan that Mr Duchesne and Mr Manuel were going to set up business.---No, Counsel. As

I said, Mr Dubois and I had a meeting with Mr Duchesne because Mr Dubois said, "We need someone to do the QA work."

But sorry, I'm asking you about how you first learnt of the plan of Mr Manuel and Mr Duchesne to go into some form of business together.
---As I said, Mr Dubois, Mr Duchesne and myself had a meeting to discuss setting up a company and that Mr Manuel was coming to Australia and he could support in the company and learn.

10 So breaking that down, so you have a meeting with Mr Dubois about quality works that what, that the RMS needs?---Yes.

And it's the case, isn't it, that certainly by 2018, Mr Duchesne through M&M had been doing that work for some period of time. Correct?---Yes.

In fact his involvement with M&M went back to 2015.---Yes.

20 So essentially there was no real need to have Mr Manuel add anything to what was being done, was there?---There was a requirement for Mr Duchesne to act on behalf of RMS and then for Mr Manuel to confer with Mr Duchesne on the works on behalf of the contractor doing the work.

But for some years prior to Mr Manuel arriving in Australia, Mr Duchesne, on his own, had provided quality works.---Yes.

30 So what that typically involved, tell me if this is correct, was that where there were steel works that were being fabricated, things related to gantries for instance, Mr Duchesne might go to one of the fabricators that were doing the fabrication and check on their works in their workshop.---Yes.

And sometimes he might visit on the site, that is where a structure was being erected, and again check on the quality of the works?---Yes.

He'd been doing that for some years.---Yes.

40 So tell me what it was that changed in 2018 that created a need for Mr Manuel to assist?---Mr Manuel would act on behalf of the contractor fabricating the work. He would confirm that their paperwork aligned with Mr Duchesne's paperwork.

THE COMMISSIONER: I think you're being asked why things were changing, that is that Mr Duchesne had done the quality assurance work, why bring in Mr Manuel, why was there a plan to get him into the business?
---The, the intent was to provide Mr Manuel with some work, a means of living, and he would act on behalf of the contractor doing the work and Mr Duchesne would act on behalf of RMS to ensure that the paperwork all married up.

But he could do that as an employee of Mr Duchesne, couldn't he?---I don't think Mr Duchesne was going to employ him.

If Mr Duchesne needed an extra person and Mr Manuel wanted to learn how to and do the quality assurance work, Mr Duchesne would just simply employ him, wouldn't he? He didn't have to go into business with him.
---I think they were just going to have a separate business so it was clean.

10 I'm sorry?---I think it was just to keep separate business so it was clean, one invoiced the other for works.

MR DOWNING: Wouldn't it create a problem for you, though, in that you're using Mr Manuel's – I withdraw that – you're using Mr Duchesne's company, M&M, to do quality works for the RMS.---Yes.

Now a company is being set up where Mr Duchesne and your father-in-law are now apparently going to do similar things.---Yes.

20 And do you say that the intention was that they would set up and they would do work for the RMS?---No, work for the contractors.

Who would - - ?---Not for the RMS.

But is this how it would work? The contractors would get them to – that is, you say through PMD – would get Mr Duchesne and Mr Manuel to check their work, correct?---To validate the works, yes.

30 They would then presumably, as part of their bill to the RMS, include the cost of that?---No. There, there was no bill from them to the RMS, it went to the contractor.

But wouldn't you assume that in that arrangement the contractors, where they would have to bring someone in to do that, then are going to seek to be paid for it, that is reimbursed for it through the RMS paying their bill?
---Most certainly.

40 Well, wasn't it, as far as you understood this arrangement that you say you discussed with Mr Duchesne and Mr Dubois, wasn't it really just loading another cost onto the RMS?---No.

Well, let's break that down. Already the RMS is paying for Mr Duchesne to go to the fabricator's workshops and check at that point, and then to go to the site and check for the works when they're being erected?---Ah hmm.

So the RMS is paying for someone, M&M Inspections, to check and do quality assurance on it?---Yes, yes.

You're saying now that, separate to that, which is going to continue presumably, Mr Duchesne and Mr Manuel are going to set up their own company that would then bill the contractors to do quality checks?---On behalf of the contractors. So Mr Manuel was supposed to follow the works, with the contractors again, and confirm with Mr Manuel that, yes, assurance that, yes, the work was done as they requested.

10 So, effectively, on one job that the RMS was getting the contractors to do, the RMS would directly pay one entity, M&M Inspections, to do the quality checks and the contractors would then pay another entity, PMD, controlled by Mr Duchesne and Mr Manuel, to check the same things?---Pay the contractor to pay.

Right. But to check the same things?---Well, one acted in the interests of the contractor, one acted in the interests of RMS, one company.

20 But it's the same work, isn't it? Whether you're checking it from the perspective of the contractor picking up your bill or the RMS picking up your bill, you're checking the same thing?---Yes.

Isn't this whole arrangement a sham, Mr Steyn?---I don't believe it was set up with the intent of a sham.

THE COMMISSIONER: But it was in fact, wasn't it, operating a scheme? That is to say setting up PMD Consulting Services became part of a scheme. What's your frank answer?---I would say yes, but - - -

30 And the scheme, was it directed towards establishing a mechanism whereby corrupt payments could be channelled through contractors' money coming from RMS?---I don't see it in that way, Commissioner.

Well, I'm not interested in how you see it.---Okay.

I'm interested to know, from the information you gathered as time went by, that PMD Consulting Services became part of a scheme which involved RMS money at the end of the day? Would you agree, that's how it ended up appearing to you?---Yes, yes.

40 Well, just explain, if you would, as clear as you could, and clear as you can, based on what you did come to see happening, what was the scheme and how did it work?---The, a fabrication job might have went out, the representative of PMD would work with the contractor and the fabricator to ensure that the works were compliant. M&M, on behalf of RMS would go out and randomly inspect at different intervals, or sometimes the same interval, and would discuss the works.

And was there two lots of invoicing for the same work?---No.

Well, how was PMD Consulting Services used in order to extract money from RMS?---They worked for the contractor.

And did you come to appreciate over time that this scheme was a corrupt one?---Okay.

In what respect was it a corrupt scheme?---Probably shouldn't engaged family.

10 I'm sorry, I didn't hear you.---Shouldn't engage family. And friends.

And in what way was it corrupt so far as it impacted on RMS?---(No Audible Reply)

The scheme involved ultimately, didn't it, extracting RMS money?---Yes.

That right?---Yes, through a contractor.

Extracting RMS money corruptly.---Okay.

20

Right? Do you agree?---Yes.

All right, well, what was the mechanism? How did it operate on a day-to-day basis so these corrupt payments could be received?---A day-to-day – it wasn't really a day-to-day, it was when a job came in, Commissioner, they would be engaged to go and do the works.

30 Yes, you've said that twice or three times now, yes.---Yes. And they would do the works, and they would be paid by either the contractor, Marty would get paid by RMS, they would, PMD would pay the contractor and that's where it ended.

And what was the corrupt element in all of that?---I don't understand what you're getting at, Commissioner.

Sorry?---I don't understand the question.

Well, I'll leave it to Mr Downing. He might be able to assist you.

40 MR DOWNING: The way you describe the arrangement with Mr Duchesne and Mr Manuel, would you accept that, even on your version, it amounts to double dipping? That is, ultimately the RMS is going to pick up the tab for two different people, or two different organisations, doing quality checks on the same work?---Yes.

Now, ultimately the person – who do you say was going to benefit financially from the work that PMD was going to do?---Probably Mr Manuel.

Well, isn't it the case that you had approached Mr Dubois with the idea that PMD could come in and do this work?---No.

Did you not speak to Mr Dubois about the fact that you were trying to find some way of organising remunerative work for your father-in-law?---No, I mentioned to Mr Dubois that I would need to find some work for him.

10 But whose proposal was it that M&M – I withdraw that. That Mr Duchesne and Mr Manuel, through PMD, would do work directly for contractors?
---Out of the requirement that was established, was a contractor had to have their own quality control.

Who came up with that requirement?---That was a discussion between Mr Dubois and I.

Around the time that Mr Duchesne and Mr Manuel were setting up PMD?
---Yeah, it was before that, I think.

20 Well, prior to PMD apparently taking on this role, had you required your contractors to have their own quality checks and quality systems in place?
---Yes, I believe it was a requirement.

And who, which contractors can you tell me had those quality checks being undertaken?---Previously, the quality control was managed by an internal resource and he worked with the contractors for the fabrication and their quality control.

30 Think about perhaps 2017. By 2017, the internal resources had gone, hadn't they? They'd been made redundant.---Yes.

So 2017, before Mr Manuel comes on the scene, let's deal, say, with Mr Alameddine. Who was doing his quality checks at that point as part of the RMS requirements that he be quality compliant?---I don't know if he was doing any.

So is it the case that this requirement that he do them seemed to coincide with Mr Manuel's arrival on the scene?---Yes.

40 Isn't it the case that this whole requirement that, separate to the RMS doing its own quality checks, that you now wanted contractors to do them, it was just a mechanism to try and get money to flow into PMD?---Money went into PMD, yes, money went into PMD and even - - -

No, you're not answering my question, Mr Steyn.---No, no, not, not the way you mentioned, Counsel.

But why is it that the need to have contractors do their own quality checks seems to coincide with Mr Manuel's arrival and desire to do some work, you say?---I believe that was a mechanism to structure a more professional image from our contractors in the works they did.

That's why you wanted now, in early 2018, to require, separate to M&M's inspections and process of quality checks for the RMS, to have the contractors in effect to do the same thing?---Have their own, yes.

10 I'm going to suggest to you that the rationale for requiring that was so that money could be paid into PMD and ultimately to your benefit. Do you agree or disagree?---I disagree with that.

All right, but going back, you say that having learnt through – was it through Mr Manuel or Mr Duchesne that they wanted to go into this business together?---As I said, the discussion was between Mr Dubois, Mr Duchesne, and myself.

20 But is that the first time you learn of it? Or do you – I mean, Mr Manuel's coming to live with you in Australia, correct?---Yes.

And you knew that he was friends with Mr Duchesne.---Yes.

Before you sit down and have a meeting with Mr Dubois about this proposal, had you had some discussions with either Mr Manuel or Mr Duchesne or even your wife about Mr Manuel apparently going into quality checks or quality assurance work in Australia?---No, not - - -

30 So you have a meeting with Mr Dubois and Mr Duchesne.---Yes.

What was – who called the meeting?---Well, Mr Dubois and I were discussing, he said, "Look, have you got someone?" I said, "I've got somebody that can do it" - - -

Sorry, do what?---Quality control works.

So not quality control works for the RMS, quality control works that contractors would do.---Yes.

40 So Mr Dubois raises with you a desire in early 2018 that, "We now need to introduce another level of quality assurance."---Mr Dubois raised with me because there were fundamentally a, a few mistakes on works being fabricated.

Well, wouldn't that be Mr Duchesne's responsibility to pick up?---Works, the mistakes were made post an inspection or pre an inspection, you go there, it costs more to fix it, so we need somebody to continually monitor the works to ensure the drawings match what was being fabricated.

But the RMS, through your friend Mr Duchesne, is already paying for quality checks to be done both at the workshop level and at the installation level. Correct?---Yes.

10 So if there's problems, if defects are sneaking through, wouldn't that be a reason to either go back to M&M and say, "Pick up your game," or to perhaps engage someone else?---From discussions, Mr Dubois came to agreement that we would need somebody to act on behalf of RMS and somebody else to act on behalf of contract - - -

THE COMMISSIONER: But you're avoiding the question.---Sorry, Commissioner.

20 If there were problems with the quality control, Mr Duchesne's work was just not up to scratch, if defects were coming through, then you'd need to do one of two things. You'd either say, "Mr Duchesne, we're not going to deal with you anymore," or as Counsel has just put to you, "We will get somebody else to do this work." But neither of those happened, did it? ---Neither - - -

You didn't hear anything suggesting that Mr Duchesne was, that his work was not up to scratch, did you?---He work, his work wasn't up to scratch and a lot of times we had to fix stuff.

Was he a competent quality control person?---I thought at the time, but - - -

30 You did, you think – you saw it, a lot of his work over a period of time. ---Yep.

How many years, over how many years would you say?---Probably about three.

Three years?---Yeah.

All right, and overall, you regarded him as a competent quality control man. ---Yeah, he, he would highlight concerns to me.

40 Is the answer to my question, yes, he was a competent quality control operator?---Yes, Commissioner. Yes, Commissioner.

Okay.

MR DOWNING: Thank you, Commissioner. What you seem to be suggesting is that having identified some issues with Mr Duchesne's work on behalf of the RMS, what you and Mr Dubois came up with is the means of fixing that problem was to engage Mr Duchesne a second time through the contractors, but with Mr Manuel in order to check the work. Is that

seriously what you suggest on your oath, sorry, on your affirmation?---Yes. Mr, Mr Manuel acted on the interests of the contractor, and Mr Duchesne acted in the interests of RMS.

Sorry, wasn't it going to be Mr Duchesne and Mr Manuel in the interests of a contractor?---No, Mr Manuel acted in the interests of the contractor.

10 But I'm sorry, I understood your entire, your evidence in respect of this topic was that, as you understood it, Mr Duchesne and Mr Manuel were to set up PMD and it was to be engaged at the contractor level.---Yes.

Whereas Mr Duchesne on his own through M&M was to be engaged at the RMS level. Yes.

So what you say is, based on a discussion with Mr Dubois in presumably early 2018, the two of you settle on a scheme of dealing with shortcomings in M&M's work by engaging the same person that ran M&M but through a different entity with your father-in-law to try and fix that problem.---Yes.

20 It's the case, isn't it, that you were corresponding with Mr Duchesne in advance of Mr Manuel arriving in Australia, about the idea of Mr Manuel perhaps setting up some business?---Yes.

And isn't it the case that this scheme of having Mr Manuel then go into some form of business with Mr Duchesne was something that you'd been thinking about before this meeting with Mr Dubois?---I indicated how we can get employment for him, yes.

30 Well, can we have a look, please, at volume 14.1, page 153, and if you could have a look, please, at message number 47, and you'll see that this is an incoming message but from you to Mr Duchesne. Now, "Uncle Marty" is the way you have him saved on your phone.---Yes.

Correct?---Yes. Sorry.

40 And do you see on 11 March, 2018, what you indicate is that, "Been in touch with Peter. He has no record of his tax file number and hoping that by chance Aleesha might be able to help." Do you recall that?---Message from Uncle Marty, yes.

Isn't that you to Mr Duchesne?---No, it's incoming from - - -

Oh, sorry, that's from Mr Duchesne.---Yeah.

All right. So from him to you.---Yes.

So Mr Duchesne was corresponding with you about Mr Manuel.---Yes.

And did you understand that they at that stage were looking at setting up the business together?---Yes.

And then if you look down below at 49 and 50, it looks like you indicate that Aleesha was looking.---For his tax file number, yes.

And Mr Duchesne says, "Thanks." So all on 11 March. Correct?---Yes.

10 So were you aware then that there were these plans of them going into some form of business together?---Yes, yes.

And as best you can recall, was that before or after the meeting you've described with Mr Dubois and Mr Duchesne?---I think that would be after.

When would you put that meeting, as best you can recall?---The meeting would have been a couple of weeks before.

20 On your version of the way in which PMD was to be utilised by the contractors, didn't it create a pretty significant conflict of interest in respect of Mr Duchesne?---Yes.

Is that something you gave any thought to at the time?---No, Mr Duchesne said he would register it in one of his family member's names.

He said he would do that?---Yes.

That is the company?---Yes.

30 What, to try and – did you understand that he was indicating that he would do that in order to try and not make it obvious that in effect he was one of the persons behind M&M and one of the people behind PMD?---I would say so.

In that regard can we please bring up the ASIC search for PMD. Now, you'll see this is an ASIC search for PMD Consulting Services (Aust) Pty Ltd.---Yes.

And it shows the principal place of business as your address.---Yes.

40 And it shows a registration date of 21 March, 2018.---Yes.

So in terms of dates, that's not long after the exchange of texts between you and Mr Duchesne that I just took you to.---Yes.

Now, did you assist Mr Manuel in setting the company up?---Assist how?

Well, in the sense of actually completing the ASIC paperwork in order to register the company.---No. I think Mr Duchesne did all that.

All right. If we could go over the page, please, you'll see that it shows the director and secretary is Mr Manuel.---Ah hmm.

So Mr Duchesne doesn't seem to be listed as having any role.---Ah hmm.

Do you say that you had the discussion where Mr Duchesne indicated that he would have some other family member that would be involved?---Yes.

10 Was that something he suggested or you suggested?---Mr Duchesne suggested.

Down at the bottom, you'll see that as far as the shareholding is concerned, it shows, there's 100 shares and that the member is Peter Manuel.---Yep.

And if we go over the page, you will see that the former shareholder was Courtney Anne Duchesne.---Yes.

20 And you know Courtney Anne Duchesne to be Mr Duchesne's granddaughter?---Yes.

A teenager, isn't she?---Adult.

In 2018 how old was she?---I think she's 20, 20 years old, I think.

So did you understand that she was the person that Mr Duchesne wanted to use for the purposes of this company?---Yes.

30 So it wasn't you that suggested it?---No.

All right. And you, I take it, deny that PMD was in fact set up as a means of channelling funds back to you?---Yes.

Now, were you aware that separate to this company, that Mr Manuel set up another company, Peter Manuel Services Pty Ltd?---Yes, I was.

And if we could go, please, to page 52 in volume 10.5 And you'll see this is the search for Peter Manuel Services.---Yes.

40 And it was registered on 9 May, 2018.---Yes.

So a couple of months after PMD?---Yes.

And you'll see again, principal place of business is your address?---Yes.

Now, if we go over the page, Mr Manuel is the director and secretary and at the bottom of the page, he owns the shares?---Yes.

Now, as far as Peter Manuel Services was concerned, can you tell us what you know about why that company was set up?---That was set up for Mr Manuel on his own to do work and exclusive of any other interested shareholders or partners.

So, sorry, for him to do work separate to PMD?---Yes.

So PMD was to be work he was going to do with, well, quality work with Mr Duchesne?---Yes.

10

Whereas this was a company that was set up so he could do work separate to that?---Yes.

And what sort of work did you understand he was going to do?---Any work available.

20

Well, you've indicated that he didn't want to do the hard physical work that was entailed in his trade, which is boiler making, so that seems to have been, as you describe it, the rationale for him getting into quality work, which is presumably less taxing?---Yes.

Well, what else was he going to do? If he didn't want to do boiler making, which is what his trade was, what was he going to do through PMS? ---Originally it was set up to do any, any sort of handyman works, whether it was painting or, yeah.

30

All right. Isn't it the case that PMS was set up as a vehicle through which corrupt payments from contractors would be funnelled back to you? ---Initially no, but yes, it did end up like that.

You say it was set up for a different purpose?---Yes but I, I put my hand up and say it did end up where - - -

THE COMMISSIONER: Did it become the vehicle for - - -?---That's correct.

- - - corrupt payments?---That's what I am saying, Commissioner.

40

And what corrupt payments were funnelled through Peter Manuel Services?---I believe a payment was made into Peter Manuel Services by Mr Rahme.

Sorry, say that again?---I believe a payment was made into Peter Manuel Services by Mr Rahme and Mr Masters.

I'm having trouble understanding you, I'm afraid.

MR DOWNING: Mr Rahme and Mr Masters. I will come to the specifics of it, Commissioner, of that assists.

THE COMMISSIONER: Okay, thank you.

MR DOWNING: Now, it's the case, isn't it, that with both PMD and PMS, and I'm going to use those acronyms or abbreviations, but you're aware that Mr Manuel set up bank accounts?---Yes.

10 And to your knowledge, was each bank account, was it a bank account where he was a signatory and your wife, Aleesha, was a signatory as well? ---Yes. When he found out he was ill, my wife became a signatory.

And when it came to, for instance, operating internet banking, did he do that or did she?---She assisted him. He would sit next to her.

Now, can we go, please, to volume 10.5, page 39. Now, your evidence with PMD is that it was a company that Mr Duchesne and Mr Manuel were setting up in order for them to do quality assurance work. You see that?
20 ---Yes. Yes.

Now, do you see that on 23 May, 2018, so a couple of months after PMD was set up, you, from – well, first of all, I take it you accept that it's you operating the Creative Service email address?---Yes, Counsel.

To Mr Manuel and to Aleesha. You send them PMD invoice templates. ---Yes.

30 And you say, "Please review so we can initiate invoicing to start cash flow into PMD."---For works he had already done.

Well, let's just read what the words are saying. You can tell me what we should take from them.---Yes.

You asked them to review the templates, so I take it you wanted them to look at the templates so you could check that they were happy with them. ---Correct.

40 And you also say that you want them to do that with a view to initiating invoicing to start cash flow into PMD.---Yes.

Now, you don't say there, do you, "So that you can start operating your business, Peter"?---No, those weren't the words I used.

But what you said was "So that we can initiate invoicing to start cash flow into PMD."---Yes.

Wasn't it really you setting it up with a view to Mr Manuel then issuing invoices that you presumably would prepare, but ultimately so that money could be returned to you?---No.

If we could go, please, to the next page, page 40. So I'm going to take you to the invoice templates that were attached.---Yes.

So this is the first one. You recall creating this?---Yes.

10 So it was a template document that you set up?---Yes.

And you've presumably created the letterhead for Mr Manuel?---Yes.

And the tagline "Assisting your business to service your customers."---Yes.

You've set it up in this instance as a template for billing to AA Steel.---Yes.

20 So presumably you intended that there would be PMD bills that would be sent the way of AA Steel.---Yes.

Did you speak to Ashley or Sandy and indicate to them that, in due course, that PMD would be sending them invoices?---It was generic templates set up in case he secured work, and I think he did go out on a job on behalf of AA.

Isn't it the case that you simply told the Alexanders that they should pay these bills that were going to come through from PMD?---No.

30 So do you say that Mr Duchesne and Mr Manuel went and did work for AA Steel? What, they secured the work and then they issued the invoice?---I think by this time Mr Duchesne had removed his family members from this business. My assumption was just Mr Manuel. Initially it was set up - - -

Sorry, by the time of what? By the time of the invoice or by the time of - - - ?---Later in the period, Mr Duchesne had removed himself from PMD or any affiliation.

40 Why did that happen?---I, I don't know why it happened, but Mr Duchesne removed any affiliation with PMD and focused on M&M, and Mr Manuel was focusing on PMD.

But you don't have a clue why?---No.

So Mr Manuel's living with you?---Yeah, I think still living with me at that stage.

Mr Duchesne's a friend?---Yes.

Mr Manuel's your father-in-law?---Yes.

You understood they'd gone into business together?---Yes.

You'd discussed the nature of the business that they were going to operate together?---Ah hmm.

But you have no idea why Mr Duchesne suddenly removes himself from the picture?---No, I didn't have that discussion.

10

With anyone?---No.

Again, in the template, you've left the dates blank, but you've also made reference, in the template description, to labour and you've used Mount White as the example.---Yes.

And Mount White was an HVSS location, wasn't it?---I believe Mr Dubois sent them up there for a job to do.

20 Well, did you know that at the time you created this template?---I think it, I believed there was work that had been done but he hadn't been paid for yet because he hadn't set up an invoice or anything.

Did Mr Manuel really do any work at all?---Yes, he did.

Are you sure about that?---Yes, I'm sure.

In any event, you prepared this template.---Correct.

30 And the template presumably reflects your view that PMD might do some work for AA Steel.---Yes.

And just using an example, it might do some work at Mount White.---Yes.

Did you know at the time that there was already work in the pipeline to that effect or - - ?---No.

40 - - - was that just a generic description?---No. A lot of the work is reactive based on works that (not transcribable) where something goes wrong and they need somebody to attend. So if I could use an example, this might have been where a truck had damaged a light pole and so they had to go out there and make it safe.

Is that really quality work? I mean isn't that repair work as opposed to doing quality works on steel fabrication installation?---So there might have been other resources that (not transcribable) actually did the work. Mr Manuel would observe, take pictures and record the works that was done.

So for instance, using your example, a light pole was damaged by a truck.
---Yes.

You would want someone to go up, a contractor to go up and fix it.---Make it safe and identify what needs to be done, whether it can be repaired or whether it has to be replaced.

10 So what, do you say Mr Manuel would go up and take some photos?---He might go up with AA Steel, AA Steel makes it safe, he observes it, what they've done, he says, look, do this, do that to make it safe, and then provides feedback on this is what needs to be done. It's irreparable, it needs to be replaced, at which, as per the example, Mr Dubois would then engage S A Masters to go out and replace or repair.

So he's, Mr Manuel, as you understand it, is going along and taking some photos to record what in this instance AA Steel would do.---Might be, yes, as example.

20 So that's the first template you prepared.---Yes.

Can we go to the next page, please. And you'll see that the next template you prepared was one for PMD to consult to M&M.---Yes.

Now, obviously this is just a template that you prepared at the time.---Yes.

But you'd sent it to Mr Duchesne – I withdraw that – to Mr Manuel and to your wife for their review.---To look at, yes.

30 So you must have had in mind then that PMD was going to do some work for M&M.---Yes, they did end up, he did end up doing work with M&M.

Now, isn't the way you've described PMD's very existence that it's an entity that comes in to do quality checks for contractors separate to the quality checks that M&M is doing for the RMS?---Yes.

So on what planet would you ever anticipate that PMD is going to be billing M&M for work?---I believe that there was work in Tweed Heads under Mr Dubois where they both went up and did the work.

40 But this is at a template level. You're setting out invoices with a view to ultimately them being issued for work that's going to be done. Correct?
---They're for work that, yeah.

And again, you've used here labour at Mount White as your generic example.---Example, yes.

But you obviously anticipated in drafting this that at the point of drafting that PMD at some point might do some work and bill M&M.---Yes.

So that would involve, wouldn't it, given that you understood M&M was doing work for the RMS, so M&M would do a quality check and bill the RMS for it?---Yes.

And that in some way M&M would then engage PMD, controlled by Mr Duchesne and Mr Manuel - - -?---No, Mr Duchesne was removed, I believe at this time he was removed from the company.

10 So before PMD even issued an invoice?---Yeah, I think Mr Duchesne was removed, removed himself from the company or any affiliation.

So did you at some point then come to believe that Mr Duchesne, having removed himself from PMD, might engage PMD?---Yes.

Why would he want to do that? If he apparently wanted nothing to do with the company, why would he then want to engage them to do some work on jobs he had for the RMS?---Mr, Mr Duchesne was not always available so he had somebody else that he would instruct to go and what they needed to do, whether it be a torque sequence, when you're erecting a structure there's a specific torque sequence that has to be followed, witness and observe was that torque sequence followed. He has paperwork, have they followed that.

20 Do you remember that there was a period in about April/May 2018 when Mr Duchesne was due to go on holidays and go back to South Africa?---Yes.

And do you recall him telling you that he would absent from that time?
---Yes.

30 And do you recall instructing him that at that time what he should do was to continue to bill the RMS through M&M for inspections?---Yes.

But to use Mr Manuel, who would then submit invoices to him through PMD, to do that work?---Yes.

So, you directed him, that is Mr Duchesne, that he was to, in effect, continue to bill the RMS for M&M work, correct?---Yes.

40 But that he was to use Mr Manuel to actually do the work in his absence?
---Yes.

On any view, Mr Manuel was not qualified on his own to be doing the quality check or quality assurance works that you had been getting Mr Duchesne to do for some period, was he?---I believe for that particular period, was the erection of a gantry. As I said, it was witnessed, was the concrete testing done, that's done by an expert, He just witnessed it, yes, it was done, these were the readings. All he had to do was document what

activities were done as per instruction from Mr Duchesne. He had to follow
- - -

Was there – I'm sorry. I didn't mean to interrupt.---He had to follow instructions given to him by Mr Duchesne to witness these activities that were happening.

So it was a pretty simple job?---Yeah.

10 And do you recall which – was it a steel fabricator that was doing the job at the time?---The job was onsite installing.

Where was it?---I think it might have Jerilderie or Narrandera or somewhere like that, Safe-T-Cam contract.

And did Mr Manuel in fact go?---Yes.

He did?---Yes.

20 Did you go with him?---Yes, I was onsite.

So this was your job?---No.

Well, why were you there?---Because I was asked to go there and manage part of the works. We were building two sites at once, about 100 kilometres apart. So Mr Dubois was one side, I was on the other side and we would swap through the day.

30 And, what, Mr Manuel is there, is he documenting what's being done?
---Yes.

This is the situation though, isn't it, that during the period of Mr Duchesne's absence in South Africa, first of all, I mean, he's a friend that is being contracted to do RMS work through M&M, correct?---Yes.

But while he's away, what you in fact direct him to do, is to continue to bill as if he is doing the work, correct?---Yes.

40 But in fact to have your father-in-law do the work and have PMD bill him?
---Yes.

You would have understood, wouldn't you, that you couldn't directly engage your father-in-law to do inspection work?---No, no.

Partly because he's your father-in-law, partly because also he actually has no qualifications in quality checks or quality assurance?---Ah hmm.

No relevant background in it.---That's where he was working with Mr Duchesne.

But he was filling in for Mr Duchesne while - - -?---Mr Duchesne gave him instructions as to what activities he - - -

THE COMMISSIONER: Just stay focused. Mr Manuel had no education in this line of work?---No, quality assurance work - - -

10 Is that right?---Yes.

He had no formal qualifications whatsoever, is that right, in terms of the quality assurance work?---No.

So, if he was a totally unqualified man in his 70s, as you say he was, why would he be engaged to do any work while Mr Duchesne was overseas?
---Well, they had been working - - -

20 It would be wrong, wouldn't it?---Yes, Commissioner.

To allow anybody who's untrained, unskilled, unqualified to do quality assurance work whilst the person who normally does it is away? It would be highly improper, wouldn't it?---Yes, Commissioner.

Do you agree?---Yes, Commissioner.

30 And it would be improper why? Because he didn't have any qualifications to do that work which was vital, quality assurance, correct?---Yes, Commissioner.

And quality assurance is important, I gather, for safety reasons. Is that right?---Yes, Commissioner.

So that the gantries, when they are put up don't fall down, is that right?
---Commissioner, somebody else does the work, they just witness it while it's done.

40 Yes. But the quality assurance work is performed on gantries?---That's when it's fabricated. If the concrete - - -

To ensure that they're properly fabricated.---Yes.

To ensure they don't just fall down once they're erected, is that right?
---Correct. Correct.

And quality assurance work is designed to check to make sure that the work has been done according to specified standards, correct?---Yes.

You're not seriously suggesting, are you, that your father-in-law actually did that sort of work, that sort of quality checking work, while Mr Duchesne was overseas? You're not suggesting that, are you?---No, Commissioner. What I'm suggesting is that Mr Duchesne gave him activities to witness, a sequence to follow, and that's what was carried out.

Even though he was untrained?---Yeah, I could witness, yes, the quality testing was done.

10 That would be an absolute nonsense for Mr Duchesne to leave the responsibility of the quality assurance work in the hands of your father-in-law, who had no qualification for the work. It would be a nonsense, wouldn't it?---Okay.

Wouldn't it? Do you agree? It wouldn't make sense. Do you agree?---No, Commissioner.

You don't agree?---No, Commissioner.

20 So why would it be appropriate for an unqualified person to do quality assurance work?---Commissioner, as I said, the activities are done by properly accredited people. You just witness that that was the activity that was done. For example, as I said, the concrete testing, was it done, you get a test report from the concrete company.

But tell me this. You said that the scheme that PMD Consulting Services engaged in was corrupt. That right?---Yes. Yes, Commissioner.

30 You need to answer so that it is on the record.---Yes, Commissioner.

Is that correct?---Yes, Commissioner.

Right. So the primary purpose of establishing PMD Consulting Services was to carry out corrupt transactions, is that right?---No, Commissioner.

All right. As it turned out, the primary function that PMD Consulting Services performed was a corrupt one, correct?---Yes, Commissioner.

40 Is the answer yes?---Yes, Commissioner.

So whatever work was done by your father-in-law, at the end of the day, the principal purpose that it ended up serving was not a legitimate one but a corrupt one, is that correct?---If he has got the qualifications, yes.

No, no. If in fact it was the case that PMD Consulting Services performed a corrupt function as its primary function, then this was a scheme, at the end of the day, which was to your benefit. Is that right?---No, Commissioner.

Whose benefit did this corrupt scheme work for?---I didn't receive any benefit from it.

Who did?---Nobody. It was work that was done and people were remunerated for the work they did.

So you say no work was actually done by PMD Consulting Services?---Yes, there was work done.

10 It was a company used for corrupt purposes, you told me. Is that right?
---Commissioner, the work was done.

Let's not talk about the work. Let's just focus upon what else it did apart from any work that was actually done. PMD Consulting Services performed a function in the corrupt scheme, correct?---Okay.

No, no. Not "okay". Is that correct?---Yes, Commissioner.

20 And again, just tell us what was the function that PMD Consulting Services was used for? That is, what corrupt function it was used for?---They were filling in for works that had to be done.

And what was the falsity or the fraud?---They weren't qualified.

They're not qualified.---Yes.

30 And you say that work was done by somebody who was unqualified but charged to RMS by the contractors? Is that what you're saying?---Charged to M&M. Yes.

M&M. And to whose benefit was the scheme?---I don't believe was any benefit for anybody.

So you're saying that there was a corrupt scheme put together, but nobody benefitted from it?---Well, there was no benefit besides people actually doing the work and claiming their, their payment for their work they did. And it was physically done, I think there's photographic evidence of the work.

40 Well, you told me that you came to see that it was used for corrupt purposes, that is, PMD Consulting Services. Over time you came to the conclusion it was being used for a corrupt purpose. Is that right?---Could be used.

No, no. You told me earlier, it was.---Okay.

It had been used for corrupt purposes. Did you not? You told me that just this morning.---Okay.

No, no, not 'okay'. Do you agree you told me that?---I would say yes. But
- - -

You'd say 'yes', because 'yes' is the correct answer, I presume. Is that
right?---Okay.

No, not 'okay'. Is it right?---Yes.

10 It was corrupt, wasn't it?---I don't see how it was corrupt besides the person
not having the qualifications.

No, don't you avoid the question.---I'm - - -

I'm not talking about qualifications now. I'm just talking about the way in
which this PMD Consulting Services operated.---Yeah.

20 I thought you agreed before it operated in relation to a corrupt scheme. Is
that - do you want to change your evidence?---In having Mr Duchesne
there, yes, I agree.

You agree.---With Mr Duchesne there. Once Mr Duchesne removed
himself from the company, I believe it operated legitimately.

But you say nobody benefitted from the corrupt activities of PMD
Consulting.---No.

All right.

30 MR DOWNING: Just thinking about what you've described your father-in-
law doing, you seem to say that he was there witnessing the works that were
being done.---Yes, Counsel.

But isn't the nature of the work that someone does when they're working in
quality assurance not to just witness but to actually witness and verify that it
meets the standard and is therefore safe?---Yes.

And your father-in-law was in no position to do that, was he?---No.

40 So that to the extent that you say PMD did the work, it didn't actually do the
work that it was billing for, which was doing quality assurance
certification.---As I expressed, Counsel, Mr Duchesne gave Mr Manuel
some instructions to follow and witness, and that's what he did onsite, and I,
the, the, the example I used was with the sequence of tightening of the bolts
of the structure, and the torque measurement achieved.

All right. Let's go to the actual PMD invoices, if we could, please. So if we
go to volume 10.5, page 66.

THE COMMISSIONER: Sorry, give me the reference again?

MR DOWNING: 10.5, page 66, Commissioner.

THE COMMISSIONER: Thank you.

MR DOWNING: Do you see this is a 25 May, 2018 email - - -?---Ah hmm.

10 And just pause there, that's two days after your templates that you sent to Mr Manuel and to Aleesha.---Yes.

I can take you back if you want, but take it from me, that email where you said, "Please review so we can initiate invoicing to start cash flow into PMD," was on 23 May.---Yes.

Now, did you in fact send this email?---No, I don't think so.

20 Did Mr Manuel or did Aleesha, to your knowledge?---Aleesha might have sat with Mr Manuel and sent it off.

In any event, it's an email on 25 May attaching what seem to be invoice claims, and there's three of them, so there's three particular numbers. Do you see that, and the attachments?---Yes. Yes, I do.

So if we go to the first one, please, page 67, you'll see that it's a bill for \$679.25, and indeed it covers labour at Mount White, which is what you'd put in your template two days earlier.---Yes.

30 And to your knowledge, did Mr Manuel actually go and do that?---Yes.

So what was the labour, what did he do?---I don't know what he did. (not transcribable)

Can we go to the next one, please, page 68. So the invoice that I just took you to is dated 25 May, this is 24 May.---Ah hmm.

And it's got work going back to 3 May, so 3rd, 4th, 7th, 8th, 10th, 14th, 15th, 16th, 17th, and 18th of May.---Yes.

40 And it's just labour, point-to-point line-marking.---Yes.

And the total is \$7,012.50.---Yes.

Now, point-to-point was your program.---Yes, it was.

Is this an invoice as far as you know it that reflects the actual performance of line-marking or checking it?---Performance.

So PMD wasn't billing according to this bill for any quality work, it was actually doing the line-marking.---Yes, because there was very little work so he went out and assisted AA Steel with their line-marking.

So AA Steel, a steel fabrication company, is doing line-marking?---Yes, we established that yesterday.

And PMD is now, what, subcontracting the line-marking?---No, he's working with them as a labour with AA Steel resources.

10

So he's an elderly boilermaker who was trying to avoid physical work, and gets into quality, but now gets drafted into doing line-marking on the road. ---Yes.

Are you suggesting that he genuinely did that work?---Yes, I am.

THE COMMISSIONER: How do you know?---Because I was there.

You saw him doing it, did you?---Yes.

20

Did you help him?---I might have stood there when the traffic went past as a, to watch they don't get run over.

Are you lying about this?---No, sir. I'm pretty sure there were pictures of it somewhere.

Did he really do much work up there?---Yes, he did.

Between 3 May - - -?---Yes, he did.

30

- - - and 18 May?---Yes, he did.

MR DOWNING: Where were the point-to-point locations that he did the line-marking?---Might be out west, might be the Newell Highway.

So around Daroobalgie?---The Forbes - - -

Forbes-Parkes?---Forbes, on a site in Forbes, there's a site south of Forbes, there's Peak Hill, Tomingley.

40

Right.---So what would happen is on a daily basis you might have a run of six to seven or eight sites, so on 3 May he might have done four sites, on 4 May is the next day, you get up and you go to the next sites and do those sites and you move on. You travel right across New South Wales.

So in May 2018 between the 3rd and 18th, he is out in country New South Wales doing line-marking.---Yes.

And you say you recall him doing it because you were there. Where was that?---Well, he's worked on various one, as I said, we did the Pacific Highway, we've done the Hume Highway, the Newell Highway, Mitchell Highway.

10 Wouldn't you typically, where there was work being done at a point-to-point site, identify the location rather than just generically saying point-to-point line-marking?---I believe, Counsel, if you marry this up with the works that AA Steel did at the time you'll identify that that's where the areas were.

I want you to think carefully about your answer to this. Did you in fact tell the Alexanders that they should pay this bill, even though Mr - - -?---No.

- - - Manuel wasn't doing work for them?---No. I believe he was working with them.

20 If we go to the next bill, please, so page 69. Do you see these are, or this is a bill for \$1,322.75.---Yes.

Dated 25 May and it reflects works said to have been done on 27 and 28 April, 2018, with gate rectification works in sites in Sydney?---Yes.

And do you know where those sites were?---I, off the top of my memory I believe there were six sites. One was out at Orchard Hills, one was on Windsor Road, I believe there was about six sites that they had to go and fix because the gates were falling.

30 And did Mr Manuel do the actual work of fixing the gates or was he doing quality checks?---There were three people on the job and Mr Manuel was the leader advising what to - - -

THE COMMISSIONER: I can't hear you. What do you say?---There were three people on the works and Mr Manuel was there as the person with the experience as to how they could fix it.

Sorry, what was he doing?---He was instructing the AA Steel workers on how they could fix the gates from falling.

40 So they were actually getting instructions from Mr Manuel as to how to do their work.---Yes.

Is that right?---Yes. On how they can fix it.

MR DOWNING: By this point, which is May 2018, it's the case, isn't it, that Ashley Alexander had been in the steel fabrication game for quite some years?---Yes.

He'd done jobs big and small.---Yes.

He didn't need Mr Manuel to tell him how to fix a gate, did he?---No, he didn't do the work, he sent two of his people out there with Mr Manuel.

Well, presumably Mr Alexander employs people to work in AA Steel that know something about working in steel.---It was the function and operation of the gate, which the gate was falling, and it came to Alex from, I believe, our own inspectors saying the gates are falling, we need someone there to fix these gates up ASAP.

What I'm suggesting to you, and you can agree or disagree, Mr Steyn, is that there was no genuine, legitimate need for Mr Manuel to do anything to do with this job.---It was a resource available. I believe he even put together a report for this job, which was - - -

THE COMMISSIONER: Is that what he did? He just put reports together? ---He reported to Mr Dubois what was actually done and what needs to be done to permanently fix it.

20

So you say he both instructed these men how to do their work - - -?
---Temporarily fix it.

Is that right? How to go about doing their work?---Yes.

He was there giving them instructions over these two days, is that right?
---Yes.

He was also making reports, was he?---He provided a report to Mr Dubois as to a permanent fix. What they identified was concrete wasn't deep enough to hold the posts.

30

Now, are you telling the truth or are you making this up as you go?---The truth.

You sure you're not making it up as you go?---Correct.

Yes.

MR DOWNING: What I'm suggesting, and you can agree or disagree, is that there was no actual need for Mr Manuel to fulfil the function that you say he fulfilled on this job.---Someone had to do it.

40

Well, AA Steel, the company that was being paid to do it, could have taken care of it, couldn't they?---Well, they were paid and he was working for some income from them.

Wasn't it the case that you were, in effect, directing them to use him and then ensuring that that occurs so that the RMS could pay money to them and on to him?---No. Definitely not.

So you couldn't, do you say that there was, separate to whatever skills AA Steel brought to bear for this job, that there was a genuine need for some particular input from Mr Manuel?---Yes.

10 Can we go then, please, to page 70. And you'll see that there is another email – I'm sorry. 21 June, 2018, from Mr Manuel to Ashley Alexander. ---Yes.

Although it seems to be addressed to Sandy, given that it says, "Hi, Sandy. Please find attached invoice." You see that?---Yes.

Do you know whether you sent this?---No.

Anyway, you'll see that it says attachments are Forbes and Tweed.---Yes.

20 And if we go over the page. It's a 21 June, 2018 invoice. Some \$4,650.25. And it describes work in Forbes and at Tweed Heads.---Ah hmm.

So with Forbes, it's the installation of stairs (not transcribable) offices. ---Yes.

And with Tweed, it's just generically described as "night works".---Yes.

30 So do you know whether this invoice relates to quality works that Mr, or quality checks that Mr Manuel was performing? Or was this physical work?---I believe that could have been physical work at Forbes, installing the stairs with a few of the AA staff.

THE COMMISSIONER: You said you believe it involves that.---Yes. Off my memory, Commissioner.

What's your belief based on?---Off my memory, Commissioner, I remember them going out there, installing stairs for Alex.

40 Was this work really done?---Yes, it was.

Is this invoice a fabrication?---No.

MR DOWNING: If we could go, please, to the next page. Page 72. And can I ask, just before I ask you questions about the specifics of this, did you create these invoices for Mr Manuel?---No, I created a template.

We've seen the template.---Yes.

But when it came to actually populating the invoices that were sent to AA Steel - - -?---No.

- - - who created those?---I believe it was my wife, with her father sitting next to her, who had it in his (not transcribable)

So you weren't involved in the actual creation of the invoices that were sent out?---No. No.

10 You'll see that we've now moved from invoices to AA Steel to now an invoice to M&M.---Yes.

And 25 May, 2018.---Ah hmm.

Is this one. And you'll see it refers to 12 April works in Jerilderie and Narrandera.---Yes.

Now, were you present for those?---Yes.

20 Is that what you were describing earlier, when you said that you were at one site, Alex was at another, and Mr Manuel was down there?---Yes.

So, as you recall, is this during the period of Mr Duchesne's absence in South Africa?---Might have been there part of it, and he was on vacation I think for two weeks or something.

And what works, given that there's no description of them, was Mr Manuel doing in Jerilderie and Narandera?---I believe he was following instructions from Mr Duchesne on, as I said, procedures that had to be followed, where
30 the concrete testing had to be done, whether they had the right slump for the concrete, whether the torque sequence were used appropriately.

THE COMMISSIONER: How do you know Mr Duchesne gave those instructions?---Because he gave me a copy and he said, "This is what I've asked Peter to follow up."

Have you still got that?---No. They took, ICAC took it all.

40 Of course not.---I'm sure if you go on my phone and - - -

This invoice relates to work allegedly done between 9 and 12 April at Jerilderie and Narrandera. The invoice on the screen, 25 May, 2018, addressed to M&M Inspections for work at Jerilderie and Narrandera?
---Yes, Commissioner.

Who prepared this one?---I believe it would have been my wife with that one.

How do you know?---Because she would regularly assist her father. He would - - -

I'm sorry?---She would regularly assist her father. He would sit with a book she would type it out for him.

Which little book?---His book.

His book?---Yes.

10

Has your wife still got that book?---No, I don't think so.

That's gone too?---Yes.

Book's gone. You don't know where it's gone?---Commissioner, if you look at the pictures in my phone that ICAC has, you will see the pictures onsite of Mr Manuel.

20

Maybe you think ICAC holds it?---Sorry, Commissioner?

You may think this Commission has the book?---No, I said my phone. If you look at my phone, you will see evidence - - -

Sorry?---My phone that is in the possession of ICAC, you will see pictures, evidence of - - -

I see. Is this invoice on the screen a fabrication?---No, it's not. I, I believe Mr Duchesne can confirm that as well.

30

Yes.

MR DOWNING: I'm sorry, Commissioner. I just wanted to confirm something just relating to something that Mr Steyn has just stated.

THE COMMISSIONER: Yes. Mr Downing, as we've interrupted, there are a couple of programming aspects or timetabling for this matter that I need to discuss. So perhaps I might adjourn for five minutes and deal with that.

40

MR DOWNING: If that's convenient, and then - - -

THE COMMISSIONER: Is that convenient?

MR DOWNING: Commissioner, we then we'll be able to break soon after 12 o'clock in order for you to attend to whatever - - -

THE COMMISSIONER: Well, I think perhaps I won't take a break until about five to 12.00. We might have a consultation about timetabling and so

on and then resume and I'll announce what the timetabling for next week is.
Thank you.

MR DOWNING: So, if we could then, Mr Steyn, go to the next invoice, please. So, we've been at page, 72, could we go, please, to page 77? Do you see, this is an 8 June, 2018, invoice to Mr Duchesne at M&M?---Yes.

And it describes it, the date is 8 June, but it simply describes it as, "Services rendered, April '18 to June '18," with a lump sum of \$5,000.---Yes.

10

Do you know what works that related to?---No.

Do you believe that Mr Manuel genuine did works in that period of M&M?
---Yes.

So was that while, as you understand it, Mr Duchesne was overseas?---I don't know if that's the period.

20 If we could then go ahead, please, to page 82. Do you see an invoice of 8 June, 2018, again to M&M, and this time describing works on 30 April, 1 May and 2 May, 2018?---Yes.

Jerilderie and Narrandera?---Yes.

Which is the same two locations that were referred to in one of the earlier bills, the one at page 72, but that related to 12 April, 2018?---Yes.

Do you believe that this work was genuinely done?---Yes. If I can - - -

30 Were you present for this?---Yes. If I can explain?

THE COMMISSIONER: How do you know it was genuinely done?
---Because I was there, Commissioner.

You were there?---Yes. And if you want me to explain why there's a variance - - -

40 You were there on 30 April, 1 May, and 2 May, were you?---Yes. Yes, Commissioner.

Did you keep any records about what happened at those sites?---I believe there would be photos on my phone, would you like me to explain how - - -

No, no, no.

MR DOWNING: All right, but do you have a recollection that there were different dates in April and then in May where works were done down in Jerilderie and Narrandera?---Am I allowed to explain, Counsel?

If you could, please.---Oh, there's three stages to the delivery of the works. The first is the excavation and pouring of concrete, installation of the base (not transcribable) of the structure.

Was this for a gantry structure?---Correct. So if you look at works done by maybe CBF and that'll be at roughly the same time, next - - -

Sorry, CBF, that is - - -?---CBF or Euro Civil or one of the - - -

10

Do you know who was doing this job?---No. So, there's the first stage. And then two weeks later, you go back and install the gantry, once the concrete's dry, and you put an accelerant in the concrete so it dries quicker. You go back two weeks later and install the gantry. So that's why there's a period, yeah, where it's invoiced, and then the second visit, there's another period where it's invoiced for those particular works, and then there's a third visit, which is the final commissioning.

And are you able to verify from your own presence there that Mr Manuel was present at each time?---Correct.

20

THE COMMISSIONER: What sort of work was he doing?---As I said he was just, you know, oh, some of it was QA observing - - -

Sorry, he was?--- - - - some of it was witnessing.

Witnessing.---Yeah, some of the work was witnessing.

He was witnessing?---Yes.

30

What was he witnessing?---That the procedures were followed.

What procedures?---That Mr Duchesne gave him. As I said, we were doing two sites at the same time, Commissioner.

Yes, but procedures in relation to what work?---For the first one was the concreting done near the - - -

It was the what?---The concreting. The slump. Slump of concrete measurement, depth of holes, is it correct coverage around the steel structure.

40

Yes, and your father-in-law's there, checking on this work, is he?---Yes.

Hmm?---Yes.

To make sure it's being done properly, effectively, and safely.---Yes. Yes. Yes.

MR DOWNING: I'm going to suggest to you that the dates that Mr Duchesne was absent in South Africa was between 19 April and 14 May. ---Okay.

So if we could go back, please, to page 72, which is the 12 April, 2018 invoice. I withdraw that. 25 May, 2018 invoice in respect of 12 April, '18 works. Was there an occasion on 12 May, that is before Mr Duchesne departs from South Africa, where he went down to Jerilderie and Narrandera and took Mr Manuel along?---Mr Duchesne?

Mr Duchesne took Mr Manuel along.---Take, yes, yes.

So looking at that date, 12 April, do you think that might relate to in effect Mr Manuel going along to learn something about what might happen while Mr Duchesne was away?---Yes, he was part of it, yes.

So a \$2,000 charge for travelling down to effectively see what be involved when Mr Duchesne was absent?---It's not travelling, it's over a few days. That's not just travel costs, it's over a few days.

THE COMMISSIONER: In other words, charging RMS or ultimately RMS \$2,000 so that your father could learn something on the job.---Yes, Commissioner.

Is that right?---(No Audible Reply)

MR DOWNING: And then going back if we could, please, to page 82, which is the later 8 June bill for works at Jerilderie and Narrandera of 30 April, 1 May, and 2 May. If you accept from me that that's during the period of Mr Duchesne's absence, is your recollection that that was when Mr Manuel was down on the job - - -?---Yes.

- - - not doing quality works, but actually doing work related to the installation.---Yes, he's, yes, witnessing that, as he's - - -

Witnessing it.---Witnessing the works that were done, which was, as I said, torque range, what have you. When they torque it up, the gantry has to achieve a certain torque. There's a base and there's a aerial piece.

But sorry, so it was quality works. I may have misunderstood. So he wasn't there physically doing works then, he was checking the - - -? ---Observing, witnessing that it is carried out as per the instruction that Mr Duchesne gave him.

And do you believe he submitted some quality reports of some nature? ---I don't know. He would have had discussions with Mr Duchesne on his return.

THE COMMISSIONER: He was there witnessing the work, which by that you mean quality assurance work. Is that right?---Yes.

And there was going to be an invoice raised by his company and sent ultimately to the contractor for payment. Correct?---(No Audible Reply)

10 How could you justify or how could he justify billing a contractor when he's not even qualified to do the work?---As I said, he acted on instructions from Mr Duchesne who was the contractor.

It's deceptive, isn't it, that he's rendering an invoice, total cost in this case \$3,635, on the basis that he is a trained quality control person when he's not. ---If you look at the rate, that's a trades price, \$70 an hour. If you want a quality assurance person you're paying 150, \$160 an hour.

20 But he wasn't trained at all, so why would he be charging for his services rendered when he has no training in the work? It's a fraud, isn't it? ---Commissioner, he has over 30 years' experience doing that type of work.

He had no training, you've already said this, in quality assurance work. Correct?---Yes, Commissioner.

None. And then for him to charge for services for quality assurance work is just totally unjustifiable and dishonest, isn't it?---Commissioner.

Do you agree?---Yes, Commissioner.

30 MR DOWNING: Isn't the reality of Mr Manuel's involvement that you were seeking to have him do this work through whether it was AA Steel or in this instance M&M, so that he was taken care of financially?---Well, he was doing work to earn a living.

You weren't trying to ensure, through your position at the RMS, some benefit that might flow the way of your father-in-law?---No, no.

40 Can we then move, please, to page 87. And do you see this is an invoice, 13 August, 2018, so well after Mr Duchesne is back from South Africa, and you also say don't you that certainly by this point Mr Duchesne has nothing to do with PMD?---Ah hmm.

He's out of it. It's a bill to M&M, this time for a total of \$25,000, although it reflects a partial payment of 10, but 25,300 all-up.---Ah hmm.

And you'll see in August it refers to unspecified services rendered between May and July 2018.---Ah hmm.

Then August 2018, "Assistance with business development."---Ah hmm.

And then 13 August, 2018, "Engagement of third party services to assist."
---Ah hmm.

Now, is this, as far as you're aware, an invoice to M&M that reflects genuine work that Mr Manuel did?---I don't recognise it, but I don't know, I can't comment on that, I don't recognise it.

10 Isn't it the case that you told Mr Duchesne that he should pay this bill?
---I may have. My father-in-law came to me and said that Marty owes him some money and he's not answering him, so I said, "Marty, you - - -"

THE COMMISSIONER: Now you might answer the question. Put the question again.

MR DOWNING: Isn't it the case that you told Mr Duchesne that he should pay this bill?---I might have.

20 And why would you have done that?---Because my father-in-law came to me and said that Marty owed him some money but hadn't paid - - -

THE COMMISSIONER: I don't understand you. I can't hear you.---Sorry, Commissioner. My father-in-law approached me and said Marty hadn't paid his invoices.

Sorry, your father what, father-in-law?---Approached me and said that Marty hadn't paid his invoices.

30 MR DOWNING: So what, the earlier invoices from PMD?---I wasn't sure which, I just said, "Marty, you need to pay his invoices if he's done the work."

Hang on. So your father-in-law, Mr Manuel, approaches you and says Marty hadn't paid his invoices?---No.

As far as you knew, the only invoices he'd been rendering Marty were those through PMD, correct?---Yes.

40 So did you understand that they, in some way, the invoices that related to the works that you'd been present for Mr Manuel doing hadn't been paid?
---He had gone off on separate works with Mr Duchesne. I don't know what those works entailed.

But was your suggestion then as to how to solve the problem was for PMD to issue a new invoice to M&M to make up for whatever was unpaid?---No, it's not a suggestion. I just, he just said, "This is what's owed to me." I said, "Marty, you need to pay the invoice."

All right. But look at this invoice. Have you ever seen this before?---Don't recall it. I might have. I would, I wouldn't, I wouldn't say, no, definitely not. I might have. I don't recall it.

When you look at, first of all, when you look at the size of it, it's a much larger bill than the earlier ones, isn't it?---Yes.

The earlier bills refer to RMS worksites and different types of work.---Ah
hmm.

10

What this refers to, first of all, is \$13,000 for unspecified services rendered in May to July, correct?---Yes.

Do you know what services Mr Manuel was rendering to M&M between May and July?---You might have to ask Martin because, as I said, they frequently visited fabrication shops or, you know - - -

20

Accepting from me that Mr Duchesne was back from 14 May, back from South Africa and back doing his work for M&M, what did you understand Mr Manuel was doing for him from that point onwards?---I thought he was assisting him.

THE COMMISSIONER: Assisting him?---Mr, Mr Duchesne.

MR DOWNING: What, so directly through M&M.---Yes.

30

THE COMMISSIONER: Well, just come back to – is this an invoice that you spoke to Mr Duchesne about?---As I said, Commissioner, my father-in-law came to me and said, “Marty hasn't paid his invoices.”

No, I'm sorry. Just answer my question. Do you believe it is this invoice that you spoke to Mr Duchesne about?---Yes, Commissioner.

And so I take it that you pointed out to him that the money was unpaid and would he please pay it?---Yes, Commissioner.

40

MR DOWNING: Do you know, looking at the second entry for 13 August, what assistance with business development Mr Manuel provided Mr Duchesne?---No, Counsel.

I mean, as far as you knew, Mr Duchesne's business was quality assurance. ---Yes.

And to put it as neutrally as I can, Mr Manuel was a novice in that field. ---Yes, Counsel.

Wasn't really in a position to develop Mr Duchesne's business, was he? ---No, I don't know what business ventures they were discussing.

THE COMMISSIONER: Just answer the question. Put it again.---No.

MR DOWNING: He wasn't in a position to develop Mr Duchesne's business, was he?---No, Counsel.

And as far as engagement of third-party services to assist, do you have any clue what that means?---No.

10 Did you draft this bill?---No.

Did you tell Mr Duchesne that he would be receiving it and that he should pay it?---Yes, I believe so (not transcribable) sorry, yes.

And was this a means of you getting some payment through PMD but then ultimately back to you?---No.

20 Do you believe that your wife Aleesha showed you this bill before?---I would, I can't remember, but I would say possibly.

Having looked through the series of bills that I've taken you through with PMD, would you accept that at least in respect of this last one it appears to perhaps be billing for works that Mr Manuel wasn't really doing?---I can't comment on that.

30 Would you accept that you had a financial interest in Mr Manuel being paid something in the time he was here, in the sense that if he wasn't employed, that you would have been the ones picking up his living expenses?---Well, yes, he lived with me. He didn't pay to live with me or anything.

THE COMMISSIONER: Sorry, what did you say?---Sorry, Commissioner. Mr Manuel lived at my premises but wasn't paid anything. I was picking it up either way.

MR DOWNING: Commissioner, I notice the time.

THE COMMISSIONER: Yes.

40 MR DOWNING: There's just one last matter, just to do with the car before we finish, if I could just ask about that.

THE COMMISSIONER: Yes, certainly, yes. Yes, go ahead.

MR DOWNING: I asked you about the circumstances in which you returned the Mercedes earlier.---Yes.

And you said you thought it was before the search warrants were executed, which I'm going to ask you to assume is 18 June, 2019.---Okay.

Could it be – I withdraw that. You became aware, didn't you, that the Commission was conducting an investigation into Mr Soliman at one point?---Yes.

Because you were asked to provide a – you were made aware of it anyway in mid-2019, correct?---Yes.

10 And could it be that the circumstances that led to you going cold on having the car were after you'd learnt that Mr Soliman's conduct was being looked at?---Yes.

And that you then wondered whether perhaps you might be the next person whose conduct came under scrutiny?---Yes.

Thank you. Commissioner, there is a little bit more that I will need to finish off with Mr Steyn. I don't imagine it will take very long, but it might be a couple of hours on Monday.

20 THE COMMISSIONER: Okay, all right. Mr Steyn will have to return on Monday.---Yes.

I will adjourn for a short time, just to consider the question of timetabling next week, and then I'll resume to let everyone know what the program will be. I'll adjourn.

SHORT ADJOURNMENT

[12.01pm]

30

THE COMMISSIONER: Now, Mr Downing, I just want to announce the program for next week, unless there's anything else at this stage you want to raise?

MR DOWNING: No, thank you.

40 THE COMMISSIONER: Thank you. We'll resume next week on Monday at 10 o'clock. There will be circulated a list of witnesses who are programmed to give evidence next week. On Tuesday morning I will resume at 11 o'clock. We'll make up the hour by sitting at 9.30 on Wednesday and 9.30 Thursday as well, and Friday, usual time, we will commence at 10 o'clock. Mr Steyn will be required to return on Monday to continue his examination. Mr Downing, are there any other matters of procedure or otherwise?

MR DOWNING: Not at the moment, Commissioner. No.

THE COMMISSIONER: No. Very good. Thank you. I'll adjourn.

THE WITNESS STOOD DOWN

[12.17pm]

AT 12.17PM THE MATTER WAS ADJOURNED ACCORDINGLY

[12.17pm]