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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION PARAGON

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 15 JUNE, 2021

AT 11.00AM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

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

THE COMMISSIONER: Yes, good morning.

MS SPRUCE: Good morning, Commissioner. The next witness is Bilal Najjarin.

THE COMMISSIONER: Yes, thank you. Mr Najjarin, do you mind coming forward, please. Yes, just stand there. Mr Najjarin, do you wish to take an affirmation or an oath.

10 MR NAJJARIN: Take an oath.

THE COMMISSIONER: Sorry?

MR NAJJARIN: I'll take an oath.

THE COMMISSIONER: An oath?

MR NAJJARIN: Yep.

20 THE COMMISSIONER: Oath on the Bible?

MR NAJJARIN: On the Koran.

THE COMMISSIONER: The Koran. All right.

THE COMMISSIONER: Yes, take a seat there. Mr Najjarin, are you legally represented?---No, I'm not.

I just want to advise you about the provisions of the Independent Commission Against Corruption Act, which entitles you to object to giving evidence. You still must give it, but the objection means that the evidence
10 you give can't be used against you in any other proceedings. You understand what I'm saying?---Yep.

And the only exception to that is that if you do object to give evidence, though it can't be used in other proceedings, it could be used in the event of any offence committed by you under the Independent Commission Against Corruption Act, such as wilfully giving false evidence, which is perjury. The evidence could be used in such a prosecution. You understand?---Yep.

Do you wish to give evidence under objection?---What do you mean? Like
20 - - -

Well, you're entitled to say, "I object to giving the evidence," and then if you do, that then the evidence can't be used against you. It's a matter for you, but - - -?---Yep, I'll go with that, yep.

You do?---Yep.

Okay. You understand that if I make a declaration based on your objection, you still must answer all questions and answer them truthfully. You
30 understand that?---Yep.

Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by the witness and all documents and things produced by him in the course of this public inquiry are to be regarded as having been given on objection or produced under objection. That being the case, there is no need for the witness to give objection to any individual answer or document or thing produced.

40 **DIRECTION AS TO OBJECTIONS BY WITNESS: PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THE WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY HIM IN THE COURSE OF THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN ON OBJECTION OR PRODUCED UNDER OBJECTION. THAT BEING THE CASE, THERE IS NO NEED FOR THE WITNESS TO GIVE**

**OBJECTION TO ANY INDIVIDUAL ANSWER OR DOCUMENT
OR THING PRODUCED.**

THE COMMISSIONER: Now, Mr Najjarin, Counsel Assisting is going to ask you some questions. If you listen to those questions and answer them directly if you would, please.---Yep.

Ms Spruce.

10

MS SPRUCE: Mr Najjarin, could you state your full name, please.---Bilal Najjarin.

And your date of birth?---[REDACTED], 1980.

Now, Mr Najjarin, it's correct that you were born in Sydney?---Ah hmm.

And you completed your schooling in Sydney?---Yep.

20

And you finished year 12?---Yep.

And you did that at [REDACTED] High, is that correct?---Yep, yes.

And after you finished school, you then started an apprenticeship as an electrical mechanic, correct?---Yes.

And you then subsequently obtained your electrician's licence?---Yep.

30

And you did that in around 2002, 2003, is that correct?---That's correct, yep.

Now, it's the case, isn't it, that within the electrical services industry there are different levels of licence?---Yep.

And so are you able to say which level of licence you obtained?---I think the, the level we have is just like the general electrician.

General electrician?---Like a general electrician, yeah.

40

And do you know if that's what is referred to as a level 1 certification? ---No, there's level 1, level 2. They just work in like different fields. Overheads, high voltage. So we just, we're general electricians that work with all your everyday electrical wirings and all that kind of stuff.

So is it the case that you qualified as a general election.---Ah hmm.

And then you didn't obtain a level 1, level 2 or level 3 certification?---No, I didn't. I didn't apply for those.

And so you were qualified just to do electrical works - - -?---All electrical works.

- - - within a building, is that correct?---Electrical work, industrial, commercial, residential. Just as long as it's all electrical work, yeah.

10 But is it the case that as a general electrician the work needed to be inside a building rather than connecting to - - -?---From the overheads outside, yeah, well, that's some, what we do is we, we employ or subbie out a level 2 or level 1 electrician when we've got to do that kind of work, that's all.

So just taking a step back, after you finished your apprenticeship, you started working as an electrician, correct?---Yep.

And you initially did that as a sole trader under the name BMN Electrical Services, is that correct?---That's correct, yep.

20 And you operated under that name as a sole trader until around 2010?
---Yep.

And then on the 9th of March, 2010, you registered BMN Electrical Services Pty Ltd.---Ah hmm.

30 Now, do you recall what the reason was for registering that company?
---Well, where I was, it was my business. I just wanted to be more like, because I'm trying to get more bigger jobs and you need the \$20 million public liability, and at that time I was doing also commercial works (not transcribable) so it all kind of was just the next move in my, in my electrical work 'cause my accountant was telling me at that time, sole trader, it's just like when you're by yourself and all that, and company if you want to expand, then you just get a company and get bigger jobs, that's it.

So is it correct that prior to the point where you registered the company, you were already doing residential and commercial jobs?---Yeah.

And you were hoping, were you, to expand into more commercial work?
---Yeah.

40 And you received an advice, advice from your accountant in relation to establishing a company?---Yeah, well, I, I actually told my accountant, 'cause the builders I was working for and all that, they recommended that you do Pty Ltd, so then I consulted the accountant and I told him I wanted to do my company because I'm doing (not transcribable). I was doing it around the city and all that, so I needed \$20 million public liability.

And do you recall the name of the accountant who assisted you to register the company?---At the, yeah, at that time it was MH Accounting who was my accountant.

And did you otherwise have – sorry, I withdraw that. Did MH stand for Mohammed Harris?---Yes, he’s my cousin.

That was your cousin?---Yeah.

10 And if I could just show you, please, volume 23.1, page 4. This is the ASIC document showing the registration of BMN Electrical Services Pty Ltd.
---Ah hmm.

And if we go to the next page, please, you see there that you were listed as both the director and the secretary. You see that?---(No Audible Reply)

And do you see the address in Greenacre?---Yeah, that was where I was living.

20 That was your residential address at the time?---Yeah.

And then if you look further up the page, you’ll see that there’s the registered, previous registered office address.---Yep. That’s accounting’s.

So that’s an address in Bankstown, you see that?---Yep.

And do you know what address that is?---That’s obviously my accountant’s.

30 That’s your accountant’s address?---Yeah, as far as I can remember.

Well, do you recall ever going to that address to see your accountant?
---Well, look, I’m not a hundred per cent that’s the address, but I’m sure it is if we look back at the address. But if it is, that would be my accountant’s office ‘cause that’s the only place, that’s where he was located.

And are you familiar with the company GEC Consulting?---GEC Consulting. No, I’m not.

40 I’m sorry, Commissioner, I’ve just been advised by Mr Ishak that the live streaming technology is not working and we might need to adjourn briefly to fix that.

THE COMMISSIONER: I see. Very well. Mr Najjarin, there’s some problem with the transmission - - -?---Yeah.

- - - of the live streaming, so I’ll adjourn while that problem is attended to.

MS SPRUCE: Thank you, Commissioner.

THE COMMISSIONER: Yes, I'll adjourn.

SHORT ADJOURNMENT

[11.20am]

THE COMMISSIONER: Ms Spruce.

10 MS SPRUCE: Thank you, Commissioner, I understand everything's working again now.

THE COMMISSIONER: Good. Thank you.

MS SPRUCE: Mr Najjarin, I was asking you just before the break about the company, GEC Consulting Pty Ltd, and you said you'd never heard of that company.---Never heard of it, no.

20 Have you ever heard of Ghazi Sangari, the person behind that company?
---I've heard of the name Ghazi, yeah.

So do you recall if you've ever met Mr Sangari?---No.

Do you recall the context in which that name's familiar to you?---I think he's, I've got my cousin, he works I think, some architect or something like that, they work maybe together. In the same firm where my accounting was, I think they were in there somewhere but I never really spoke to them or anything like that.

30 Sorry, if I could just break that down. You think that Mr Sangari worked in the same firm with your cousin.---Yeah, well, not – I don't know if he was working for him, but, because what it is, the office was, I think they had accounting there, so I'd go see my accountant whenever I need something and they had more working there, so I think engineering or something like that. I've got no idea about but what they used to do.

So your accountant is your cousin, Mohammed Harris.---Ah hmm, yes.

40 And is it correct that he shared an office space you think with Mr Sangari?
---I think they might have been in there because my cousin, I got, I got, there are a few cousins there that did different fields, like architect, engineering, something like that, so - - -

So you think you might have had a different cousin also working with, in the same - - -?---Yeah, I had, I hadn't - - -

- - - geographic, in the same physical location as Mr Sangari and Mr Harris?
---Yeah, yeah.

And is that your cousin, Nabil Habbouche?---Ah, no, not Nabil, I don't think that Nabil Habbouche, I never used to see him there so I don't think he used to work for him, no.

Are you familiar with the company, Sydney Metro Building Services Pty Ltd?---No.

10 But you think that your cousin, Mr Harris, and Mr Sangari, and another cousin of yours perhaps - - -?---Yeah, I haven't - - -

- - - physically worked in the same location?---Yeah, I think, yeah, they, my, I had a cousin, his name was Ahmad Wehbe, he used to do architect I think. I think he's an architect.

I see. So - - -?---That's my, that's my other cousin that was there so - - -

So Mr Wehbe is also a cousin of yours?---Yeah.

20 Now, Mr Najjarin, we'll come to the details in a moment, but it's the case, isn't it, that through BMN Electrical Services Pty Ltd you started to do contract work for the RTA?---That's right.

And you obtained that work through Alex Dubois?---Ah hmm.

30 Now, could you just tell us, please, how it is that you first came to know Mr Dubois.---Well, I can recall like, I haven't seen him for a long time, but I can recall at the gym I think I, I met him there. He knew I was an electrician and asked me if you want to do some work. So that's as far as I can remember, yeah.

So what's the gym that you recall seeing him at?---Ah, Bankstown, there was a gym at Bankstown um, what was it called, oh, jeez, I think back then it was Train Station Gym maybe.

Bankstown Train Station Gym.---Yeah, I think it would have been there.

40 And you mentioned that when you ran into him at the gym you hadn't seen him for a long time.---Yeah.

So can you go back then to when it was that you first knew Mr Dubois?---Maybe when we were kids because he's got, there's a connection to the family, his father and my, and my aunty's husband are related.

So Mr Dubois' father and your aunty's husband are related.---Are related, yeah. So there's a link there.

So you're distant - - -?---I haven't, I haven't, I haven't seen him since I was a kid.

- - - relations through marriage. Is that correct?---Yeah, through the marriage, but I haven't seen him since I was a young kid, so I'm not, you know.

10 All right. So when you ran into him at the Train Station Gym, did you recognise him?---Yeah, yeah, I've kind of recognised him, yeah.

You recognised him - - -?---Yeah, yeah, yeah.

- - - as someone that you knew?---Yeah, yeah.

Did you recognise him to call him by name?---Yeah, I, like, I knew his name.

20 So you ran into him at the gym, and I take it you and Mr Dubois then had a conversation.---Yeah, just conversation about work and this and that, and he offered me some work and just, yeah, why not?

So in the course of that conversation, it's correct, is it, that he told you what he was doing for work?---Yeah, he told me he's, he's project managing jobs for the RTA.

30 And you knew what the RTA was?---I knew that, yeah, I knew the RTA, yeah, work on the roads. It's something that I've always wanted to get into. And, yeah, so he said that "I'm project managing, I can get youse work," so it was all good for me. Like, I just, good for the business, you know what I mean? Build it up.

So you understood that the RTA was an agency of the government, of the State Government?---Look, yeah, like I do, to me I just understood it as another big job, you know what I mean? I didn't jump into, like, what they were about, this, all I know it's work.

Had you ever done any work prior to that point for a government agency?
---No.

40 All right, so Mr Dubois tells you that he's doing project management at the RTA, and you obviously told him you're an electrician.---Yep.

Do you recall whether Mr Dubois mentioned to you a particular job that he had in mind?---At that, at the first meeting, no, just there's work coming up and this, and he said he'll let me know, and that's it. So after that he told me there's a job coming up, and that was the first job I did. Could have been maybe Mount White or something like that, I'm not sure.

Perhaps, Mr Najjarin, to refresh your memory, I'll show you a schedule of RMS payments to BMN Electrical Services.---Yep. Ah hmm.

So, Mr Najjarin, what you're looking at is a table which summarises payment records held by the RMS in relation to payments made by BMN Electrical Services.---Yep.

10 And so you see there that there's five contracts that BMN Electrical Services. Undertook for the RTA as it then was.---Yep, Jones Island infrastructure.

And to try and refresh your memory, the first one is cabling and wiring at Mount White heavy vehicle checking station.---Yeah.

Do you recall doing that job?---Yep.

20 And then the next one you see is just called "electrical miscellaneous". But if it assists you, I can tell you that that work took place at Jones Island. ---Yeah, I, I did work at Jones Island. That's at Taree.

Yes, that's correct.---Yeah.

So you recall doing work at Jones Island?---Yeah, yeah.

And then the third job you see, removal and installation of light poles. That was at Twelve Mile Creek.---Yep, I, I did, I didn't do that job, but I subbed out someone to do that job, yeah.

30 So you recall doing that one?---Ah hmm.

And then you see that the fourth job is again at Jones Island in relation to an open/closed sign? Do you recall doing work at Jones Island on more than one occasion?---I think I do. The first time was the pit and pipe, and the second time was the little, the little office that they built. That was the second time.

Sorry, what was your recollection of the first time?---The first time I did a lot of pit and pipe work.

40 I see.---So it was a lot of, we stayed there for about four, five days I think, working there. And the second time was to finish the, the little office that they were building there. That could have been. I'm just trying to remember.

All right, well, we'll come to the details of it later, but just if you look for the moment, just to broadly refresh your memory, then the final job is at Twelve Mile Creek, and that was again in relation to an open/closed sign.

Do you recall doing a second job at Twelve Mile Creek?---Twelve Mile Creek, I worked there. I'm just trying to remember. Newcastle.

That's near Newcastle. And, again, if it helps you to recall, if you have a look at the dates, you'll see that the first two jobs were done around June/July 2010. That was the initial job at Mount White and the initial job at Jones Island.---Yeah, I remember the Mount, the Mount White one, I remember it clearly. Like, it was a big job. I'm just trying to think. Second, "electrical miscellaneous" was that (not transcribable)

10

Well, I'll take you to some details of that in a moment, but if you can just see that you did the first two jobs in 2010 relatively quickly, in quick succession. And then there's sort of quite a big gap before you do work again in February 2011. So you do two jobs in 2010 and then you come back and do another three in 2011. Do you recall doing the work in those two blocks?---I remember doing the jobs but I don't, like the dates, I can't really think - I can't remember the dates, but - - -

20

Well, that's understandable, it's a long time ago. It's just to generally try and orient your memory.---I know that, oh, yeah, the Jones Island, definitely Jones Island and Taree, I stayed there. Mount White. The light pole, yep, that was, I subbed that out. Twelve Mile Creek, I'm just trying to remember what I did there, that could have been where we ran some cabling for lighting or something like that, could have been, yeah.

But you see there that you were paid for each of those five jobs by the RTA. You see that?---(No Audible Reply)

30

I'm sorry, you just have to give a verbal answer for the transcript.---Yeah, yeah, I can see that, yeah.

Yes, thank you. Now, Mr Najjarin, did Mr Dubois ever suggest to you that you should make a payment to him from some of the proceeds that you received from the RTA, after you'd been paid?---Yeah.

He did?---Yeah.

40

And do you recall when the first time that that happened was?---Well, I think that would have been my first job, and then he got a commission, because he, apparently he's a project manager and that's his cut, so, we were just giving him a commission.

So looking at this schedule again, the schedule of RMS payments, the first job being Mount White, do you have a positive recollection, sitting here today, that it was after that job that he asked you to give him, I think you called it a commission?---Yeah. Yeah.

You do, it was after the Mount White job?---Yeah, after every job that I did.

After every job that you did.---Yes.

THE COMMISSIONER: Just taking the first job, do you recall what was said in the discussion with Mr Dubois about him receiving a commission? Just trying to remember, firstly, where were you when you had a discussion with him, and secondly, what did he say?---I don't know, I don't remember, like, everything completely, it's, but I remember the jobs that were given to us, like, we were giving him a commission for his work and, you know, being a project manager, he was doing his part. Well, that's all I know, but I didn't really, like I didn't really ask him too many things. I just said I'll do the job. Like, back then I was just, give me the job, I'll do it, whatever it is that's your cut, you get it and that's it, that's his – well, I'm thinking that, like a builder, you know what I mean? His, when he gives us a job, he gets his cut from whatever, to me he's just a project manager, like, you know what I mean, managing the job.

So it was in the discussion leading to the first job that he made it clear that he was to be paid a commission or a cut.---Yes.

And did he say why, or what that was for? Why was he getting a cut? ---Because he's project managing the job.

That's what he's more or less - - -?---That's as far, that's as far as I knew, that was it.

So you say he said words to that effect, that is to say, "I get a cut as project manager."---He probably didn't say exactly, "I get a cut," but as far as I can remember, he was, that was the job, and that's my cut for the work that, managing the job, as, as far as I can remember.

Words to that effect?---Yeah, oh, that's, and then, and that's what I thought too at the same time, like, I didn't question, like I didn't really question him or anything, like, this, why that. I just said, yeah, all right. That's it. It was plain and simple for me, like, just do the job. For me it was like, just another job, you know what I'm saying?

MS SPRUCE: So, Mr Najjarin, just going back to the conversation at the Train Station Gym where you run into Mr Dubois and he suggests that he might be able to give you work at the RTA, and then do you recall that subsequent to that, you would have had to fill out some forms in order to become a vendor with the RTA?---Yeah.

And so do you recall Mr Dubois giving you those forms?---He didn't give – I think I, oh, was I, just trying to remember, I remember giving him my details, company information, to put them on the, yeah, fill out the form, and that was it, he'll process, whatever he had to do in this.

So do you recall Mr Dubois handing you the forms?---Not handing them to me, no, I can't remember that.

But one way or another, you obtained the forms and you've provided your bank account details and the like.---Bank account details, info for the company, and all my addresses, whatever it was.

10 And then in respect of the job at Mount White, you prepared a quote, did you, for that job?---Yeah, so basically it was like, this is what we've allowed for your electrical, and that was, he put that for that, and that's what I'm entitled to and Bob's your uncle.

So, sorry, just slow the process down. So Mr Dubois told you that there was a job available at Mount White?---Yeah, so - - -

And he would have given you some specifics in relation to that job.---Yeah, he showed, yeah, he told me everything about the job, what's involved. I think there was plans and diagrams for that.

20 And did you go out and have a look at the site?---Yeah.

And you then prepared quote in relation to the work, the electrical work that Mr Dubois had suggested needed to be done there?---Yeah. I think it was, yeah, the quote. There was an allowance already allowed for it, so it was like the, there were, because it was like that's what the allowance for this job is, and I checked it out, blah, blah, yeah, that's good but.

30 Sorry, so when you say there was an allowance already made for this job - - -?---Yeah.

- - - are you suggesting that Mr Dubois told you that there was a particular amount of money that had been allocated for the electrical work on this job?---Yeah, well, yeah, I think he would have told me, like, that's how much we've allowed for electrical there, so something like that.

40 And do you recall if the amount that you then quoted was the amount that Mr Dubois told you had been allowed for the job?---Well, what I would have quoted, he would have added on top, so for his cut, whatever, his commission, and that was it.

Well, what I want to understand is how did the amount of money in the quote – so we see from the payment schedule you were paid \$29,700. ---Ah hmm.

So we can assume that's the amount you quoted.---Yeah.

Is it your recollection that Mr Dubois first of all told you that that was the amount that should be put in the quote, and secondly, that part of that had to

be paid to him as a Commission? So just in respect of the first part of that proposition, do you recall Mr Dubois telling you what the amount in the quote should be?---Just trying to remember. Look, I remember that I already knew what was allowed for in the job, and I just went over it to make sure that is this going to be, am I going to lose money in this job or is it the right way? Just like right now, like when I do jobs for other companies, they've already allowed for the job, so I just go out there and do it and I just check what the purchase orders are. And if the purchase orders sound right, I just do the job and that's it.

10

So your recollection is that there was already a purchase order with the amount of \$29,700 allocated for the job, is that correct?---Most likely, yeah.

And then you then ascertained that you thought you could do the job within that price?---Yep.

20

And when you made the judgment that the job could be done within that price, did that involve also allocating a profit margin for yourself?---Well, that, whatever is in that job, obviously there's going to be a profit for me in it after I pay materials and wages and all that. So whatever was left over, it would have been a profit for me, yeah.

Because otherwise you wouldn't have agreed to do it at that price - - -?---A hundred per cent.

- - - if there wasn't going to be a profit margin left over, correct?---Of course. Like, yeah.

30

And so do you recall, as a general rule, how much profit margin you normally allowed?---Probably back then I wasn't as, like, aware on how to, 'cause I'm still new, but now I allow, like, about 30 per cent, 40 per cent sometimes. It just depends. It's different in the construction game of how - everything's different, so - - -

But do you recall back in 2010 what sort of percentage you would have allowed for yourself in respect of a profit margin?---I can't, I don't really, because - - -

40

But do you recall that it might have been less than what you allow now? You seem to be suggesting that now you're more experienced - - -?---No, well - - -

- - - you might be allowing a bigger profit margin.---Yeah, well, it just, it just all depends. Look, it varies in what field you're working, so if I'm doing commercial or industrial, it's obviously more. Residential is less. And, yeah, so probably the same. I'm, yeah, the quotes are more, they're a bit higher now, so it just all depends.

But was there a certain level at which the profit margin would be sufficiently low that it wouldn't be worth your while to do the job? For example, if the profit margin was 10 per cent, is that a job - - -?---It's not going to be, it's not going to be worthwhile for me, I'm not going to do it. Yeah.

Right. And what would the level have been that you would have considered it not to be worthwhile?---Oh, like, I don't really know. Like, I can't, I can't really tell you like that. Like, you've got to be at the job, you know.

10

THE COMMISSIONER: So I think what we're trying to get to, the price for the first job is \$29,700.---Yeah.

You knew that there had to be some allowance made for Mr Dubois' cut. ---Yeah.

So was that cut factored into the 29,700? Was it worked into that number? ---Yeah, well - - -

20

And if so, how did - - -?---That's what, yeah, that's what was happening. So whatever I quoted there, the total, whatever came out of it, I would give him what he wanted. That's it. Like - - -

How did you know how much to allow for his cut?---He was telling me.

He was telling you.---Yeah.

So you would - - -?---He'd tell me, "That's my, that's my commission," for getting work for me and managing my side.

30

And he would specify an amount.---Yeah.

And then you loaded that amount into the quote.---I just - - -

Is that what you say?---That's right, yeah, it was all in the whole quote.

So it's a two-step process. One, he tells you what he would expect as a cut for the job, is that right, in terms of dollars?---Yeah.

40

You'd work out your numbers for the costs for the job and your profit margin. Is that right?---Yeah, I'd just - - -

And then - go on.---Yeah, well, like I said before, when I was like, starting off, I would just take on the job, you know what I mean, it was a risk for me, I didn't even really calculate, it was just one, you know what I mean.

I understand that. But you're saying a two-step process, one he lets you, he lets it be known to you for this job, he did let it be known for this job what his cut would be. Yes?---Yes.

Then you would add that amount that he indicated would be his cut into all the other components that go into making up the quote. Is that right?
---Yeah, would - - -

10 Is that what you're saying?---Yeah, would be in one hit, yeah, that's right.

Is that the way it happened?---Yeah, that's right, that's as far as I can remember, that's the way it was. I can't remember any other way.

So before you sign off on your quote, he's already specified how much is his cut.---Yes.

Is that right?---Yeah.

20 And you've then also done all your assessments about how much it's going to cost to do the job, what profit margin there will be in the job for you, plus the cut for him, and then you'd finalise the quote.---Yeah.

And send the quote to RMS.---Well, I'd give - yeah, I'd send it to his email thing, it was his email I'd send it.

I can't hear you.---I was sending it to him.

30 Yeah, send to him.---Like, he was, he was processing it then. I don't know what was going on.

Now, I just want to be clear about it. I don't want to put words into your mouth, I just want to understand, is that what you're saying was - - -?
---Yeah.

- - - the case as - - -?---Yeah, as far as I can remember that's what it was. This is the job, this is what's been allowed for, and this is my commission and do the job, give whatever it was it was, and that's, that's as far as I can remember.

40 So that was the way it went for the first job at Mount White.---Yeah.

And what about the other jobs?---Probably, yeah, the same.

There was another job on 4 June, 2010, and then, as you've been told, there were three separate jobs in 2011.---Yeah, that, that second job, where was that, at Mount White, the miscellaneous ones?

MS SPRUCE: Second job is at Jones Island.---Electrical - - -

THE COMMISSIONER: Do you see on the screen it tells you?---Yeah.

Electrical miscellaneous. Do you see that?---Yeah, it wasn't, what does he mean by electrical miscellaneous? It was just a, it was a whole pit and pipe job, we done all the pit and pipes and the whole, yeah.

Yes, Ms Spruce.

10 MS SPRUCE: Mr Najjarin, I just want to be very clear. You said a moment ago that the process was that Mr Dubois would tell you, "This is what's been allowed for the job."---Yeah.

Correct?---Ah hmm.

And then he would tell you, "And this is my commission."---Ah hmm.

That is out of the amount that's been allowed for, you need to pay me a certain amount.---That's right, yeah.

20

And then you would then quote at that price.---Yeah, I'll just send it through like that.

THE COMMISSIONER: I'm sorry, I can't hear you.---Yes.

You're agreeing, are you?---So basically the quote, I'll be, I'll know exactly what's been allowed for and what his commission was for him running and managing, whatever he was doing, the job, and I'll say, "Yeah, no worries." I'll just, yeah, do the job.

30

MS SPRUCE: So am I correct in understanding that for each of these five jobs, the first step in the process in terms of arriving at a price was that Mr Dubois would tell you the amount that was allowed for the job. Is that correct? And you would then end up quoting at that price?---Yes.

So that in effect the price that you quoted was dictated to you by Mr Dubois. Is that correct?---Yes.

40 And he also then told you that a certain amount would be payable to him out of that amount.---Yes.

And he made it clear to you the amount that was to be paid to him prior to you putting in the quote. Is that correct?---He made the amount - - -

When Mr Dubois told you what his cut was to be - - -?---Yeah.

- - - do you recall whether that happened clearly prior to you putting in the quote?---Um - - -

Or could it be that after you were paid by the RMS, at that point he told you what his cut should be?---(No Audible Reply)

And if you don't have a recollection either way, because it was a long time ago, then it's find to say you don't recall.---I can't recall it.

All right.---Yeah.

10 All right, but at some point, either before or after, he made it clear to you what his cut should be?---Yeah.

And do you recall Mr Dubois – I withdraw that. How did you pay Mr Dubois's cut to him?---Just by cheques.

By cheques?---Mmm.

20 And do you recall if Mr Dubois requested that method of payment?---Yeah, I think, yeah, he did. He was asking for cheques, that's right. I can remember that, yeah.

And do you recall who you made the cheque out to?---I can't recall, no.

Do you recall whether it was to Mr Dubois or to a company?---I can't remember.

Well, we'll come to the detail of that later. I just want to take you now to a document in respect of that second job for Jones Island.---Ah hmm.

30 If we could go, please, to volume 23.1, page 14. Mr Najjarin, you see this is a purchase order request in relation to that second job, and I take it you're familiar, are you, with the concept of a purchase order being raised by the RTA?---Yep.

And do you see that this is a purchase order requested on 26 May, 2010, and it's in respect of Jones Island, "To implement solution 2 and to run the conduits as per the design." Does that assist you in any way to remember doing that work at Jones Island?---Yeah, I remember doing that, yeah.

40 You do?---Yeah, I did that work, yeah.

All right, now can I please take you to volume 23.1, page 279. So just before we go to this document, you'll recall the purchase order I just showed you from the RTA in relation to the Jones Island "electrical miscellaneous" job was dated 26 May. And you were ultimately paid for that work on 22 July, 2010. And what we're now looking at is an email which is from someone called Peter Halliday at truway.com.au to Mr Dubois and copied to you. And it's saying, "Please find attached the

contract for the Jones Island work.” And then it’s forwarding an attached subcontract agreement for Jones Island. Just pausing there, do you recall the company TRUWAY?---I do remember TRUWAY, yeah. They were, they were at Jones Island.

They were a company that did work for Jones Island?---Yeah, I, yeah, I’ve never really interacted with them, but I know they were working on the same project.

10 Working on the same project that you were working on?---That’s, that’s probably, that’s all I know.

At Jones Island?---Yeah.

Well, looking at this email from Mr Halliday to Mr Dubois that’s copied to you, do you recall receiving that email?---I - - -

You see that it has an attachment, which we’ll go to in a minute.---Yeah, I probably did. Yeah - - -

20

Which is a subcontractor agreement.---Yeah, I would have probably, yeah, I would have probably got it for sure.

All right, well, if we go to page 281, you’ll see that this is a subcontract agreement that was attached to the email between the TRUWAY Group and BMN Electrical Services Pty Ltd in relation to electrical data and mechanical services.---Yep.

30

So do you recall entering into a subcontract agreement with TRUWAY.---I, I can’t recall but there could have been a possibility, but I can’t recall, I can’t remember.

If we go to page 283, you’ll see that the date of the subcontract agreement is 27 May, 2010.---Yep.

40

And the purchase order I took you to earlier from the RTA, in respect of Jones Island work, was 26 May. So this is, at the same time, if on the one hand there’s a purchase order being raised for the RTA to engage your services directly to do work at Jones Island, and at the same time there’s a subcontract agreement between TRUWAY and yourself, and if we go, please, to page 305, you see that this is the appendix to the subcontract agreement, showing that it commences, the date for commencement is 7 June, 2010, and the date for completion is 24 July, 2010, and TRUWAY is going to pay you \$16,720 for the subcontracted works which are described as electrical data and mechanical services in respect of the head contract, which is a Jones Island RTA project. Does that refresh your memory at all about you doing subcontract work for TRUWAY in relation to the work that was going on at Jones Island?---I’m just finding, I’m trying to, I’m trying to

remember, but I, I can't really recall, so I can't really, like, tell you 'yes' or 'no', "I'm, yes, I'm 100 per cent," which I'm just trying to remember whether I did do some work for them or not. There could have been a possibility.

Mr Najjarin, you've told us that Mr Dubois asked you after every job to pay him a cut. Yes?---Yes.

10 And you understand, don't you, that that was an improper thing for him to do, to ask you for a cut?---Well, to be honest, like, like I said, when I first started, I thought that was the norm, that's what I thought, like that's the way it works, because I didn't have experience in, you know what I mean, I don't have experience in that kind of field, so, I thought that's the way it works, you know, everyone gets his cut for managing his job.

But you understand now that that was an improper thing for him to do, correct?---Now I know that, yeah, well, now I know that it's not right, yeah. So, yeah.

20 So what I'm now trying to understand is whether you have any explanation for other things that appear on the face of the documents that are available to the Commission to look irregular. And what looks a little bit unusual here is that at the same time BMN appears to have entered into a subcontract with TRUWAY to provide electrical works in respect of a job that TRUWAY was doing at Jones Island for the RTA, and at the same time, BMN Electrical has entered into a direct contract with the RTA in respect of electrical works at Jones Island.---Yeah, I understand what you're saying.

30 Now, is it possible that you were paid both by TRUWAY and by the RTA for the one set of work?---Well, that's what I'm, that's what I'm trying to refresh the mind to see whether they paid me for anything, and whether or not that second part of that job was through them, but I can't remember. That's the problem.

40 Do you have a recollection of Mr Dubois asking you for his cut after the Jones Island work in 2010?---All I can remember is that for every job I was giving him a, his commission, but I can't remember the day he asked me or when he wanted it, but I, I do remember that there was a commission for him there.

But I take it you don't recall in 2010 doing two separate lots of work at Jones Island, one for TRUWAY and one for the RTA.---I know I did two sections of work, but I can't remember whether it was both for the RTA or one of them for the RTA and one of them for TRUWAY, but I know there was two phases. I think there was the, the pit and pipe, and then there was that little, the little office for him, which we wired up and all that. It was, yeah.

And do you recall, I take it you obtained the TRUWAY contract through Mr Dubois, is that correct?---I can't remember.

You can't remember.---No, I can't remember that.

10 Mr Najjarin, can I then take you to the work that you did in 2011, so the first job you did in 2011 was at Twelve Mile Creek, do you recall doing work out there?---I can – yeah, I remember the name Twelve Mile Creek, and if I'm not wrong, we done some lighting conduit work, if I'm not, if, if my mind's, I mean, like, I remember - - -

Well, if we could go, please, to volume 23.1, page 23. You see that this is an email from Mr Dubois to BMN Electrical on 28 January, 2011 and Mr Dubois is forwarding to you an email that he's received from someone else within the RTA.---Yeah, I think I remember this.

20 Saying, "As discussed see attached a couple of photos of the street light at Twelve Mile. As you can see it has a bit of a lean." And then if we go to page 24 and 25 you'll see photos of the street pole in question.---Yeah. I remember I think I subbed that out.

All right. Well, tell me your best recollection of the circumstances in which you subcontracted that job out.---Yeah, I remember going, I remember going out to that job and checking it out and I engaged, what was it, I think it was a level 1 or a level 2 High, Highcorp or High something.

30 Highco Electric.---Maybe Highco Electric. Yeah, I engaged them to do the job.

So just pausing there. You went out to have a look at the site.---Yeah.

And did you then ascertain that it was work that you weren't qualified to do?---Yeah. No, well, I didn't, I never think that's it work that I'm not qualified because I take on all the work and I just use qualified people to do the jobs for me, that's all. Even now like, if I, if I want to get other work done I still take on the whole contract but I get qualified people working under my company, that's all.

40 But it's the case, isn't it, it was clear to you that you yourself were not qualified to actually do the work that was required on this job?---That particular job, yeah.

You would have to get someone else to do it.---I would need a level 2. So he had the whole equipment so I engaged him to the job.

All right. And then if we could go, please, to volume 23.1, page 28. This is on 15 February, 2011. An email from you to Mr Dubois where you forward

a quote from Highco Electrics, and if we go to page 29 you'll see the Highco Electrics quote.---That's correct.

And if you just to yourself can just read through the job description.---Yeah, supply the materials and all that, yeah. Yeah, I remember that. I remember that Twelve Mile.

You recall that.---Yeah, I can remember that one, yeah.

10 And you see there that the amount of the Highco quote is \$12,980 including GST.---Ah hmm.

Now, do you recall why you were forwarding that on to Mr Dubois?---Well, he, he was like managing the job so he wants to know everything about who you're getting and what's going on so basically he was like the, I'm sending all the details to him, that's all.

20 Well, you gave evidence earlier that the process was that Mr Dubois would tell you the amount that had been allowed for a job.---Yeah. On that particular job he told me to get quotes so I went and got the quotes. So I was going to get someone else but he was the man to do it so, that's all it was. So there was probably no, at that time he didn't tell me anything, just told me to go and get some quotes so I got the quotes.

THE COMMISSIONER: So you did get a quote or quotes?---Yeah. I got that quote from - - -

This one on the screen from Highco.---Highco Electrics, yeah.

30 All right. Well, then did you have a discussion with him about whether he was to have a commission or a cut and if so the amount?---Yeah, well, obviously everyone allowed his, I allowed my per cent for going out there and then going back again because I'm the one that's, that's well, taking, putting on my kind of neck and then he would tell me, "This is what we've allowed, give him that, that's mine and that's yours." That's it.

Well, how much cut did he want for this job?---I don't think it was much.

40 Well, that doesn't help me. How much?---I can't remember but I think the whole job there was about 16 grand maybe or, I can't remember.

Well, I think, because I understand the total price for this job, you might correct me Ms Spruce if this is wrong, is \$33,440. Is that right?

MS SPRUCE: Yes, that's correct.

THE COMMISSIONER: And Highco's quote 12,980 would form part of that - - -?---Yeah, I can't - - -

- - - figure of 33,440.---Maybe his commission was a bit bigger for that one but I don't remember me getting, there wasn't much when I, like my per cent wasn't that much.

I can't hear you. You don't remember what?---I can't remember how much in total it was, but I know that there was, like, he probably allowed his commission on it.

10 MS SPRUCE: Mr Najjarin, you see there's a microphone in front of you. Perhaps if you could just move forward a little bit and speak into the microphone so that it's easier to hear you.---Yeah.

THE COMMISSIONER: Well, is the position you can't remember what his cut was for the job, the one that Highco Electrics was quoting on 14 February, 2011 for? You don't remember?---14th of the 2nd. This one here? You talking about that job here?

20 Yes. Talking about the job on 28 February, 2011? It was invoiced, I think, on 28 February, 2011 at \$33,440. What was his cut?---I can't remember what he took, but - - -

Well, did he ask for a cut?---Yeah, I do remember he took a cut but I can't remember.

30 MS SPRUCE: Mr Najjarin, isn't the reason that you were forwarding him the Highco Electrics quote so that Mr Dubois would be able to work out what price you should quote for the job at so as to incorporate a cut for himself?---I don't know if that was his intention, but all I know is I got the quote and sent it to him. That's as far as I - - -

Well, I'm not asking about his intention. I'm asking about your intention in forwarding him the Highco quote.---No, my intention was just to give him the quote. My intention was, like, purely just clearly like as normal doing business, where I got a subcontractor and I'm sending it to him, and then whatever goes on there, I don't know.

40 THE COMMISSIONER: So can I just understand. This job that was done and invoiced on 28 February, 2011, the whole job was subcontracted out, was it, to Highco Electrics?---Yeah, and I just attended a few visits, just to have a look at the job, and that's it.

So you didn't have to do any hands-on work on this site?---No. No.

So the total cost for the project was invoiced eventually for \$33,440. The actual cost of doing the job was the amount that Highco Electrics quoted, which is \$12,980, okay?---Ah hmm.

So that leaves quite a margin between 33,440 and 12,980, the quote from Highco, doesn't it?---Yeah, it does.

So, you weren't charging for any, any work yourself for this job, is that right?---No, I wasn't, I wasn't really charging. I was just charging for me going out there and managing, getting the quotes, that's about it.

Well, you sent a quote eventually, did you? Have we got the quote?

10 MS SPRUCE: Yes, we do. Yes, if we could go, please, to page 76. And you see that's an email from you, forwarding your quote to Mr Dubois, and then on the next page is the quote itself?---Yep.

THE COMMISSIONER: Well, before you sent the quote, did you have a conversation with Mr Dubois as to what the total job would cost? That is to say that it would cost 30,400 plus GST?---I don't recall me having that discussion with him, but - - -

20 Well, is the difference between the Highco quote and 33,441 represent the cut he was going to get?---Probably. Yeah.

Probably.---Like, he would have taken a commission from that too, that's right.

Well, given that there was no other quote for the job than Highco, you weren't quoting a separate price for your role, is that right?---No, I just, I just got him and put it under my, whatever he quoted me, I put it under my company. That's it.

30 BMN Electrical, your company, you were not making any money out of this particular job for work actually performed by BMN, right?---No, it was more, it was more just for me getting the job and going to a few site visits and checking up, that's about it.

The whole job being subcontracted out to Highco.---Yeah.

The real cost for that job on the market at that time would have been about 12,000, whatever the figure in the quote from Highco.---Yeah, well - - -

40 Is that right, that's the real cost of the job?---That would have been the cost that I got, yeah, but other companies were charging much more, so he was the cheapest bloke I can get.

Well, we've got Highco offering to do the job for \$12,000-odd.---Ah hmm.

So it looks like, is this right, there was a very large cut for him.---Yes.

Is that right?---Yep.

Or can you explain the difference between the Highco cut – sorry, the Highco quote and the amount of \$33,400-odd, is there anything else that you can imagine money was spent on other than a cut?---No, I can't remember. Don't think so. It was more, probably more commission.

MS SPRUCE: Mr Najjarin, if I could just go back for a moment to the Highco quote, which is page 29, and you see there under the job description, I asked you to read that?---Yeah.

10

And then if we could go, please, to page 45, you'll see this is an email on 21 February, 2011, from Mr Dubois to BMN Electrical. This is after you've already forwarded the Highco quote to Mr Dubois, and this is now, Mr Dubois sends you a formal request for quote in relation to the work at Twelve Mile Creek. And then if we go to the next page, please, on page 46 you'll see that the request for quotation sets out the scope of the work, and if you look at what's written there, the seven points under the scope of work, it's effectively the same as what was on the Highco quote. Do you see that? ---Ah hmm.

20

So Mr Dubois just effectively lifted the description from the Highco quote and put it in the scope of works.---For the RTA.

For the RTA.---Obviously that's probably what he's done, yeah.

So it's the case, isn't it, that the only work that needed to be done in respect of that job was going to be done by Highco.---Yeah.

30

You agree.---Yeah. And I can't remember whether – see how he's got the skip bin, did Highco provide that in the quote too? I didn't – just to make sure.

Well, the Highco quote is at page 29 and it does refer to, "The provision of skip bins, remove excessive dirt and debris from the site."---Ah hmm. Well, that's basically what he's done then.

So it's the case, isn't it, that you weren't doing any work in relation to this job?---I wasn't doing any physical work, that's correct.

40

So you made - - -?---I was just taking on the role of just making sure the job was done according to the, you know what I mean, to the way they wanted it done. That's it.

Well, when you say making sure the job was done according to the way they - - -?---Checking up, just checking up.

- - - wanted it done - - -?---Checking up, spending half a day there.

- - - Highco had a level 2 certification. Correct?---Ah hmm.

And you didn't hold a level 2 certification.---That's, that's correct.

So you didn't actually have any capacity to check that that job was done correctly because you didn't hold the relevant qualification. Correct?

10 ---Yeah, well, that's correct, if you put it that way, but it's just more to make sure the light poles and all that stuff was connected and operating right. I can see, being an electrician, I know, you know what I'm saying, just even though I'm not qualified to do the connections, I know whether it's done properly or not, so I was taking on that role and managing the job, that's all.

So you say, do you, that you were out onsite while Highco was doing the work?---After he finished I'd pop in and before he started I popped in. Not while, not while he was working, no.

So you popped in to have a look at the site.---Yeah.

20 And you ascertained that you couldn't do it and you'd need to get a subcontractor.---Ah hmm.

You've engaged the subcontractor.---Yeah.

The subcontractor then went and did the work.---That's right.

And then you popped in at the end to make sure that the lights worked.

---Yeah, I do remember I came, it was on the way, just drove past and had a look, yeah.

30 You were going somewhere else and it was on your way. Is that right?
---Like, not meaning going somewhere, where am I going to go, but I'm saying I went there out of my way to have a look at the job.

Oh, so you went out of your way.---Yeah, yeah.

So you popped in, notwithstanding it was out of your way, to go and have a look at the end of the job.---Yeah.

40 And that was the sum total of what you did in respect of that job.---That was it, yeah.

All right. So Highco's price of 12,980, you appreciate obviously enough that Mr Dubois could have just gone directly to Highco and paid 12,980 for that job to be done.---He probably could of, but because I was doing his electrical work, he told me to do that for him.

Well, it's really because you were his friend, wasn't it?---Well, that was business, there was no like, I, I didn't – I wasn't interacting with him as friends or anything like that, I was just business, no.

But Mr Najjarin, you were paying him a cut at the end of each job, correct? You'd already done - - -?---Yeah. Not because he's, not, not because he's my friend. It's because he was the project manager and I was paying him his commission, that's all. Not, I wasn't giving it to him because he's my friend.

10

Well, be that as it may, you were paying him a cut after each job.---Yeah.

And notwithstanding that Mr Dubois could have gone directly to Highco to get the work done for \$12,980, he went to you.---He could've went to Highco, but he probably wouldn't've known who he was. So that's why.

Well, he would have known very clearly after you forwarded him the quote, but putting that to one side - - -?---Oh, yeah, yeah, well, that, put it that way, yeah, he would have after that.

20

He went to you and I'm going to suggest to you that the reason he wanted to do the work through you was because he knew that that way he would obtain a cut from the profit.---Most likely, yeah.

And as the Commissioner has already discussed with you, there's a significant profit here of around \$20,000. Now, what I want you to tell me to the best of your recollection is, whose idea was it that your quote should be for \$33,440?---Whose idea was that, obviously his, not mine.

30 That was Mr Dubois' idea?---Yeah.

So you send him the Highco quote, and he then tells you, does he, to quote at \$33,440?---Yes.

Now, did you expect some remuneration to come to you for the site visit you made at the end of the job to check that the lights were working? ---Yeah.

40 And do you have any recollection of the amount that you - - -?---Oh, it wouldn't be too much, I think, I can't - - -

- - - would have charged for that pop-in visit at the end?---What we, what I got from that is, can't really remember, a few thousand dollars but I, I think, I'm not, I'm not too sure. I can't really remember.

Did it ever occur to you that it seemed that perhaps it was a bit unfair that Mr Dubois was receiving a significant amount of money from this job? ---Well, I didn't really think about it that way, to be honest.

THE COMMISSIONER: It looked like a bit of rip-off, didn't it? To use the colloquial.---Yeah, like, oh, if you think, yeah, well, it would be like - - -

It must have struck you at the time, that's exactly what it was, was it?---Like at, like at that time, because I was just, like, continuous work, I wanted to keep him – like it was like, I'm working for this guy.

10 Yes, I know that, but you're not saying it didn't cross your mind that a cut of that amount was - - -?---It is a lot.

Would be questionable, to say the least.---Probably would've come across my mind. I can't – like, yeah, well, it is a lot.

It is a lot, isn't it?---Yeah.

When did you start to get concerned that this man is - - -?---Like, at that - - -

20 - - - helping himself to a significant amount of money and involving you in his planned activity?---Yeah, like, for the first, for those jobs, because they were just the first couple of jobs, it didn't really yet get into my mind, like, what's going on? That's the truth. Like, to me I was like, okay, I'm working, I got work, I'm making money, you know.

30 At some point did you stop and think, my goodness, what's this man doing?---Probably because I was still not as experienced, I thought maybe that was, you know what I mean, normal. Like, because I've never yet worked a government jobs and like, all that kind of work, so in my mind I thought maybe that's the way it is, so, that's why I accept on that, kept on working. And then after that, that's it, no more jobs.

40 MS SPRUCE: Mr Najjarin, if I can take you, please, to page 88 of the same volume, this is an email from someone called Harik Andriasian at Highco Electrics to BMN Electrical on 24 February, 2011, and it says, "Hi Bill, following our telephone conversation, I'd like to confirm the following, visit 1 and 2 are booked for Thursday the 17th and Friday the 18th of March." And then it describes the work that'll be done on those days. And then visit 3 is booked for Tuesday, 29 March and it says the subsequent works that will be done on that date. So do you recall, looking at that, that Highco actually performed the works at Twelve Mile Creek on those dates, around March, towards the end of March?---According to this, yeah, more. I can't recall exactly the days because it's been such a long time, but it looks like it, that's the days he's done it.

And then if we could go, please, to page 104 of the same volume. And you see this is again an email from Highco Electrics, this time to Mr Dubois but copied to you, and this is now in June, on 9 June, 2011. And see it says, "Hi, Alex. Bill rang me this morning querying about the Twelve Mile

Creek Newcastle job.” And then it explains that “The existing pole has a crack on its base and will need to be replaced,” and there’s some prices for a new pole and it asks, concludes by asking that Mr Dubois advise of his decision. So it would appear from that email, do you agree, that the works were then delayed until some time in June?---Could have been, yeah.

The works, there was some delay on the works being completed?---Yeah, there might be, yeah, that might be right.

10 And then if we go, please, to page 95 of the same volume. You see this is now an email on 14 March, 2011, so some time earlier, and it’s from you to Mr Dubois, attaching your invoice in respect of Twelve Mile Creek. And then if we go over the page, to page 96.---(not transcribable)

You’ll see there’s your invoice.---Yep.

20 And that invoice is dated 1 March, 2011, although the email that sent it was 14 March. So, Mr Najjarin, it would appear from the series of emails that I’ve just taken you to and this invoice that you requested payment from the RMS on 14 March 2011, even though Highco didn’t actually complete the works until, at the earliest, some time in June.---Mmm.

30 It’s a little unusual, isn’t it, in circumstances where by the time that you send this invoice, you haven’t even done the one thing that you’ve given evidence that you did do, which was to pop in at the end to make sure the work was done. At this stage the work hasn’t been completed but you’re invoicing the RMS for \$33,440, where you’ve effectively done nothing. ---Yeah, could have been. Oh, maybe he’s processed it a bit earlier and the job got scheduled now, we’ve come after that.

Well, when you say maybe he’s processed it a bit earlier - - -?---Maybe he’s processed, I don’t know how, what he’s done.

Well, is it your recollection that Mr Dubois asked you to put the invoice in prior to the work actually being completed? Or do you think that was something you did of your own initiative?---No, I would never do anything from my own. Could have been, yeah. I’m just trying to remember.

40 Sorry, if you could just move closer to the microphone.---I’m just trying to remember. I can’t recall what happened there.

Well, you just said a moment ago that you would never do anything on your own.---Like, yeah, like, I, not unless I know that, like, you know what I’m saying. What, I wouldn’t do anything just out of my own thing.

Well, is what you mean that, in respect of the work you did for the RTA, that everything you did, you did upon Mr Dubois’ request or instruction? Is that what you mean in saying you wouldn’t do anything on your own?---No,

no, the only thing, no, no, the only thing that we done for him is when he wanted his commission. Other than that, everything else is, according to what I know, is best for the job. So, you know what I'm saying? Like, we're doing the works, he wouldn't tell us what to do in the jobs. He's got no idea in that department.

But the first two jobs you did, it would appear that you did some genuine electrical work, correct?---Yeah.

10 But then this one's in a different category because now you're sending an invoice in circumstances where you haven't yet done anything at all. ---Yeah.

So do you recall whether Mr Dubois asked you to send this invoice?
---Could have been, yeah. I can't exactly remember but there's probably a chance, yeah, it could have been.

20 Now, I just want to take you to another document which is page 89. See this – I'll wait for it to come up on screen. This is again an invoice in the name of BMN Electrical Services Pty Ltd and it's got the number 602 under where it says "tax invoice" and the invoice I showed you a moment ago which is the one you actually sent to Mr Dubois is invoice number 607. So this is a different document. It looks similar but it's in fact a different document.---Yeah.

And I can tell you that this document was found on a USB seized from Mr Dubois's residence when a search warrant was executed there.---Yeah.

30 All right. So this is a document that Mr Dubois had in his possession and it purports to be an invoice in respect of the work at Twelve Mile Creek. And if we go to the next page, please, page 90 you see about halfway down the page there that the author is BMN and it's created on 9 March, 2011, but then on page 91 you see there last author is Dubois A. Now, is it your recollection that you would send your invoices to Mr Dubois as a Word document?---You mean non-PDF?

Non-PDF.---Yeah, well, well - - -

40 A document that could be amended.---Yeah, well, when I used - - -

Or changed by Mr Dubois.---Yeah, I don't know. To be honest, I didn't know nothing about PDF until later on. Inexperience I guess but, yeah, I'd send all the invoices to him but they weren't PDF.

They weren't PDF.---None of them were PDF.

So they were all in a format that - - -?---They were all, yeah.

- - - could be changed by Mr Dubois?---Because I remember I wasn't that professional back then.

All right. And looking at this invoice, is the template, is that a template that you created?---Yeah, that's mine.

That was your template - - -?---That was always my template, yeah, yeah, yeah.

10 - - - that you've already had before you started working for the RMS.
---Yeah.

And did you ever send Mr Dubois a blank template for him to just fill in the details of an invoice?---No, I can't remember ever doing that.

All right. So your recollection is that you always filled out the invoice and sent it to Mr Dubois - - -?---Yeah, I filled it out and then send it to him, yes.

- - - as a Word document?---Yeah.
20

And do you recall Mr Dubois ever then changing what you'd put in the invoice?---I can't recall that but there's a possibility. I'm not sure.

All right. Now, I want to take you to the next job that you did and this was again back at Jones Island. So if we could go to page 173, please, of the same volume. You see that this is a quote dated 15 April, 2011 in respect of work at the Jones Island heavy vehicle inspection station and do you see it's infrastructure works for the installation of electronic open-and-close signs. So are you starting to recall now that you did the two jobs at Jones Island in
30 2010, one through TRUWAY and one directly for the RRMS and this is now sometime later in 2011 you go back to Jones Island to do some work in relation to an electronic open-and-close sign? Do you have a recollection of that?---Yeah, that's probably, yeah, I do remember an open sign. We ran cables all the way to the end. Yeah.

And so do you think this is an invoice, a quote rather that you would have prepared?---That quote there?

Yes.---Yeah, for sure I would have because I'm the only one that would
40 have probably known what we needed.

All right. So you think there were details of the scope of works, that that's - - -?---Yeah, the scope. Yeah, like I, I would have - - -

- - - that's detail that you would have put in?---I would have got the plans or something to, like to, for me to know what I need to run and what wires and then I would have put it on the quote, yeah. That's what usually happens.

All right. And you see on the next page there's the amount that you quoted.---Ah hmm.

\$63,800.---Yeah.

And then if we go, please, to page 177, there's a letter from Mr Dubois, a letter from Mr Dubois accepting your quote.---Ah hmm.

On 18 April.---Yep.

10

And then if we go, please, to page 217. You see this is an email that's been forwarded to you by Mr Dubois? And it's in respect of traffic control that will be provided on Tuesday, 24 May for Jones Island northbound for the purpose of allowing you to run electrical cables through the pits. Do you recall that there was traffic control required for that job?---I think there was traffic control, yeah.

And so looking at that email, it's likely, isn't it, that the work was done on or around 24 May?---Yeah, well, according to the email, yeah.

20

All right. And if we could go then, please, to page 219. This is your invoice in relation to those works. And you see it's dated 19 May, 2011? So again you seem to be invoicing for the work prior to it actually being completed. Was that something that you had a habit of doing, do you recall?---No, that's something I was sending him the invoice and that's it. That's how it was.

Well, would your ordinary practice be to complete a job prior to invoicing someone for it?---Not usually, no, not unless like if I was doing a job for someone and it was going to take a little bit of time, so they would say issue the invoice and then by the time you finish the job, for cashflow it comes into the account because you're outlaying a lot of money in the materials. So that's, and they say that you don't get charged interest and all that, that's all.

30

All right. So your recollection is it was something you did to invoice prior to work being completed?---No, not according to this, no. I can't really remember but I'm just answering the question about what you were saying about (not transcribable)

40

I understand. You don't have a specific recollection in relation to this job. ---No. I remember doing this job a hundred per cent, but all that I can't really remember what's going on in that section there.

All right. But you see there that's your invoice, and on the next page - - -? ---Yeah, I can see it clearly, yeah.

- - - you'll see the amount that you've charged- - -?---Yep.

- - - is \$63,800. Now, is it correct to assume that the same process would have happened in relation to this job? That is, that Mr Dubois would have told you the amount that you could quote?---Yeah, what the allowance was, yeah.

And that that amount would have included a cut for him?---Yep.

10 And then at some point he would have told you what his cut was to be.
---Obviously, yeah.

All right. And then if I could take you, please, to page 240. This is now a quote on 18 April, 2011, this time for Twelve Mile Creek and again for infrastructure works for the installation of electronic open/close signs. So essentially what's happened is on 15 April you've put in a quote in relation to electronic open-close signs at Jones Island.---Ah hmm.

20 And then a couple of days later you've put in a quote for similar work at Twelve Mile Creek.---I think Twelve Mile Creek we had, we were running cables through the pits and pipes. I didn't remember that.

So there were two jobs in relation to electronic open-and-close signs happening at two different locations at around the same time?---Yeah. Yeah, I think so, yeah.

And if you go to the second page of the quote, you'll see it's for \$52,800.
---Mmm.

30 You look troubled by that. Is there something?---Just, just can't remember a lot of the stuff, that's all. It's been a while, but - - -

Are you surprised by the amount of the quote or - - -?---No, not, not surprised by the amount. I'm just trying to remember the job, that's all. As you're talking to me, I'm trying to refresh my mind a bit, that's all.

40 But it's correct, is it, that the same process would have been followed in relation to this quote? That is, Mr Dubois would have told you the amount that had been allocated for the job?---Yeah, I'd say, yeah, the allowance, yeah. I'd say so.

And you would have quoted at that amount?---Yeah.

And then Mr Dubois would have told you a certain amount that had to be paid to him as a cut or commission.---Yeah, or his cut for the job, yeah.

And then on page 244 you'll see that there's a letter of acceptance from Mr Dubois, offering the contract to you. Now, do you recall in respect of these jobs in relation to electronic open-and-close signs at Jones Island and

Twelve Mile Creek, whether that's work you were subcontracting out or work you were doing yourself?---I think I was, I done, like, me and my guys were, we ran all the pipes and cabling, yeah, we ran everything to the points where they were required.

So when you say you and your guys, did you have employees working for you?---Yeah, I had a few guys working for me back then.

10 And then on page 255 you'll see this is the invoice that you then sent in respect of that work on 18 May, 2011. Right. And if we go to the next page you'll see there that's the amount of \$52,800 that was referred to in your quote. And if we could then go, please, to the schedule of RMS payments. You'll see that the two jobs I've just been referring to, the Jones Island open closed sign job and the Twelve Mile Creek open closed sign job, being the bottom two jobs on that schedule, do you see they were both paid on the same date? So paid in one go on 20 June, 2011?---Yeah, I can see that.

20 Now, I just want you to keep the date 20 June, 2011, in your mind, and then I want to take you to volume 5.1, page 235. So this is a form in relation to the opening of a bank account for BMN Electrical Services Pty Ltd.---Ah hmm.

At the Commonwealth Bank. Do you recall opening that account?---Yes, yeah.

30 Now, just pausing there, do you have a recollection of whether the reason that you registered BMN Electrical Pty Services and then opened a bank account, was in order to do work for the RTA?---No, it wouldn't have been just for the RTA, it would have been for all the work I'm doing for everyone. It was just, like I said before, it was just another step in my company, I'm trying to, you know what I mean, get more professional, that's all. No one, yeah, no one ever told me to do anything or, when it comes to that kind of stuff, it's me that done it.

So looking at this, you see there there's an account number for this account? ---Yeah.

And the last four digits of that account number are 3-1-8-8.---Yeah.

40 You see that. And then if we go, please, to page 242 of the same volume. This is a bank statement for the BMN Electrical Services account from 21 June, 2011.---Ah hmm.

And you see on 23 June there's payment 47, 48 and 50, and there's three amounts that come out of the account, \$34,100, \$14,980 and \$1,100. Do you see that?---Yeah.

And then if we could go, please, to volume 5.1, page 4. Mr Najjarin, this is a bank statement for a company called MWK Developments Pty Ltd. Now, is that name familiar to you at all?---Not at all.

You don't have any recollection of ever hearing that company name?---Nah.

10 I want you just to have a look there at 23 June, 2011, and you see that there's a credit for \$50,180 made into the MWK account. And then if we could go, please, to page 12, this is a tracing document that's been provided by the bank, the ANZ Bank, where the MWK account was held. And you see that it shows you, down the bottom there, that there's been \$50,180 credited, in the first line, where it is credited to the MWK account. And then down on the bottom three lines there, you'll see that that amount of \$50,180 was in fact made up of three smaller amounts, \$34,100, \$1,100, and \$14,980. And do you recall those are the exact amounts that I showed you coming out of your bank statement on 23 June?---Yes.

20 And then if we look across, you'll see that they have come from an account number ending in 3-1-8-8, which was the last four digits of the BMN Electrical account number.---Mmm. Yep.

So does that prompt you to recall making those three payments to Mr Dubois?---Yes.

30 Through a company called MWK Pty Ltd?---I don't, I can't remember the name, but, what, he's probably, that's what it was, yeah. So I couldn't – that's why you asked me, do you recall the name, I can't remember the name. But if that's what's been on the cheque, then that's what he's instructed me to put the money into, when I gave him the cheque.

So you recall writing cheques to Mr Dubois.---I writ – yeah, that's it. But I don't, I can't remember who, you know (not transcribable)

But clearly enough, you would have written the cheque out to whoever Mr Dubois asked you to.---Yeah.

40 And then just going back, please, to page 242, you see there that those three payments that are highlighted have the numbers 47, 48, and 50 next to them?---Yep.

And is it your understanding that those are the cheque numbers?---Yep.

So it looks like 47 and 48 have been written consecutively, and then perhaps there's been a gap before you've written cheque 50.---Yeah, probably paid someone else before or something, before him, you know, just writing, I was writing cheques to – I don't know, I can't remember, but maybe because the job was a bit further down.

Is it your recollection that you were writing Mr Dubois a cheque and handing it to him at the conclusion of each job? Or is it your recollection that you gave him three cheques all in one go?---No, when I was, when I got paid, I paid.

So when you got paid by the RMS - - -?---Yeah, so the job would have been finished by then, so yeah, I remember, yeah, I think, yeah, that's the way it was. Because how am I going to pay him if I haven't been paid yet? And so - - -

10

I understand that, but is it your recollection that after you received payment from the RMS, Mr Dubois would then ask you to write him a cheque?
---Yeah.

And so it's your evidence that Mr Dubois would ask you to do that at the conclusion of each job.---Yeah.

After each payment you received from the RMS.---Yeah, when I've received the payment.

20

So do you have any knowledge of why it is that these three cheques were all drawn, all debited against your account on the same day?---Why they've come out?

Yes.---Obviously because that's paying him his commission. It's, it's coming out of my account, giving it to him. I don't know where, why, how, where, what he done with it.

30

Were you in the practice of writing many cheques at that time, in 2011?---I don't, I don't, I can't, I probably paid – I don't know who I was paying back then, but whoever I paid for materials or something, maybe I would have paid them by cheque.

And looking at those amounts, one's obviously much larger than the others, 34,100.---Yeah.

Is it your recollection that that was a payment to Mr Dubois in respect of one particular RMS job?---I honestly don't – I can't recall. It could be.

40

Well, do you recall whether Mr Dubois ever said to you, "I want you to write me a cheque for \$34,000 in respect of the two jobs that you've just done"? Do you understand? Was the commission ever rolled into - - -?
---Yeah, I know, I know what you're coming to. I know what you're coming to. I'm just trying to think, it just, I'm just trying to think. I don't know if it was two jobs or one job. It could have been, it could have been one job, it could have been two jobs. If it's one, if it's one cheque, it would be just one job maybe. I can't recall.

If we could just go back to the RMS schedule of payments, please. Mr Najjarin, you recall, as I pointed out to earlier, that you did two jobs for the RTA in around June 2010?---Yep.

And then later you did another three in 2011?---Yep.

And I've just taken you to a bank statement showing that in 2011, in June 2011, you wrote out three cheques for MWK at Mr Dubois's request. Sorry, that were presented in June 2011.---To who?

10

To Mr Dubois.---Yeah.

Through MWK. But I just want to understand the evidence you gave earlier today that your recollection is that you were asked to give Mr Dubois a cut after every job that you did for the RTA. Are you able to assist us at all with whether the three cheques that were ultimately presented in June 2011 related to the three jobs that were done in 2011?---Yeah. Well, those three cheques were for the works that were done.

20

I understand that but can you say which works?---Oh, I can't remember. I know that – I would be lying if I just say anything so I'm just, I know that these cheques for that but I can't remember which jobs.

Just give me one moment. All right. Now, Mr Najjarin, could I please show you back to volume 23.1, page 362? You'll see that this is a document called a tender evaluation report.---Yeah.

30

And it purports to be in relation to, "Twelve Mile Creek HVCS and Jones Island HVIS power and comms for the open/closed electronic sign, civil and electrical works".---Yep.

And you recognise that as the work that you did at Twelve Mile Creek and Jones Island Creek in relation to the open-and-close signs, that description? ---Yeah.

Does that accord with the work you did there?---Yeah. We ran all the pits and pipes and cables, yeah.

40

Now, I take it that you've never seen this document before?---No.

And it would appear that this document is a draft document because you see there an estimate of cost, there's information omitted and in paragraph 1 under Purpose, it refers to work at Galston Gorge. You never did any work at Galston Gorge?---No, I didn't.

And then in Background it refers to a maintenance contract in relation to cutting an removal of rubbish and you never had that sort of a contract with the RTA?---No. Never seen this one before.

But then if you look down at point 5 - - -?---Yeah, I can see my name there.

It says, "Tenders issued," and there's BMN Electrical Pty Ltd, HMO Pty Ltd and Highco Electrics.---Yep.

Now, are you familiar with the company HMO Pty Ltd?---That's where I finished my apprenticeship.

10 So that's the company you did your apprenticeship with.---Yeah, I did my apprenticeship with HMO Electrical.

And was Mr Dubois aware that you'd done your apprenticeship with HMO Electrical?---I don't know.

You don't know. And then if we could go to the next page, please, you see there's a reference there to a pre-tender meeting.---Yeah.

20 And it says that it was held on Tuesday, 1 April, 2011 at Argyle Street, Parramatta, and that the following people attended the meeting, Mr Dubois, yourself, Mr Sam Omran and Mr Harick Izae.---No, I wasn't there.

Did you ever attend that meeting?---No.

THE COMMISSIONER: Do you say you were not there?---No, I wasn't there.

30 MS SPRUCE: And do you know any of the other people listed there apart from Mr Dubois?---Yeah, I know Sam. Sam Omran is my, or was my boss.

So he was your boss at - - -?---Yeah, he was at HMO Electrical.

- - - HMO Pty Ltd?---Yeah.

I see. Now, Mr Najjarin, at the time that you were doing contract work for the RTA through your company, were you aware of other companies doing contract work for Mr Dubois?---Not companies, but just individual people that you see on the site. That's about it.

40 And were you aware that some of the other people that you saw on the site were also from the Lebanese community?---Ah, yeah, I can, yeah, probably only seen probably on the site just one time probably, Mount White, or Twelve Mile Creek, something like that, one time, yeah.

So you recall that at one of the jobs, Mount White or Twelve Mile Creek, there were some other contractors working there?---Yeah.

And do you recall whether you were aware whether any of them were friends of Mr Dubois'?---I wasn't aware if there was any of them that are his friends, because I'm just there doing my work, you know what I mean? I don't know. But there could have been friends.

Did you come across someone called Barrak Hadid?---Barrak Hadid, I, there was only, like, maybe, there's a bloke called Hoody. That's about all I know of nicknames, and Hoody, Hoody, whatever his name is.

10 And you don't recognise the name Chahid Chahine?---Nah. I don't know the names.

Do you recognise the nickname Baz?---Nah. Baz? Mate, there's a million of them.

I'm just going to show you a photo. Now, just looking at the photo, down the bottom, you recognise Mr Dubois'?---Yeah, the one on the left.

20 And you said that you knew someone referred to as Hoody. Can you see the person you knew as Hoody there?---It could have been, it looks a bit different, but it could have been that second last one on the right.

And you don't recognise the person furthest on the right?---Nah.

Now, do you recall whether you did any work for the person you knew as Hoody?---I think the only time I did a job for this bloke is when, as far as I can remember, one of his boys or something damaged a cable and I had to rectify it, that's about it. No, I think it, I think it was at Twelve Mile Creek.

30 If I could just take you - - -

THE COMMISSIONER: I think just before we do that, we might leave that until after lunch. Is that a convenient time?

MS SPRUCE: All right, Commissioner.

THE COMMISSIONER: So, I'll adjourn. I'll resume at 2.15. We're going to take the luncheon adjournment. We'll resume at 2.15, if you'd be back here ready to go then.---Okay.

40

Thank you. I'll adjourn.

LUNCHEON ADJOURNMENT

[12.59pm]