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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION PARAGON

Reference: Operation E18/0736

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 20 MAY, 2021

AT 2.00PM

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.

MR DOWNING: Thank you, Commissioner. Mr Rahme, just before lunch, I was asking some questions about the Maintenance Panel created in 2017. ---Yes.

10 And I took you to some earlier communications between you and Mr Steyn just on the topic of the possible creation of the Maintenance Panel.---Yes.

Can you recall that in 2017 Mr Steyn contacted you to tell you that it was now actually going to happen?---Yes.

And was he – I’ll use a neutral term – encouraging you that you should put forward a tender in order to get on the panel?---Yes.

20 Now, just in terms of dates, I’m going to take you to the relevant listing on the eTendering system for New South Wales. If we could go, please, to volume 15.1, page 319. You’ll see this is a listing on the eTendering system, showing that it was published, that is for tender, on 25 September, 2017, with a closing time of 6 October, 2017, at 2.30pm.---Yes.

I just want you to bear those dates in mind. If we could go to the next page, please, to page 320, you’ll see that in terms of details that it provides that the Heavy Vehicles Branch was looking to obtain tenders from those experienced and capable contractors for the maintenance of their assets, and it refers to the particular programs, things like Safe-T-Cams, average-speed cameras, et cetera?---Yep.

30 And you’ll see that it refers to there being two categories, which will form part of the tender category A, doing specific maintenance activities and works carried out for the Heavy Vehicle Enforcement Programs, and category B, relating to specific mechanical aids utilised for enforcement of heavy vehicles.---Yep.

40 Can you recall Mr Steyn talking to you about the fact that there were going to be the two categories and that he wanted you to apply for one of the categories?---Oh, I don’t recall but I believe so.

And bearing in mind that it showed a listing date of 25 September and then a closing date of 6 October, you know ultimately that you got on the panel? ---Yes.

And can I take you, please, to volume 15.1, page 41? Do you see that that’s a letter of acceptance you received from Mr Dubois on 23 October at 3.33pm, confirming that you’d been accepted onto the panel?---Correct.

And if we go to the – you’ll see, sorry, same page, that it asks you to complete the two attached instruments of agreement in order to confirm that you were prepared to do the work under that panel arrangement.---Yes.

And you completed that and you ultimately got onto the panel?---Yes.

10 Now bearing those dates in mind, 25 September is when the eTender goes live, 6 October is when the tenders were due and then 23 October when you’re notified that you’d been successful. I want to take you to some communications with Mr Steyn and ask you some questions about that. if we could go, please, to volume 13.7, page 16. Starting at the top of the page, this is part of the WhatsApp chat between you and Mr Steyn, I’m going to suggest. Do you see on 25 September, Mr Steyn sends a message asking you to, “Check the eTender list for the RMS Heavy Vehicle Program Maintenance and review requirements for Lancomm to be on our pre-arranged panel,” and I won’t read the rest of it. But do you see that?---Yep.

20 And do you recall getting a notification form him that you should check and do something about it, in effect?---Yes.

And do you recall that he then chased you up on a number of occasions about getting a tender in?---Yes.

You will see that on the next day, that is the next message down at 11.46, he lets you know that there were short closing time frames.---Yep.

30 And then in the message, 29 September at 9.07am, you indicate that you had the office populating tender documents and that you would discuss them over the weekend.---Yes.

Can I ask, at the time you learnt through Mr Steyn of the fact that this tender was up, did you want to be on the panel for Lancomm?---No.

Why?---I didn’t want to be associated with Craig in regards to Lancomm.

All right. Based on what?---My dealings with him in the past.

40 Sorry?---My dealings with Craig in the past.

But what in particular in respect of the dealings?---Him asking for kickbacks.

If we go back to the exchange, you’ll see that on the 29th, Mr Steyn indicated he wanted to see what your submission looked like, if you were going to submit one.---Yep.

And on the same day, he indicates it's a very simple – this is, sorry, at 9.22am, "It's a very simple response required," and basically advising you not to over answer it.---Yep.

All right. Did you then do some work on getting a tender together or not?
---No.

10 Can you go ahead, please, to the message on 4 October at 8.07pm. Do you see Mr Craig sends you a message asking how your submission was going?
---Yes.

And he then reminds you at 10.51pm, "You know it closes this Friday at 2.00pm?"---Yes.

It seems you don't respond, but do you see on 6 October you then send a message saying, "Obviously we missed the boat."---Yes.

20 Is it the case that you made a conscious decision to let the deadline lapse and not get an application in?---Correct.

Do you see the message you then got from Mr Steyn, 3.08, "Yes, mate, that was a five year but with no hurdles" - - -?---In our way.

In our way, it's "I our way," but it seems there's been a typo.---Yeah.

You respond, "Oops." And Mr Steyn at then 3.12 says, "Oops does not begin to demonstrate. This would have given access to all New South Wales Government panels and works."---Yes.

30 Now, pausing there, do you recall whether he said something to you as to whether if you'd got on this panel it might mean work not just for the RMS but on other government panels?---I don't recall that, but - - -

Do you recall that Mr Steyn then communicated with you to indicate that you could, despite the deadline having passed, still get an application in?
---I do recall that, yes.

40 And do you see the 6 October, 2017 message at 3.24pm indicates that, "Unless you could get a tender before 6.00pm tonight, because they only schedule to open the box on Monday morn at 7.00am and it's a locked security office with no access unless security's there."---Yes.

And you'll see that there's some further communications on the 6th, but in effect do you recall him chasing you about getting it in?---Ah hmm.

And is it the case that you ultimately did prepare one?---If that's what you want to call it.

Well, you might have been – are you suggesting you did it reluctantly?
---Yes.

Are you suggesting something about the way in which you'd prepared it and the detail you put into it?---Yes.

What did you do?---I didn't respond with anything other than our name and ABN and details of who was putting the submission in. Everything else was left blank.

10

Right. But did you provide it to Mr Steyn or did you lodge it with the eTender system?---I lodged it through, at Parramatta.

What was your intent in completing it that way?---That we wouldn't be successful.

20

Well, do you see after the exchange on the 6th, on the 9th Mr Steyn at 1.39 sends you a message saying, "You need to populate Form A urgently and follow the criteria. You owe me big time now. You will get a letter today or tomorrow asking for Form A criteria."---Yeah.

So do you recall that he then chased you up about in effect having deficiencies in what you'd completed?---Yep.

And do you recall what happened?---Ah, no.

Well, you see on the 11th Mr Steyn seems to chase you again about Form A, that is the last message on the page, 11 October at 8.52?---Ah hmm.

30

Then if we go over the page, same day at 10.08pm you say you can have it done by lunch tomorrow, which would be on the 12th?---Yeah.

And if you could then look at the next message and just read that, it's from Mr Steyn on the 12th at 7.38am. Tell me when you've read that to the end.
---Yeah.

Do you recall reading that and him indicating that in effect that you'd been scored very poorly for what you'd completed?---Yes.

40

Did you take from his message that he was still doing his best to try and get Lancomm on the panel?---I'm not sure.

Have a look at your message on the 12th where in response to Mr Steyn's message at 7.38, six minutes later you respond at 7.44, "Not to worry, Craig, just let it go. To be honest, we're very busy with our current clients."---Yes.

Were you in effect trying to suggest to him, don't worry about getting us on the panel, we're busy doing other things?---Correct.

Have a look then at the exchange of messages down to the end of the 12th if you could. So you'll see it goes to about halfway down the page, and tell me when you've read through those.---Yeah.

Now, do you recall that exchange now, that is at the point where you'd put an application in but Mr Steyn had indicated to you that there were some problems with it?---Ah hmm.

- 10 And do you see in the message on the 12th at 9.23, one of the things he indicates was, he's very glad to hear things were going so well, he's okay where he was, but he's always looking out for opportunities where he may be able to assist Lancomm, you see that?---Yep.

And he says, "Which in turn may or may not have some benefits."---Yes.

What did you understand the reference to benefits meant, on reading it?
---Benefits as in for myself and for him.

- 20 Now, it seems that there's, you'd indicated – sorry, I withdraw that. You then send a message at 9.23 with a thumbs up emoji.---Yep.

And it seems that's the end of the exchange on that day.---Correct.

I took you already to the email you got from Mr Dubois on 23 October in the afternoon indicating that you'd been accepted. Do you recall whether there was any further discussion between you and Mr Steyn on 12 October and the 23rd about the process?---No, not at all. Not that I recall, anyway.

- 30 Do you see on the 23rd, you send at 3.37pm, a JPEG to Mr Steyn?---That was a, a JPEG of the email I received from Mr Dubois saying that Lancomm successfully won.

And in that regard, if we could go, please, to page 18, that's the screenshot you sent from your phone of that email that you'd received confirming your acceptance for the panel.---Okay.

Do you recall that that's what you sent?---Yes.

- 40 If we go back to the page before - - -?---Oh, that was to my surprise, though.

- - - at 3.38, you ask, "Are we in?"---"Are we in?" Like - - -

Were you surprised to see that you'd been accepted?---Well, how?

Do you mean you didn't believe, based on the actual - - -?---Our submission.

- - - application you had put together, that you could have been accepted?
---Correct.

You'll see then on the 23rd that there's some further communications between you and Mr Steyn. And the last communication at 3.55 is, "Told you if this works you'll have to hand over your firstborn."---Yes.

Did you take from that that he was letting you know that you were now obliged to him in some way?---Definitely.

10

All right. Now, as best you can recall, after you got on the panel, it's correct, isn't it, that the work then resumed in 2018?---Yes.

And is your recollection that, in terms of the frequency of his requests for kickbacks and their size, that there was a change?---Definitely.

Did they occur more frequently?---Well, change in what sense, sorry?

20 Well, was he asking you for something more often after you got on the panel and you started to get the work?---Obviously.

And in terms of the scale of them, was he asking for more money?---Yes.

Now, on the topic of the form of any kickbacks that were paid, first of all, is it the case that you paid cash at various times to Mr Steyn?---Yes.

And is that only in 2018, or does that go back earlier in time?---Sometimes – yes, early in time as well.

30 So during the 2011 to 2014 work?---Yes.

Can you recall, when it came to cash payments, were they payments that you simply decided on a sum and gave to him, that is, without a request? Or was it in response to a request from Mr Steyn?---Not at all. It was always a, a request from Mr Steyn.

THE COMMISSIONER: Sorry, I can't hear you.---It was, it was always a request from Mr Steyn.

40 MR DOWNING: Did you ever approach him in effect without – with an unsolicited offer of a payment of some sort?---Well - - -

Do you know what I mean by unsolicited?---Yeah, no.

That is, without prompting of any request from him.---Oh, absolutely not.

All right. Now, just thinking about the early period of your work, that is, the 2011 to 2014 period, can you recall how it was you went about getting the cash in order to provide it to Mr Steyn?---I don't recall, sorry.

Do you recall ever drawing cash cheques and then getting the cash from the bank and giving it to me?---That may, that, that might have been the case, yes, on a couple of occasions.

10 Can I ask you to look at some cheques, please, and see if it assist you in terms of whether this might reflect occasions when you paid cash to Mr Steyn – first of all, it's the case, isn't it, that Lancomm has operated for some years an ANZ bank account?---Yes.

And I'm going to show you a statement. If we could go to volume 13.7, page 4, please. You'll see that this is a Lancomm bank statement for the ANZ, and I won't read out the whole bank account number, but do you see it ends with the numbers 8-6-5-6?---Yes.

20 And this is a statement for November 2013.---Okay. Yes.

First of all, do you see that there is withdrawal there of \$2,000 it seems cash from an ANZ ATM at Menai Caltex?---Yep.

Now, I'm not suggesting you're going to remember every withdrawal you ever made but in your day-to-day life do you typically withdraw sums of cash of like \$2,000?---Yes.

For your own use?---Yes.

30 So looking at that now are you able to say whether that reflects something you used for your own life or that is meeting your own living expenses or something that was paid to Mr Steyn or can you not assist?---I can't confirm if that was paid to Mr Steyn.

40 Can we then go, please, to page 6, the same volume and do you see there for some reason it seems to – I'm guessing that's supposed to be January but for some reason there is an issue with the formatting of the statement. It refers to Van all the way through, 15 to 20 Van. I'll take you to some further documents in a moment. I'm going to suggest it's January not Vanuary. Do you recall that in early 2014 drawing some cheques, that is cash cheques in order to get some money in order to give to Mr Steyn?---I do recall a couple of cheques that was for Mr Steyn, yeah. I'm not sure if they, they are the ones though.

Have a look. Assuming that's 17 January you'll see there's two of them 3,000 and 1,000. If we could go, please to page 9 and we'll just have to have that flipped. You'll see it's a \$3,000 cash cheque, 17 January, 2014 on the Lancomm account.---Yes.

And if we go to the next page, please, again, sorry, we're going to have to re-flip that. Is this a copy of the chequebook butt?---Yes.

And you'll see it's the same date and the same sum, 17 January, 2014.
---Yes.

Have you made a note there as to where the cash was going?---Correct.

10 And then the same day you draw a cheque for \$1,000. I took you to the bank statement. Can we go, please, to page 11. You'll see 17 January, 2014 a cash cheque for \$1,000.---Yep.

Now, I don't have a cheque butt to show you in respect of that but are you able to say whether that was likely for Mr Steyn or whether that may have been for your own use or can you not say?---I can't confirm but if it was for Mr Steyn I would have written it on the cheque butt.

20 Can we go back, please, to page 7. You'll see it's the bank statement for Lancomm again and there's a cash cheque 24, unfortunately we've got the same problem with dates but accept from me January 2014 for 7,500.---Yes.

And if we go, please to page 12. You'll see that's the cash cheque you drew on that date.---Yeah.

And if we go, please, to the next page, page 13 that's your cheque butt.
---Yep.

30 And does that notation by you again indicate that that was cash you withdrew in order to pay to Mr Steyn?---Yes.

If we could go, please, to page 8. Do you see now on 15 August, 2014, you've drawn a cash cheque for – again, there's some gremlins in the statement itself. Somehow a W's been introduced but it looks like \$3,000.
---Yes.

40 And if we go, please, to page 9. And I think it'll be upside down, we may need to reverse it. I'm sorry, that's the wrong date. That's January. I do apologise. Sorry, page 14. Now, you'll see the cheque is dated 15 August, 2014, but do you see it looks like it's been originally – well first of all, do you recognise the signature?---Ah - - -

Is that you or your wife?---That looks like my wife.

At times did you ask her to sign cheques for the business?---Well, at least get the cheque ready for me, yes.

Do you see that, it looks like on this occasion, there was a \$5,000 cheque written but it looks like someone's hand annotated it to change with the words and the figure to \$3,000.---Okay.

Do you know who made that change?---No, I'm not aware of that one.

You'll see from the document before that it does appear that it was your wife that cashed this cheque.---Okay.

10 If we could go, please, to page 15. Do you see 15, 8.14, and it's got, "Payee CS," and \$5,000 is recorded there?---Yes.

Now, is that your writing or your wife's?---That would be my wife's writing.

Looking at that, do you understand that that's her recording on your direction that this was money that was going to Mr Steyn?---Correct.

20 Now, as best you can tell us, was it your practice each time that you made a cash withdrawal – a withdraw that – a cash payment via a cash cheque that you cashed and then obtained the funds, where that was to go to Mr Steyn, did you try and keep a log if that in your chequebook?---Oh, whenever that was done via a cheque, yes.

Now, separate to that method, it's the case, isn't it, that in the later period, 2018, there were times when you made cash payments to Mr Steyn as well? ---Yes.

30 And I'm going to come to the specifics of it, but do you recall the method by which cash payments were made during 2018?---Method?

That is, it seems in 2013/2014, it looked like what you were doing was simply getting a Lancomm cheque, cashing it and then giving him funds. ---Correct.

Can you recall whether that was the way you went about it in 2018 or whether you went about it in a slightly different way?---I went about it in a slightly different way.

40 And was this the method that you went about in 2018? When money was paid to Lancomm from the RMS, you would see that the funds had been transferred in?---Yes.

The money would then be transferred out of Lancomm into a different company, J&C Maintenance Pty Ltd.---A certain amount, yes.

Into a bank account that it held?---Yes.

And I'm not suggesting all of it but a certain amount.---Yes.

And I'll come to the setting up of J&C Maintenance in a moment, but would the money then be transferred from J&C Maintenance onto an account of someone else or a different business?---Yes.

And was that JK Flash Electrical?---Correct.

10 That was a business run by a Mr Kafrouni that you knew, who was an electrician?---Correct.

And is it the case that what happened was, in effect, the money was being taken, so the Lancomm payment to – sorry – RMS to Lancomm for the full amount of your bill?---Yes.

Then Lancomm would transfer an amount to reflect not the bill itself, that is the full amount, but in effect the margin or cut into the account for J&C Maintenance?---Yes.

20 And was that the cut for both you and Mr Steyn or just Mr Steyn?
---Probably Mr Steyn.

Just his component?---I believe so.

Are you sure?---From recollection, yes.

Then it's the case, isn't it, that that money would then be transferred out of the account but - - -?---Well – sorry - - -

30 Oh, sorry.---The money would go into J&C Maintenance, I believe it was for the both of us, yes.

And it's the case, isn't it, that J&C Maintenance was a company you had set up?---Yes.

And it opened a bank account that you had opened?---Correct.

40 So having received the money from Lancomm or having – I withdraw that. Having transferred the cut for you and Mr Steyn from Lancomm into J&C, you would then organise for it to be transferred to JK Flash?---Yes.

And it's the case, isn't it, there was an arrangement with Mr Kafrouni that in return for him receiving the money, withdrawing it and then giving it back to you, he could keep a cut of about 10 per cent?---No, he wanted to keep the 10 per cent GST component.

But whatever the basis of it - - -?---That was, that was the - - -

- - - money would go into his account.---Yes.

He would withdraw it.---In cash.

Less about 10 per cent.---Yes.

And he would then return the cash to you.---To myself, yes.

10 And what would you do with the cash?---I would then go see Craig and give him the cash.

Right. So that was the method you used in 2018 in order to get the cash that had been received into Lancomm's account ultimately when it had been broken down into the cut for Craig, to him.---Yes.

Now, separate to cash, and I'm going to take you to some examples of the cash and the method through which it was transferred in 2018 in a moment, it's the case that from time to time Mr Steyn asked you for other things. Correct?---Yes.

20

Do you recall going back some years that he asked you to get some iPhones?---Yes.

And can I ask if you could go, please, to volume 13.7, page 72. And again this is, it's going back some years, but do you see these are exchanges of texts between you and Mr Steyn going back to 2012?---Okay.

30 And have a look, please, at message number 55. You'll see it's from Mr Steyn to you, and he asks you to go online at the Apple Store and place an order and pick up from store on delivery, and he lets you know that there's an Apple Store in Castle Towers.---Yes.

Do you recall what it was that he was asking you to go online and order? ---I believe a couple of phones.

Can we go over the page, please, to page 73, and have a look at messages 57 and 58. Do you see in 57 on 13 October it seems Mr Steyn chases you about whether you'd placed the order?---Yes.

40 58 on 15 October you indicate you'd do it that afternoon sometime and you'd call him later.---Yes.

If we could then go ahead, please, to page 77. Do you see message number 74 on 8 November there's a message from you to Mr Steyn indicating you'll be back tomorrow, "Phones are in." It covers something else there with materials and I'm going to come to the materials in a moment.---Yeah.

But do you recall what you were indicating there was that you'd now received the phones?---Yes.

And if we go, please, from there to page 78, message 79, you see on 9 November Mr Steyn indicates that he'd be in the office – I'm sorry, I think that's from you to Mr Steyn.---79, is that it?

79, indicating that you'd be in the office at 4.00 and you'd have the phones for him.---Yes.

10

And do you recall that he came into your office and picked up the phones? ---I believe so.

And is your recollection it was two iPhones?---Yes.

If we could go ahead, please, to page 79, message number 80. So this is on the same day, 9 November, after you've indicated you'd be in the office at 4.00 and you'd have the phones. Mr Steyn replies, "Okay. How do we do this one? See you at 4.00. You need to give me the quote for Mount Ousley." Do you see that?---Yes.

20

Do you recall whether at the time there was any discussion with Mr Steyn about whether you would in effect make up the cost of the phones through billing for a particular job?---Yes.

And was it one of the Mount Ousley jobs?---I can't recall which one, but yeah.

But was it Mr Steyn that suggested to you that you could in effect recoup the cost of the phones through that particular job?---Yes.

30

Can we go then, please, to same volume, page 2. And you'll see this is your credit card statement from ANZ for the period 5 November to 3 December, 2012. You see that?---Yep.

And if we go over the page, please, you'll see there is on 5 November two purchases, Apple online, one in the sum of \$899 and one for 1,898.---Yep.

And as best you can recall – well, sorry, it shows a date of transaction of 1 December and a date of processing of 5 December, I should be fair.---Yep.

40

As best you can recall, does that reflect the Apple devices that you were referring to in those series of messages with Mr Steyn?---I can't be 100 per cent, but I believe so. It sounds a, looks a little, little, little low for two phones, though.

Sorry, a little - - -?---Well, the amount seems a bit low, because the phones are valued more than 1,500, and for two of them that, you're talking about 3,000 minimum.

You'll see there's two items there, one for 899 and one for 1,898.---Okay.

Can you recall what phones it was you were getting for Mr Steyn, or you're not able - - -?---Oh they were Apple phones but not sure what, what models.

10 iPhones?---iPhones, yeah.

Do you know what he did with them?---No idea.

Now, separate to the phones, do you recall that there was a request that Mr Steyn made that you do some work at his house?---Around that time?

Around the 2011 to 2014 period.---Yes.

20 And I think you've made reference to it already, it involved putting in a pipe that - and you used Spot On Drilling to put in the pipe, correct?---Correct.

Can we go, same volume please, to page 73? Now, I've taken you to this page already in respect of the communications you had with Mr Steyn about Apple, but can you look at message 59?---Yep.

Do you see this is from Mr Steyn to you on 18 October, 2012, and what he asked is, "When can you complete the bore at my house, dude? Sooner rather than later would be appreciated please mate."---Yes.

30 As best you can recall, was that a reference to completing the underbore work to put the pipe in?---Correct.

And so this is in 2012, was that at a point before he'd actually done the work to knockdown the existing house and build a new house?---Yes.

And if we could go then, please, to page 77, and look at message 73, please, on 8 November, 2012. So it's from Mr Steyn to you. Do you see he asks for help with certain, looks like "items"?---Yes.

40 And do you recall were these items that he was seeking to do with the work on his house?---I wasn't too sure, but he just asked for those items, and - - -

Have a look at the message number 74, same day, 8 November, 2012. You say, "Phones are ringing," but you also ask the question, "What are all these materials for?"---Yes.

And have a look down at message number 75, also on 8 November, 2012. ---Yep. So he indicates it's from, for his home.

Now, did you pay for the cost of those materials?---Those materials are, are stock items we keep in the yard. So he come to the yard and pick those up.

But did he pay you for them?---No. Oh – no.

And if we could go, please, to page 78 – I’m sorry, and message 79, you’re already there. Do you see in that message you do make some reference to the materials?---Yep.

10

Is it the case that you supplied all of those for him in order for him to do, what, work himself or for you to do the work?---Nah, I think he did the, those works.

Now, can we go back then please to J&C Maintenance – first of all, can you recall the circumstances in which that company was created?---In what sense?

20

Well, I’ll take you to the search in a moment that indicates that the company was set up on 21 February, 2018 but do you recall there being some discussion with Mr Steyn before about setting up of a new company?---Oh, definitely.

And can I ask who was it that raised the idea of creating a new company? ---I don’t recall who raised the idea but it was obviously a mutual discussion between us both.

30

Based on your discussions with Mr Steyn what was the purpose of setting up the company that ultimately became J&C Maintenance?---It was to pretty much pay Craig his portion or his kickbacks.

Sorry, it was?---To pay Craig as I didn’t want to utilise Lancomm cash withdrawals.

So I take it you weren’t keen to have money go directly from Lancomm into Mr Steyn either in the form of cash withdrawals or cash cheques or transfers?---Correct.

40

So are you able to assist us as to whether it might have been you who suggested the company be set up or whether it was him who asked for it? ---No, it was a discussion between us both over a long, long period really.

Can we go, please, to volume 13.1, page 9 and you’ll see this is the ASIC search for J&C Maintenance showing that it was registered on 21 February, 2018.---Yep.

And then deregistered on 2 June, 2019.---Yes.

And if we go over the page, please. You were the director and secretary.
---Yes.

And if we go to the next page you were also the shareholder.---Correct.

Did you have discussions with Mr Steyn about who would be on the record as the person controlling this company?---I don't think so. Or, yeah. I mean he would, he didn't, he definitely didn't want to have his name on their.

10

I take it you didn't want his name on it either.---Yes.

Now, you've already confirmed that the company set up a bank account and if we could go, please, to volume 13.6, page 3. I'm sorry, that's the wrong page. That's Lancomm. I'll take you there anyway. I'm sorry. I've already taken you to an account entry for Lancomm but that is the ANZ account that Lancomm had operated for some years. Correct?---Yes.

20

Ending with account numbers 8-6-5-6.---Ah hmm.

But can we go, please, to page 10, the same volume, and do you recognise that as the bank statement for J&C Maintenance?---Yes.

And it's an account you set up.---Yep.

I take it you were the signatory for it.---Yes.

30

And you'll see that this a statement for 18 May to 30 June, 2018 but do you see that the account number for that account ends with 1-9-2-3?---Yes.

Can I then take you to volume 13.3, page 58 and we are back in the WhatsApp exchange between you and Mr Steyn. Do you see on 8 February, 2018 at 8.18 you send a message to Mr Steyn giving a name to register?---Yes.

And at 9.17 Craig asks, "What you suggest?" And at 9.57 you respond, "JC Services or whatever you come up with."---Yes.

40

And then 8 February, 2018, 10.06 Mr Steyn responds, "JC is good."---Yep.

Is that discussion about a company which ultimately became J&C Maintenance Services?---Correct.

And was J&C in effect an abbreviation of Joseph and Craig?---Yes.

Now, do you recall that over the period then – and I've taken you to the search to show that it was set up on 21 February – there was a bit of backwards and forwards between you and Mr Steyn about, I guess, if I

could put it neutrally, how the business J&C would operate and how money might be drawn down from each of you from J&C.---Yeah, yes.

And what's your recollection as to what your position was and what Mr Steyn's position was?---That any funds within J&C would be split fifty-fifty.

Sorry, that was your position?---Yes.

10 And what was Mr Steyn's position?---You would need to ask him.

Well, do you recall him saying to you something contrary to what you wanted, which was a fifty-fifty split?---Well, that whole invoice from Peter Manuel was the situation.

Well, I'll come to Peter Manuel Services but, I guess, what I'm interested in is whether, when you say you proposed fifty-fifty, can you recall for instance Mr Steyn saying, "Well, who's bringing the work in? I should get more"?---In the, in the middle of, of a heated argument he would have said that, I believe, yes. But that wasn't the original agreement though.
20

So, was there an original agreement when J&C was set up that it would be a fifty-fifty split?---Correct.

But as time passed, did Mr Steyn suggest that he believed he was entitled to more?---He, he would have suggested that, yes.

Can I ask you to go, please, to page 59, same volume? I withdraw that, actually. Can we go back to page 58? I apologise. We should start at the
30 bottom of page 58. Do you see a series of exchanges on WhatsApp on 26 February, at the bottom of the page, just from the first one at 18.38?---Yes.

And do you recall – if you read that to the bottom, do you recall having that exchange with Mr Steyn about, in effect, who was bringing what to the company and what the split might be out of it?---Yes.

And if you go over the page, please, to page 59, also on the 26th. You'll see there's quite a number of messages on the 26th.---Ah hmm.

40 Read the first one at 18.54, please.---Yep.

Do you recall that his position was, as set out there, that in effect he was the one bringing money in, he was the one that was directing work that was ultimately going to result in money coming into J&C, so that he deserved more?---Correct.

Do you also recall, as part of the exchange, discussing the way in which money might be brought out and perhaps proposing using things like

Bunnings cards or different gift cards in a way to try and make it not traceable?---Correct.

There were a number of exchanges about things like that and how the money might be taken out?---Yes.

10 And is that what ultimately led to the arrangement with, instead of using particular Bunnings cards or Myer, Coles cards, or something like that, transferring the money from J&C into JK Flash and getting the money out that way?---As a temporary solution, yes.

Were there still ongoing discussions about what a longer-term solution might be?---No, there wasn't discussions.

Well, what do you mean by though the JK Flash arrangement being a temporary solution?---Because JK Flash was, wasn't going to continue doing this on an ongoing basis. It was a one-off, really.

20 Sorry, what do you mean by one-off?---As in, it was like a, a, a period of, a short period where he was able to do that.

And was it the case that you – was Mr Kafrouni someone you knew, not Mr Steyn knew, correct?---Correct.

30 And was it the case that you contacted him and asked whether he'd be, in effect, prepared to have the money coming in and keep a small cut of it himself?---Oh, I didn't, I can't really recall whether I suggested it or I heard, overheard him saying that he could assist or whatever the situation is, but, like, I don't remember how, how it come about with Johnnie.

But the arrangement was one that you entered into with Johnnie, it wasn't something Mr Steyn organised?---Correct.

Can I ask that you then go, please, to the same – sorry – to volume 13.3, page 11? So I'm now taking you not to a WhatsApp exchange but texts. And do you see message number 92, this is also on 26 February, 2018, so the same date as the WhatsApp exchange I just took you to?
---Yeah.

40 And you send a message, message number 92, at 4.32, saying, "I'm getting negative vibes about this whole structure, Craig, especially over this weekend. I think we need to set out some clear rules before we actually proceed."---Yeah.

When you're referring to the structure, do you mean J&C Maintenance?
---Yes.

And you'll see down below, message number 94, Mr Steyn responds.
---Yeah.

And what did you understand he was referring to in saying that there was, "Some other arrangement that you might use to manage it that would be clean and better for all?"---Sorry, what was that one again?

Do you see in that message, number 94 - - -?---94, yeah.

10 - - - Craig responds to you indicating you were getting negative vibes about the arrangement and he suggest that there might be some other way of managing things and refers to how you'd done things previously.---Yeah.

And says, "It would be cleaner and better for all." Do you know what he was referring to or proposing?---Just cash instead of any company setup or whatever.

20 Can we go then, please, to page 12, and you'll see this is – all of the messages exchanged this day were on that same day, 26 February.
---Ah hmm.

And you'll see the first message on 26 February, that is number 95, you respond to Mr Steyn indicating that you'd both be – you wanted to make sure you were on the same page about how everything was going to work.
---Yes.

And if you go down to message 98, you say something firstly, "10 per cent for Lancomm must stand. The rest is up to discussion."---Yes.

30 What was that a reference to?---The GST component.

So were you in effect saying that 10 per cent of any moneys that goes from Lancomm to J&C has to stay with you.---Yes.

And then the rest we can negotiate.---Yes.

And then message 100, you'll see Craig responds.---Yeah.

40 And read that to yourself, please.---Yeah. Yeah.

Craig was coming back to you, wasn't he, again negotiating to try and suggest he deserved more.---Correct.

Because in effect he was the one that was responsible for the jobs that Lancomm was getting.---Correct.

You'll see he makes reference in there to - - -?---From RMS.

Sorry, RMS jobs that Lancomm was getting. You'll see that he makes reference there and says, "Example, I organised the yard transport and met the company, so if I raised a \$40,000 purchase order are you saying 4,000 for Lancomm then for ? then fifty-fifty on any profits?" Just pausing there, do you know what job he was referring to there with the organising the yard transport?---That would have been the one at, from Northmead to Colebee.

Where you indicated that he was the one that did organise one of the subcontractors.---The transport company, yeah.

10

Can we go then over the page, please – I withdraw that. Can we go back to page 12, last message, 106. Sorry. Do you see on that message, last one, and it's to you from Mr Steyn, and he seems to come back with a different proposal, that is how about 75 to him and 25 to you, and you can keep the 10 per cent for Lancomm.---Yeah.

And indicates that the basis for his negotiating position was that he was the one bringing in the dollars.---Correct.

20 And did you agree to that or not?---No.

If we go over the page, please, have a look at message 108, same day, these are all again 26 February, you propose that the only way to fix the problem was to get J&C on the panel, otherwise you can't budge.---(No Audible Reply)

Sorry, you need to verbally respond rather than nodding.---Yes.

30 Were you indicating there that you were prepared to perhaps come back to the table if Mr Steyn could get J&C on the panel so that not only was Lancomm doing RMS work, but J&C would as well?---Yes, but I was already in a frame of mind where I wanted out. So I knew that was something that was not possible for him to do, so I was proposing something that wasn't possible.

Do you say that, in effect, you were trying to propose something that you knew would never happen in order to bring this arrangement to an end?
---Correct.

40 Go down, please, to message 114. So again on the 26th, now at 5.01pm, and you see Mr Steyn indicates that the risk's on him to make sure the funds come into the company, and that he'd "lined up three jobs that day plus works in the yard so there's potential 100K plus before end of financial year."---Yep.

So it's the case, isn't it, that there was ongoing to and fro with a view to trying to reach some arrangement on how you could split things with J&C?
---Yes.

And at 116, same day at 5.04, you indicate you're "not keen on it anyways, and as it stands it's two one-sided," you didn't want to waste valuable time for nothing in return.---Yep.

And in 117, Craig in effect suggests, doesn't he, that is, the same day, 26 February at 5.05, that, "All right, well, if you don't want to do it, then I'll cancel things and get others to do it"?---Yes.

10 And if we go over the page to 14, message 119, you suggest to Mr Steyn, don't you, that in effect, you can make that money elsewhere and you don't need to be doing it through J&C?---Yes.

Now, can you recall what the arrangement settled on when it came to how J&C was to run, and what percentages were to be in terms of the allocation of moneys between you?---Well, obviously we were both on two, on different pages in regards to this. I was under the assumption it was fifty-fifty.

20 But J&C did operate for a period and receive money and transferred money out to JK Flash. Was it split, as you recall, fifty-fifty?---Believe so, because some of my portion stayed in Lancomm.

All right. And can we then go to just give some substance to that, to records in respect of payments, it's the case, isn't it, that in that period in mid-2018, there were a number of payments for money from the RMS to Lancomm, Lancomm to J&C, J&C to JK Flash.---Yes.

30 Then cash withdrawn, and - - -?---Yes. Given - - -
- - - given to you, and you gave some of it to Mr Steyn.---Most of it, yes.

Can we go please, to volume 13.3, page 66, and this is part of the WhatsApp exchange. Do you see almost at the bottom of the page, four entries from the bottom, 25 May, '18, 16.32, you message, "4,700 today in cash"?---Yes.

40 And Mr Steyn responds, "Okay, mate, you want to knock up a spreadsheet with what we got coming in and what we got cashed out, so we good with how we will manage the business."---Yes.

And he indicates he'd focus on bringing it in.---Yep.

And I take it you understood that was a reference to the money.---Yes.

So that in effect he was delegating the paperwork to you while he took care of - - -?---All the work, so yeah.

If we go over the page, 25 May, '18, 16.51, you indicate that you'd put something together and send to Mr Steyn. And did you in fact do that?
---No.

It's the case, isn't it, that at a later point, he actually put together a spreadsheet?---Correct.

Now, that reference to "4,700 in cash today" that you make on 25 May, is that an amount that you had decided on, or an amount he had requested?
10 How did you arrive at what you were proposing in that message?---Oh, I don't recall how we, we come up with that figure, but yeah. Was definitely a, an, an amount requested by him, so - - -

So you can't assist us as to how the precise calculation was done to come up with that amount to be paid out, is that the case?---Yes.

But you say it was an amount that he requested.---Yes.

And if we go ahead, please, to page 67, further down the page, you see 13
20 May, 2018, 12.28, "9,000 in cash today?"---Yep.

And again that's you proposing the sum.---No, this is me stating that the cash is ready after he's, he's requested it.

But you see two minutes later Mr Steyn indicates he "Will do a spreadsheet tonight, mate. Thanks."---Yeah.

And you'll see on the same day at 6.55 he indicates that he's "Sent one for
30 your review. See what you think."---Okay.

And I'll come to that in a moment but can we go over the page to page 68, please.

THE COMMISSIONER: Mr Downing, just pausing there for a moment. I'm conscious that Mr Rahme has been in the witness box, apart from the lunch and the morning tea adjournments, since about 9.30. There's a lot of very detailed information necessarily in these questions. I'm just wondering whether in fairness to him there should be a short break.

40 MR DOWNING: I'm content for that. I can also indicate, Commissioner, I'm confident we will finish today.

THE COMMISSIONER: Good.

MR DOWNING: I'd imagine I would have no more than another 20 minutes to half an hour of questions and then, subject to obviously any questions that the others here might have, we would be in a position to let Mr Rahme go today.

THE COMMISSIONER: Mr Rahme, a matter for you really. If you feel you - -?---I'm okay. Just continue.

You feel okay?---Yes, please.

All right. We'll press on if we're, on the basis of your prediction we might be finished by, certainly before 4 o'clock.

10 MR DOWNING: Thank you, Commissioner.

THE COMMISSIONER: Yes, thank you.

MR DOWNING: So back on page 68 do you see 18 June, '18 you send a message "We'll catch up with you tomorrow with 4K"?---Yep.

And is your evidence that again while that's you suggesting the catch up that the actual request for that sum would have come from, sorry, did come from Mr Steyn?---Yes.

20

Go then down to 22 June, 2018, 13.05 you say "4,500 today."---Yep.

Again is your evidence that that was a sum that Mr Steyn requested?
---Correct.

THE COMMISSIONER: Can I just again interrupt you. Have you got a schedule of all these cash payments?

30 MR DOWNING: I don't have one right now but we can certainly have one made that tallies up all of the sums, Commissioner.

THE COMMISSIONER: Yes. No, I'm just wondering if there's a shortcut way of getting across this but that's all right. Perhaps a schedule in due course.

MR DOWNING: Thank you. Now, if we could go back, please, to page 67 and the 31 May, 2018 message "I'll do a spreadsheet tonight, mate. Thanks."---Yep.

40 And then the message at 6.55pm "Sent you a spreadsheet for your review. See what you think."---Yes.

Can we go now, please – so bear that in mind the date and time 31 May and 6.55pm. Can we go, please, to volume 13.5, page 304. 304 should be the page before. So do you see that this is an email from Creative Service to you on 31 May, 2018 at 6.55pm?---Yep.

And Creative Service was an email address that you recognised as one that Mr Steyn used from time to time, wasn't it?---Oh, that was the first I seen. I didn't - - -

You hadn't seen that before?---No, it was - - -

But you knew that - - -?--- I mean when I've received that, yeah, he notified me he was (not transcribable) Creative Services.

10 You knew who this email was from.---Yes, yes.

And you'll see it attaches a spreadsheet J&C Balance Sheet XLSX.---Yep.

And it's rather formal language when you read it. "Dear sir" rather than dear Joe.---Yeah.

But I take it you read the email and then went to the spreadsheet.---Correct.

20 And if you go to the spreadsheet, please, you'll see that it refers to shareholder distributions on 25 May and 31 May.---Yep.

First of all 4,700 to J and 4.700 to C.---Yep.

On 25 May and then on 31 May \$9,000 to J and 9,000 to C.---Yep.

Now, just pausing there. It was your understanding that this reflected the fact that this was money that was being paid out by J&C Maintenance and being split 50/50 on each occasion.--- I believe so.

30 And I know you didn't create this spreadsheet but did you understand that the reference to "exchange cost Johnnie" was a reference to in effect whatever margin that was being kept by Mr Kafrouni once he withdrew money?---Correct.

And did you have an understanding as to what the other columns, that is, Lancomm Cost, J&C Maintenance Cost, was intended to be?---The actual costs, expenses relating to certain jobs or each PO that he, that was to be created.

40 So as far as Lancomm Cost, did you understand that that would be the overall cost of the invoice that Lancomm had rendered?---If there was works involved for Lancomm, then yes.

And then in the next column, where it refers to J&C Maintenance, did you understand that reflected, in effect, the cut that was then being paid from Lancomm into J&C Maintenance?---Oh, now that I'm looking at it, yes. I never really viewed this more than that one time I received and I didn't entertain it, so - - -

So, you looked at it at the time and I take it reviewed it, but you didn't ever populate it or do anything with it, is that correct?---Yep, correct.

But as far as you were aware, and I know again you didn't populate it or create the table, but the Lancomm Cost, did you anticipate what that meant was the actual true cost to Lancomm?---Yes.

10 Now, if we can go, please, just bearing in mind that first transfer – sorry. If we go back, please, to volume 13.3, page 66. There was there reference on that day to, “\$4,700 today in cash.” I'll just take you back so that you can see it.---Yep.

That was reflected, wasn't it, by the first of the shareholder distributions recorded in the spreadsheet, 25 May, \$4,700 to J&C?---Correct.

20 Just as to how that came about, can I take you, please, to the following documents. First of all, can we go to volume 13.6, page 3? And you'll see from that, that on 16 May, Lancomm receives a \$49,500 payment from the RMS.---Yes.

And as to what that related to, if we can go back, please, to volume 13.3, page 158.

THE COMMISSIONER: Sorry, can I get that reference again, please?

MR DOWNING: 13.3, page 158. That's the invoice that you submitted for the relocation from Northmead to Colebee.---Yep.

30 And it's the same sum, isn't it, 49,500?---Yep.

So I'm suggesting to you that that was payment on 16 May, of the 30 April invoice that you've rendered for this job.---Yes.

If we then go, please – having seen that that money came in on 16 May to Lancomm, can we go, please, to volume 13.6, page 4? And you'll see now on 23 May that 12,269.54 is transferred from Lancomm and you'll see it says, “To J&C Maintenance Services.”---Yes.

40 Do you know how you arrived at that sum?---Oh, we worked out the expenses.

So that, in effect, was this, you'd calculated what the expenses were and what was left was the margin to be divided between you and Mr Steyn?---I don't recall if that was between me, me and Steyn or if it was just for him but I think it was, I believe it was for me and Steyn.

So you'll see, that's 23 May, 12,269.54. If we can then go, please, to page 10. You see, this is the J&C Maintenance Services CBA account that I took you to earlier.---Yep.

And you'll see that that sum, 12,269.54 is credited into the J&C Maintenance Services account from Lancomm on the same day, 23 May? ---Yep.

10 Do you then see that literally the same day there is a transfer of 10,340 from J&C Maintenance to what's recorded as reference JKA?---Yes.

And that money was going to JK Flash, wasn't it?---Correct.

So if we then go, bearing in mind that's the transfer on 23 May, if we go, please, to page 13, you'll see that this is the bank statement for JK Flash for the period March to June 2018. And if we go over the page, please, you'll see that that transfer of 10,340 that had been made from J&C Maintenance arrives same day into the CBA account for JK Flash.---Yeah.

20 You will also see that on, that's on the 23rd that the credit arrives, on the 25th you'll see that there are two withdrawals made at the Revesby branch of 2,000 and 7,400.---Yes.

So the total is 9,400.---Yes.

Now, 9,400 plus 10 per cent comes to 10,340.---Correct.

30 So what was happening here was, you transferred in the 10,340, you'd let Mr Kafrouni know that he was to withdraw the money less 10 per cent. ---Correct.

And he then meets with you and gives you that cash.---Yes.

And so looking at that, that's a withdrawal on 25 May, 2018.---Yep.

And if we go back, your message on 25 May, so back at 13.3, page 66, where you say, "4,700 today," involves you getting back 9,400 from Mr Kafrouni, you keeping 4,700 and giving 4,700 to Mr Steyn.---Yes.

40 And it's the case, isn't it, that you were messaging Mr Kafrouni to let him know when the money was being transferred in, when it was ready to be withdrawn, and then organising to meet with him so that you could get the cash back.---Yes.

And that occurred on a few occasions where there were moneys that were paid from J&C Maintenance to JK Flash.---Yes.

And on each occasion he kept something in the order of 10 per cent.
---Approximately, yes.

But the balance he gave to you. Correct?---Yes.

And you then split it between yourself and Mr Steyn.---Yes.

10 So the pattern that we see here in terms of moneys being transferred from Lancomm then to J&C and then to JK Flash, you repeated each time that there were moneys that you would organise to be transferred across, I take it?---Yes.

Commissioner, subject to just confirming if there's anything else with Mr Ishak, they're the matters I did have for Mr - - -

20 THE COMMISSIONER: Mr Rahme, just in relation to the 2018 system of payments being made through Lancomm to J&C and then to JK Flash et cetera, did you have any concerns about this scheme to funnel the moneys through and you end up with part of a share and Mr Steyn ends up with a share? Was it concerning to you?---Of course.

And what were you concerned about?---Obviously doing things that were illegal.

Sorry, you'll have to speak up.---Obviously doing things that weren't above board.

30 You thought it, you were concerned because it was not above board. By that you mean you had misgivings, doubts about whether this involved proper or perhaps improper conduct. Is that right?---Correct.

Why did you go along with this arrangement then, was it because of the benefits that would flow in your direction or was it that plus something else or was it entirely due to another factor, what motivated you?---Don't know if I, I can, I know how to answer that question, well - - -

Sorry?---I'm not sure if I know how to answer that question.

40 You don't know to.---I mean - - -

Well, I mean, if it was suggested to you that, firstly, this was your plan, you were the architect of this plan, would you agree or not agree with that?
---Not wholly, no.

Well, trying to be as objective as you can, who do you consider was principally the architect of this scheme?---Oh, well, this wouldn't be, wouldn't have been happening if it wasn't for Craig. And I think I made it clear that I didn't want to be part of that at all.

So you say that the origin for this scheme really came from him.---Of course.

And then it developed through discussions with you and Craig.---And it lasted for a short period before I just wanted out, just wasn't aligned with where I wanted to move forward with the business.

10 And it could be said, well, you were free to just simply walk away from it, and have no part in it, or it might be said that there are other factors at work. So, do you have anything to say about that?---Not really, Commissioner.

All right. Very good. Now, and nothing else from you, Mr Downing?

MR DOWNING: No, Commissioner.

20 THE COMMISSIONER: No, all right. Does anyone want to make application to cross-examine Mr Rahme? No, then now, Mr English, is there anything you want to put to your client? I'm just simply giving you the opportunity, that's all.

MR ENGLISH: I don't think so, Commissioner. Would - - -

THE COMMISSIONER: No, all right, that's quite in order, I just wanted to make sure that - - -

MR ENGLISH: Commissioner, would you give me five minutes with Mr Rahme, to conference him?

30 THE COMMISSIONER: Yes.

MR ENGLISH: I think the answer's still going to be no, but I don't want - I'd just like to see if he thinks that he's got everything off his chest.

THE COMMISSIONER: That's fine, I'll resume at about 3.30, I'll adjourn.

MR ENGLISH: Thank you.

40 **SHORT ADJOURNMENT** **[3.17pm]**

MR DOWNING: Commissioner, I did let Mr English know, there was just one very short subject matter I neglected to ask Mr Rahme about and I just want to quickly deal with that if I could.

THE COMMISSIONER: Certainly. You go ahead, Mr Downing.

MR DOWNING: Mr Rahme, I asked you earlier about being asked by Mr Steyn to make some payment to his father-in-law and you'd given some evidence about that occurring.---Yes.

And you've described it as Mr Steyn saying that his father-in-law needed some money and that he wanted you to therefore make some payment and you could make it up through a bill that would be given to the RMS.---Yes.

10 Can I take you, please, to – I withdraw that. You've, I think, also confirmed that it was Peter Manuel Services was the company that you were asked to make the payment to?---Yes.

Can we go, please, to volume 10.5, page 62. You'll see that this is actually a bill not to Lancomm but to J&C Maintenance, but for \$42,000. So, 42 plus GST, which was the same sum as the bill that you've confirmed was for no work.---Correct.

And does that appear to the bill that you were presented to pay?---Yes.

20 If we could go then, please, to same volume, 10.5, page 18.

THE COMMISSIONER: Sorry, volume number, 10.5?

MR DOWNING: Same one, 10.5, Commissioner, page 18.

THE COMMISSIONER: Yes, thank you.

MR DOWNING: And you'll see that this is part of the, it's one of the bank statements for Lancomm.---Yep.

30 And you'll see that there is a payment there of \$42,228.---46,000.

THE COMMISSIONER: I think 46.

MR DOWNING: Sorry, 46,228 on 29 June.---Yes.

40 So it does seem that it wasn't precisely the sum in the invoice, which was 46,200, but \$28 had been added. Can you recall why it was that there might have been some addition?---Oh, that would have, that would have been a, a bank cheque due to the amount. I couldn't transfer that amount in one transaction.

And there was a fee for drawing the bank cheque?---\$28, yes.

But you'll see that's 29 June, which is the day after the invoice, the date of the invoice.---Yep.

And it appears that, rather than being paid from J&C Maintenance, it was actually paid from Lancomm?---Yeah. I don't know, know what that, why that happened but yes. I think that was because it was already over by then and just wanted to settle it and be done with it.

So, you drew a bank cheque on the Lancomm account to pay the sum to Peter Manuel Services?---Correct.

10 And did you give that to Mr Steyn?---No, that went straight to Peter Manuel Services.

But when it came to receiving the invoice from Peter Manuel Services, how did you receive it?---It came from Mr Steyn, yes, the invoice came from Creative Services, I think it was.

20 But who did you hand the cheque to? Obviously there was a bank cheque that you had that someone had to receive.---No, I think that would have been, my wife would have gone into the bank and then done a bank transfer into his account.

But I thought you'd indicated that this was a bank cheque that you'd drawn because there was a fee of \$28 you thought?---Yeah. So, to get a – I'm not sure how exactly it works but, I mean, if I think it's over \$20,000 she needs to get a bank cheque, unless it's, she, she breaks it up into two different parts or three different parts.

30 But what did you do with the bank cheque as best you can recall?---I believe it was paid into Peter Manuel Services. The account number was on the invoice.

So did you take it to a bank and then deposit it in?---Yes, that's right. So you get a bank cheque for the full amount and you go to the bank, his bank and then deposit it into his account.

Do you believe you got account details from Mr Steyn or that it was just on the invoice?---Whatever was on the invoice, yeah.

40 Thank you.---I didn't do that personally, that my wife, I think, that was the wife that did that.

Thank you, Commissioner. They're the questions on that topic.

THE COMMISSIONER: Mr Downing, just before I call on Mr English, Mr Rahme will need to be recalled in the event that any affected person wishes to cross-examine or possibly a witness would want to cross-examine Mr Rahme. So it's a matter for Mr English to decide whether he wants to embark on any questions, if he has any, of Mr Rahme today, or that's left to some possible future occasion. I just thought I'd ventilate that.

MR DOWNING: Of course, Commissioner. Although I would have thought that the person with the most direct interest in asking questions would have been Mr Steyn, who is represented here today.

THE COMMISSIONER: Mr Steyn. Yes.

MR DOWNING: So whilst it's possible, I would have thought perhaps unlikely - - -

10

THE COMMISSIONER: Oh, I see, yes, yes.

MR DOWNING: - - - some other party might seek to ask questions.

THE COMMISSIONER: That's true, yes, yes. All right.

20

MR DOWNING: And, Commissioner, can I also indicate, you asked a question before about whether there might be some table that would show the amounts withdrawn. At the very beginning of volume 13.6, pages 1 and 2, there is a table showing the movement of monies from the Lancomm account to the J&C Maintenance account to the JK Flash account. So that tracks all of the monies going across and cash being withdrawn.

THE COMMISSIONER: Just give me that reference again.

MR DOWNING: Volume 13.6, page 1.

THE COMMISSIONER: 1. Thank you.

30

MR DOWNING: 1 and 2.

THE COMMISSIONER: Thank you.

MR DOWNING: Thank you, Commissioner.

THE COMMISSIONER: Thank you. All right, well, now, Mr English, back to you.

40

MR ENGLISH: I have no questions, Commissioner. I'm grateful for that opportunity that you advanced.

THE COMMISSIONER: Very good. All right. Then, Mr Downing, I think it may be that there's no further requirement for Mr Rahme. However, I propose to leave the summons he's under here today operative, unless and until the Commission advises him that he's no longer required, in which case I will discharge him from any further attendance under the summons. Do you have anything to say about that?

MR DOWNING: No, Commissioner, I don't.

THE COMMISSIONER: Mr Rahme, that concludes the evidence in this public inquiry from you. Unless Commission officers notify you of a requirement to return, then that will complete your role.

MR ENGLISH: Thank you, Commissioner.

10 THE COMMISSIONER: We will endeavour to make that decision sooner than later so that you're not just left in the dark. So hopefully within a week or two we'll be in a position to advise you.---Thank you.

Thank you. You may step down. You're free to go today.

THE WITNESS EXCUSED

[3.40pm]

20 THE COMMISSIONER: Anything else?

MR DOWNING: No, Commissioner, other than to indicate that we will resume tomorrow with Mr Duchesne.

THE COMMISSIONER: Very good.

30 MR DOWNING: And I would be confident that we will see him out within the day as well, so that I'm not sure we will need the full day. But then, as I understand it, the plan is not to sit Monday and to resume with Mr Alexander on Tuesday.

THE COMMISSIONER: Tuesday, that's correct.

MR DOWNING: And can I just inquire. I know the last two weeks that you had a commitment on Tuesday morning, so we started at 11.00.

THE COMMISSIONER: Yes, so I had remembered that. Two things. Tomorrow we'll resume at 10 o'clock, not 9.30.

40 MR DOWNING: Thank you, Commissioner.

THE COMMISSIONER: And as to Tuesday starting time, at the moment we'll work on the basis of 11 o'clock start as previously. If I can bring that forward, we can alter the timetable and advise everyone.

MR DOWNING: Thank you, Commissioner.

THE COMMISSIONER: I should know within the next day or so.

MR DOWNING: Thank you.

THE COMMISSIONER: Thank you. Very good. Then I'll adjourn.

**AT 3.41PM THE MATTER WAS ADJOURNED ACCORDINGLY
[3.41pm]**