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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 22 JUNE, 2021

AT 2.30PM

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

THE COMMISSIONER: Yes, now, good afternoon, Mr Sangari. Mr Sangari, you continue your evidence. We'll administer the oath again or the affirmation. What would you elect for?

MR SANGARI: An oath.

THE COMMISSIONER: On oath or affirmation?

MR SANGARI: Oath.

10

THE COMMISSIONER: All right. Thank you. If you wouldn't mind just standing and there's a Bible nearby there, if you just - - -

MR ROBERTSON: I'm sorry, Chief Commissioner, perhaps the Koran if that's convenient.

THE COMMISSIONER: The Koran. All right. The Koran.

THE COMMISSIONER: Thank you, Mr Sangari. Just take a seat there. Mr Sangari, I would ask you to keep your voice up.---Yes.

I know witnesses sometimes forget and after the second answer they drop back down into low voice, but if you try and keep reasonably proximate to the loud speaker, the speaker system, and just keep your voice up, please.
10 ---Yes, sir.

Yes, Ms Spruce.

MS SPRUCE: Mr Sangari – I have to just move across to the microphone, Commissioner. Mr Sangari, you’ll recall I was asking you some questions on Friday about the payments that you made to Mr Dubois of \$5,000 each. ---Yes.

And you said there were two payments.---Yes.
20

Now, you knew, didn’t you, that it was improper for Mr Dubois to ask you to give him a favour.---Yes.

And you knew that it was improper for you to pay him two amounts of \$5,000.---Yes.

And indeed the reason that you made the payment in cash is so that it couldn’t be traced. Is that correct?---Most likely.

30 Now, in addition to the two occasions on which Mr Dubois imposed on you to do some sort of favour for him, and which you responded to by paying him two amounts in cash, were there any other occasion where Mr Dubois asked you to do favours for him?

MR ROBERTSON: Sorry, I object. The evidence on the last occasion was not about favours, it was, at least according to my note, to “look after him”. So perhaps if the question be rephrased consistent with the evidence on the last occasion.

40 THE COMMISSIONER: What do you say, Ms Spruce?

MS SPRUCE: Well, I think it was clear from the questions - - -

THE COMMISSIONER: It is an open-ended question.

MS SPRUCE: - - - I just asked that I was referring to the occasion on which Mr Dubois asked Mr Sangari to look after him.

THE COMMISSIONER: Well, put it again in as clear a form as you can.

MS SPRUCE: Mr Sangari, you gave evidence on Friday about Mr Dubois asking you to look after him. Correct?---Yes.

And you said you had a clear understanding that he was asking you to give him money. Correct?---Yes.

10 And that was a favour that he wanted you to perform for him. Correct?
---Yes.

And you understood, didn't you, that that favour was in return for you receiving work from the RMS. Correct?---Not necessarily.

Well, why else would you give him \$5,000?---I don't have an explanation.

I beg your pardon?---I don't have an explanation. It was a mistake.

20 Well, you did it on two occasions and what I will suggest to you is that the
only possible explanation is that there was something in it for you. Is that
correct?---Yes.

You must have thought there was a benefit to you to make the payment, otherwise you wouldn't have made it. Correct?---Not necessarily. I was never seeking to push him for more work, it was just a mistake that I did.

30 Well, then why didn't you just say no?---I mean, I, I just don't recall the
circumstances, but you know, in that time in my, my life, I had a lot of
pressure.

THE COMMISSIONER: It is open to you to refuse any request to pay the money. Is that right?---Yes, sir.

So did you decide to pay him the money in order to secure your work relationship with him, or something along those lines, or some other reason?
---Oh, I mean, I don't think so, sir, because, I mean, we, I, we, I always had work on, it was just, like I said, it was a mistake I did.

40 You may have had work on, but there has to be an explanation as to why
you would comply to what was obviously an unusual request. It was an
unusual request, wasn't it, in the circumstances?---Yes, sir.

Well, there has to be a reason why you would have agreed. You're just simply being asked, why did you pay him the money he was asking for, if not demanding?---Yeah, I don't know, sir, I, I just, I think, I don't know, I, I didn't really think about it, I suppose, at that time.

Well, it may be open to the conclusion that you decided to agree with his request and pay him that in order to better ensure that further work would be obtained through him or from him. How would you respond if that suggestion was put?---I mean, under that suggestion, sir, could be the case, but I mean, yeah, well, we, we stopped working for them a short period after that and, yeah, I recall, I recall applying for a, to be on a panel for the RMS, and when it's not successful, we, we didn't continue doing work for them.

10 But if it wasn't money paid by you to secure further work, are you saying you have no other explanation to offer?---No, sir, was just a mistake that I did.

Sorry?---I just, oh, like, oh - - -

Is that what you're saying, that you had no explanation as to why you paid the money?---Yes, sir.

20 But do you concede that you may have been motivated by the fact that he was in a position to supply further work?---I mean, it could be the case, sir, yes.

Sorry?---It, it could be the case.

All right. Please keep your voice up, if you would.---Yes.

I know you're making an effort, but you just keep your voice up.

30 MS SPRUCE: Mr Sangari, you gave evidence a moment ago in your conversation with the Commissioner that you stopped work shortly after the request from Mr Dubois to look after him. But you recall, don't you, when we went through the civil works in respect of Mount White, that the two jobs at Mount White were completed in November and December, 2011? ---Mmm, yes.

And it's the case, isn't it, that you didn't stop working for the RMS until November 2014?---Yes.

40 So in fact you continued to work for a number of years after you made the payments of \$5,000 on two occasions to Mr Dubois, correct?--- Yes.

So it's not the case, is it, that it was a silly mistake after which you then stopped working for the RMS?---It wasn't an, it, it wasn't an immediate decision, but like I said I had a lot of pressure on that, in that time of my life, and I, it's something that I regret doing.

Well, there wasn't ever a decision, that is, the decision to stop working for the RMS, that was related to Mr Dubois' requests for payment, was it?---It was one of the decisions.

You gave evidence a moment ago that the reason you stopped working for the RMS was because you applied to be on the panel and you missed out. Isn't that right?---Yes.

That's the real reason you stopped working for the RMS, correct?---Well, it's one of the reasons.

10 Well, it's the main reason, isn't it?---Well, it's the main reason, so, I didn't want to continue just taking work from Alex. I, I, I, I was hoping to, you know, be on the panel and be issued just contracts to a panel.

All right, and what was the reason you didn't want to keep taking work through Mr Dubois?---It was always, like, the jobs were always last-minute pressure and, and I mean, they were far away, but there was always pressure that it needs to be like, done urgently, and drop everything and do it. He applied a lot of pressure to get it done. And I just didn't want to tolerate that anymore.

20 Well, was another reason why you didn't want to keep taking work from Mr Dubois that he made requests, such as the request to look after him?---It could be the case.

Well, was that a feature of the relationship that you disliked?---Yes.

Now, you also described, well you've described a number of times your decision to pay Mr Dubois \$5,000 on the two occasions as a mistake.---Yes.

30 But it was your decision, wasn't it, to make a payment of \$5,000?---Yes.

Mr Dubois made a relatively vague request to look after him.---Yes.

And you determined that the way that you should do that was to pay him \$5,000 in cash, correct?---I mean, I don't recall the exact circumstance but most likely.

But it's hardly a mistake, is it? It's a conscious decision on your part to do that.

40 MR ROBERTSON: I object. I don't think that's a fair question. It can be both a conscious decision and a mistake. They're not mutually inconsistent propositions.

THE COMMISSIONER: Well, that's true. I think Mr Sangari has conceded that he decided he would pay and did pay. As to why he did there's some doubt, on his evidence, he is unable to provide any other explanation of and it could have been related to securing work. I think it was, I could infer from the evidence, couldn't I that it was deliberate act by

him, intentionally made to meet Mr Dubois's request. Do you need any more than that?

MS SPRUCE: No, Commissioner.

THE COMMISSIONER: All right.

MS SPRUCE: Now, Mr Sangari, did Mr Dubois ever ask you to do anything else for him by way of a favour or a benefit in the time you were
10 working for the RMS?---Not that I recall.

I beg your pardon?---No.

And you gave evidence on Friday that you obtained all of the work you did for the RMS through Mr Dubois?---I believe so.

Did you come to know Craig Steyn in the course of doing work for the RMS?---Yes.

20 And what's your recollection of the circumstances in which you first met Mr Steyn?---That he was working with Alex in the heavy vehicle section.

And what did you understand Mr Steyn's position was?---Either project manager in heavy vehicles. Something like that.

So you understood he had the same position as Mr Dubois?---Most likely, yes.

30 And did you understand that Mr Steyn was therefore also responsible for allocating contracts on behalf of the RM?---Yes.

And did you meet Mr Steyn onsite?---I don't recall exactly. I mean, we, we, I think either onsite, sometimes in the office, design meetings. Could be both.

So it's the case, is it, that Mr Steyn was sometimes involved in contracts that you had obtained through Mr Dubois?---It could, could have been the case but I just don't recall exactly.

40 And did you develop a friendly relationship with Mr Steyn?---I wouldn't say friendly but I knew him and, you know, I mean, as a, as a, you know, engineer or, or project manager.

And did Mr Steyn ever ask you to provide any sort of benefit or so any sort of favour for him?---No.

Mr Sangari, did Mr Dubois every ask that you perform any sort of favour for Mr Steyn?---No.

Are you absolutely sure about that?---Yes.

Well, do you recall that GEC did work in relation to Mr Steyn's renovation?---Yes.

And what is your recollection about the circumstances in which that came about?---In, in what sense?

10 Well, you've met Mr Steyn onsite or perhaps in the office at the RMS.
---Yes.

In the context of you, through your company, doing contract work for the RMS.---Yes.

And then it comes to pass that you, through your company, start doing design work in respect of Mr Steyn's renovation at his personal residence.
---Yes.

20 So how did that occur?---Oh, I don't recall the exact circumstance but it would have been discussions to the effect that he needed plans done or, you know, assistance in the approval.

I beg your pardon?---There might have been discussions revolving around him needing assistance to get his approval.

Well, do you have a recollection of how it happened or are you just - - -?---I mean, I don't recall exactly how it happened. It was, you know, probably 2011 or '12.

30 THE COMMISSIONER: Well, what was the design work, firstly - - -?---It was for a dwelling and outbuilding.

- - - you undertook for Mr Steyn or for his benefit?---It was for a dwelling and outbuilding.

Sorry?---Dwelling and outbuilding at his home.

His home?---Yes.

40 And what was the nature of the design work for his home that you were involved in?---Personally I would have done just the structural element, but our office did the building design and, you know, the approval documents that he needed.

The approval documents.---Yes.

Is that what your firm assisted Mr Steyn with?---Yes.

And the approvals related to what? The renovations or was it building, rebuilding or what?---It was a new home and outbuilding.

So this was design work for his new home.---Yes.

For which he was seeking approval from the council, is that the position?
---That's right.

10 And did you personally do the design work or did somebody in your firm do it?---No, someone in my firm.

Sorry?---In, someone in my firm.

Under your supervision?---I was probably involved a little bit in, in the design work, but they probably liaised with each other.

20 What, in short form, what did the design work relate to? Was it for the full development of the new home?---Architectural and structural plans.

For the new home?---The new home and, and outbuilding.

That was a two-storey home?---That's right.

Do you remember how many bedrooms?---No.

30 And were you involved in both designing it in terms of the internal specifications as well as the externals?---I mean, the office did the full architectural plans.

Full architecturals.---And the - - -

And the structural.---And the structural plans, yeah.

Structural plans being what?---Site plan and maybe (not transcribable)

40 And over what period of time do you recall it took to produce those design plans and structural plans?---I recall, I recall that the approval process took a long time, like many - - -

Over what period of time was your firm engaged in working on this, off and on?---I think it took a few years. Even till maybe 2016 we were still getting emails from Craig about, about his house.

I think what you're being asked is what was the initial contact for you to do this work in the first place? When I say "you", I mean you or your firm. Who approached you and what was the proposition?---I, I don't recall exactly. It may have been, it could have been Alex saying that Craig needed

some plans or Craig could have contacted us directly. I just don't recall exactly.

Well, where was the first discussion about the design work?---Most likely in the office.

In your office?---Yes.

10 Why do you say most likely?---Because he would have come here, I mean, I would have to arrange someone in the office to see him to go through the, you know, the building design aspect, 'cause it wasn't my expertise.

20 So over what period of time would you say work was expended in producing the design work, structural drawings and the like?---I think that it started maybe end of 2011, early 2012. And like I said, he, he, you know, 2016 I think he may have – it kept on going for a long time. (not transcribable) I mean, the bulk of the work would have been 2011 until 2012-13 at least. And then, I mean, then 2016 he was still building and asking for different, you know, works to be done.

20 So was the project changing over time and you had to - - -?---I wasn't, I wasn't, I wasn't - - -

And did you have to change the design work and structural drawings, is that what you're saying?---No, there was more building design issues. I wasn't too involved in that myself, so I, I didn't get too personally involved in it and I wasn't sure why it was taking so long and what was involved.

30 And when was it that the design work, structural drawings and so on were completed?---Maybe 2012.

Two thousand and - - -?---'12 maybe.

'12.---I, I don't recall the exact date, but - - -

Okay. Yes.

40 MS SPRUCE: Mr Sangari, you've suggested that the design drawings might have been completed in 2012, but that was just the first set of design drawings, isn't that correct?---Initially it was, my understanding was the home and outbuilding together, but then I came to learn it was separated and, you know, all sorts of different scenarios came out of how they were doing it. But I wasn't too much involved in it, so I'm not sure how it reached that point.

Well, did you come to understand that there were three aspects to the work that Mr Steyn wanted done?---I believe there was two, the outbuilding and the home separated.

And when you refer to the outbuilding, you're referring to a granny flat and pool?---Yes.

And then when you refer to the home, it was Mr Steyn's desire to knock down and rebuild his two-storey home?---Yes.

10 And do you recall there was a third aspect to the work insofar as Mr Steyn wished to change the location of the driveway which required a separate application to council?---It could have been, but that, that was someone else. I'm not sure why that was done.

All right. But it's the case that all three aspects of the work were done by GEC. Correct?---Yes, most likely, yes.

Now, in the initial meeting that you had with Mr Steyn, do you recall if Mr Dubois was present?---I don't think he was.

20 And did you have a discussion with Mr Steyn about whether he would be paying you for the work he wanted done?---There was never discussion.

There was no discussion about payment?---No.

Well, isn't it the case that ordinarily if someone came to see you and said they wanted some design works, architectural drawings done in respect of a home renovation, an extensive one, that you would have a discussion about the cost of that work?---No, not necessarily.

30 You wouldn't have any discussion about price?---We, we did a lot of work very informally in that business.

Well, notwithstanding that you had an informal approach, you would ordinarily expect to be paid at the conclusion of providing your services to someone. Correct?---Yes.

So did you receive any payment from Mr Steyn in respect of the works you did in relation to his residence?---My recollection of, of that, that project was that I thought I invoiced him and I thought he paid it. In my mind.

40 Well, when you say you think you invoiced him and you thought he paid it, is that something you have an actual recollection of doing?---In my mind, yes, I always thought that he had, he had, I had invoiced him and I had always thought he paid that invoice.

Do you have any record of an invoice being issued to Mr Steyn?---I, I searched and I didn't find it.

So you've done a search - - ?---Yes.

- - - of the records held by GEC.---Yeah, I - - -

THE COMMISSIONER: What database did you search?---A lot of the times, I mean a lot of stuff we, I don't have because like I said, when we relocated offices and I stopped this business I got rid of a lot of, all the files and even on the computers because we got new, new computers, but we used either MYOB or Word.

10 And did you search both?---The stuff I had I did, yes.

And you haven't, you haven't located any invoice or any evidence of payment?---I haven't located the invoice, sir, and I mean I tried to find the amount that I thought it would be from the records that, you know, we have, which is not, not a lot and I can't match it.

Well, the absence of any documentation could be consistent with the fact that this is, this is work that you're undertaking for Mr Steyn on the basis that there would be no charge. What would your response be if that position
20 is put to you?---Sir, I, I, I disagree with that because in, in my mind I always thought that I charged him a figure, I always thought I provided an invoice and I always thought he paid it.

Well, you may or may not have. A good deal of evidence has been given in the Commission about this home reconstruction and many people provided materials and work and so on for nothing. So the question is whether you were also in that category. So without documentation, Mr Sangari, you appreciate that it may be consistent with the fact that you, like others, for
30 whatever reason were persuaded to do the work on a basis that did not involve payment.---Sir, I still disagree because I strongly believe that was in my mind that I thought I'd invoiced him and I never had those discussions with Craig. I was always under the impression that we had charged him.

MS SPRUCE: Mr Sangari, you say that you were under the impression that you charged Mr Steyn. What was the amount that you believe you charged him for the work?---I, I thought it was 3,500 plus GST.

And is that the amount that you would ordinarily charge for producing architectural plans in relation to a significant renovation?---If, if, if it was a
40 normal home package, yes, we would charge, yeah, around that figure.

And what's included in a home package, as you've described it?---Full, full approval. So it's generally the, the, the building design, you know, you'd need a structural plan, you'd need a basic certificate.

But in this case, you did effectively two full sets of drawings, didn't you, because – perhaps if I can just take you to volume 10.3, page 33. You see

that this is a record of the [REDACTED] Council in respect of development applications approved at Mr Steyn's address.---Yes.

And do you see that there was a first application which was approved on 8 May, 2013 in relation to the outbuilding and in-ground pool?---Yes.

And GEC did what you describe as the full home package for that DA, didn't it?---Yes.

10 And then you see in 2015, there's a second set – I withdraw that – second DA approved, which is in respect of the demolition of the existing house and the construction of a two-storey dwelling.---Yes.

And again, GEC did the full home package in respect of that DA?---Yes.

20 So, you say that you have a recollection that Mr Steyn paid you an amount of \$3,500 even though you can't find any record of that payment. So what do you say about the fact that in fact two home packages were provided by your firm?---Yes. I mean, I wasn't too involved in the particulars of the application so I, I, I knew it was two separate applications but I didn't really get involved too much in it.

Well, you didn't receive payment for the second one, did you?---I mean, it, it was, I, I, I thought it was one payment covering both.

Well, they're almost two years apart.

30 THE COMMISSIONER: Well, Mr Sangari, you're looking at two projects here separated by more than two years, two applications and it would be reasonable to assume, would it not, that after the first approval, 8 May, 2013, within a reasonably short period of time you would have invoiced and then some two years later, when the second approval was done and you did, your firm did the work for that, similarly you would send an invoice out shortly after or a reasonable period after the second approval work had been done. It would be reasonable, wouldn't it, to assume that there would have been a series of event such as those?---Under that assumption, sir, yes, but my understanding was that it was, you know, all done together. But why it was split into two and why it took so long and – I, I just, I wasn't involved in it so I'm not sure.

40 Well, with the approval of 8 May, 2013, you would have acted on the assumption, if asked, your firm had done the job, you would be paid within a relatively reasonable period of time, maybe 28 days or whatever the usual terms are, but you wouldn't, at that time be expecting to be redoing further work some two years later, would you?---So, so there, there were many instances where we worked on projects for many years because the homes, for, for different reasons, took a long time back and forth with the clients or, or our office.

So I'm putting to you, it's highly unlikely that you would have rendered one invoice for two pieces of work which were more than two years apart?

---My, my understanding, sir, was that – you know, my thoughts are, was that it was one invoice for the job but it ended up taking a long time that I wasn't involved in and, you know, I'm not sure if it was delayed because of our office being unreliable or Craig changing. I assume it's both but I just don't recall the circumstances. I wasn't involved in the design side.

10 Yes. Highly unlikely to have been one invoice for those two pieces of work, would you not agree?---No, sir. Initially it was the case that it was for the, for the - - -

Highly unlikely, I'm putting to you, there would have been one invoice issued after the second piece of work was done some two years plus later?

---Sir, it could be the case but I can't be certain.

Who actually did the work in your firm?---The, the bulk of the job, you know, building design side of things Ahmad does.

20

Who?---One of my colleague, Ahmad, in the office. But it could have been, you know (not transcribable) someone else in the office. I don't recall who worked on it fully. But a lot of the building design stuff went through Ahmad.

Who were your accountants in 2013 and 2015? You or your firm's accountants, who were they?---MH Accounting.

30

Hmm?---The company's called MH Accounting.

MH Accounting?---Mmm, MH Accounting.

Where was their office?---They're, they're located in the same office.

Where?---We share an office together.

Share an office with you?---Yes.

40

Where are they today?---We still share an office.

MS SPRUCE: And, Mr Sangari, when you refer to MH Accounting, you're referring to Mohammed Harris, correct?---Yes.

Mr Sangari, you gave evidence previously that you had informal processes in your office in relation to talking to prospective clients about cost.---Yes.

Well, who was it that was responsible in your office for issuing invoices?---I mean, if it was my client, I'd invoice him. If it was Ahmad's client, he'd invoice them.

And did you regard Mr Steyn as your client?---I, I, I probably started the discussions, so I thought, so it would have been the case that I would have dealt with him.

10 And you've said a number of times that you think an invoice was issued, but it's the case, isn't it, that you don't have any positive recollection of generating an invoice for Mr Steyn.---I recall an invoice, doing an invoice. I just don't, didn't find it.

Well, do you have any positive recollection of handing an invoice to Mr Steyn?---I, I recall giving it to him. I thought in my mind he had paid it.

20 Well, when you say you thought in your mind, do you have a positive recollection of Mr Steyn making payment for an invoice?---I, I recall him paying it, but I haven't found the transaction.

So there's no record of the invoice, correct?---Yes.

And there's no record of Mr Steyn making payment for it, correct?---I, I haven't found it, no.

But you've looked, that's right, yes. And you've asked your accountants to look for that record?---Yes.

30 And no records have been found.---Yes.

Well, it's possible, isn't it, that you're mistaken and Mr Steyn didn't make any payment in respect of the works you did on his property?---No, I, I still believe that I invoiced him. I just don't, I just don't, don't find, haven't found the records. It was that long ago. I just didn't find it.

I understand you say you think you invoiced him, but what I'm saying to you is it's possible, isn't it, that you're mistaken and Mr Steyn didn't make any payment at all?---It's possible but, but I still believe that I did.

40 Now, Mr Sangari, I just want to take you through the work that you did because it was reasonably extensive. Do you recall that you did quite a lot of work in respect of Mr Steyn's residence?---Yes.

So if we just go, please, to volume 10.3, page 84. You see that these are the initial plans that were prepared on 24 May, 2012?---Yes.

And that's in respect of the, what Mr Steyn refers to as the outhouse?---Yes.

And they're drawn and approved by your partner Mr Wehbe?---Yes.

And there's three pages – well, I withdraw that. There's two pages of plans in respect of the outhouse.---Yes.

And then on page 32 of the same volume you see there's also a plan drawn by Mr Wehbe in respect of the driveway and the location of the driveway.
---Yes.

10 And then if we could go, please, to page 28 of the same volume. You see in the middle of the page there that there's an email from Mr Steyn to you and Mr Wehbe on 1 August, 2012.---Yes.

In respect of a footpath crossing application.---Yes.

And he's forwarding to you the application he's made to council.---Yes.

And he says, "Gents, what advice can you give in relation to this?"---Yes.

20 So do you recall talking to Mr Steyn about his desire to alter the location of the driveway?---I don't recall, I mean, the circumstance. I don't recall what happened.

But he's clearly seeking advice from both Mr Wehbe and yourself, isn't he?---Yes. I recall that there was a problem with the approval because of the driveway location.

And then if we go to page 26, please - - -

30 MR ROBERTSON: I think with respect the witness should – attention should be drawn to the fact that the response to that email is not from Mr Sangari, but to his partner Mr Wehbe.

MS SPRUCE: Yes, I was just taking him to that, Commissioner, that's why I was going to the next page.

MR ROBERTSON: May it please the Commission.

THE COMMISSIONER: Yes, that's noted.

40

MR ROBERTSON: Just while I'm on my feet, can I just indicate – I'd respectfully ask my learned friend to be clear, when she uses the word 'you', whether she means 'you' in the singular sense of Mr Sangari or 'you' in the more corporate sense of everyone within GEC. In my respectful submission, it's appropriate that a distinction be drawn between those two possible constructions of the question.

THE COMMISSIONER: Yes, very well.

MS SPRUCE: Mr Sangari, when I'm referring to GEC, I'll call it 'GEC'.
You understand that?---Yes.

So page 27, you'll see that down the bottom Mr Wehbe responds to Mr Steyn.---Yes.

And then above that, there's an email from Mr Steyn chasing Mr Wehbe to see if any progress has been made.---Yes.

10

And then above that, you'll see that Mr Wehbe begins to engage with council on behalf of Mr Steyn.---Yes.

And then to page 26, please, you see that Mr Wehbe receives a response from council.---Yes.

And then forwards that response to Mr Steyn.---Yes.

20 Now, do you see that response is forwarded to Mr Steyn on 7 August, 2012?
---Yes.

And then if we could go please, to page 62 of volume 10.4C, this is a basics certificate that's been prepared by GEC for Mr Steyn.---Yes.

And did you prepare that or did Mr Wehbe prepare that?---Mr Wehbe.

30 Thank you. And then page 48 of 10.3, please. Different volume, volume 10.3, page 48. Mr Sangari, this is a letter signed by you to the certifying authority, certifying that the proposed building development – that is, in respect of the outhouse – accords with certain codes.---Yes.

And you prepared that document?---Yes.

And you did the work to ensure that the drawings were compliant?---Yes.

And then over the page, please, on page 49, these are drawings that you've prepared?---They would have been prepared by somebody in my office, and I would have checked them.

40 In fact it says that they've been drawn by someone called Kabid.---Yeah.

Was that someone employed in your office?---Yes.

And they've been approved by you.---That's right.

And they're prepared on 8 September, 2012.---Yes.

And then over the page, page 50, please, there's a further drawing in respect of the pool details, again drawn by Kabid and approved by you.---Yes.

And then to page 74 of volume 10.3, please, this is now a letter signed by you on 4 September, 2012.---Yes.

And this is certifying the stormwater hydraulic elements of the proposed development are in accordance with the relevant codes.---Yes.

10 And again, you did the work to ascertain that that was the case?---Yes.

And you prepared that letter?---Yes.

And then on page 75, please, see there's further plans prepared by Mr Wehbe, this time dated 24 – I withdraw that, I think we've already seen those ones, yes, I withdraw that. Now, if we go, please, to page 187 of volume 10.4C. This is an email from Mr Steyn to you on 5 September, 2012, and he's asking you to review the attached and advise if it's okay, and he says he might need some assistance, and if you have a look, if we could
20 just allow Mr Sangari to see, please, the attached pages, which is 188 and 189 and 190. Do you recall that Mr Steyn sought your advice and assistance to obtain an owner-builder certification?---I don't, I don't recall the circumstance but the email says that.

You don't recall assisting Mr Steyn with that?---I mean I don't recall the circumstance but I, yeah, I saw the email.

All right. Well, if we go to page 192, please, you'll see at the top of the page there's the email we just looked at.---Yes.
30

And then if we go to page 191, down the bottom we see your response on 6 September, 2012. "Hello, Craig, info all good. Everything ready and will have CDC shortly. Organise your subbies!!" et cetera.---Yep.

That was a fairly celebratory email that you were sending Mr Steyn, wasn't it?---Yeah, I think he must have been chasing his documents to lodge and get his approval to start.

That's right, and you were assisting him with that. Correct?---That's right.
40 He's emailed me, I mean my only involvement would have been asking the office where things are up to.

Well, he then responds, "Thanks, Ghazi. Will do. Do we have a rough time frame it would take for this process?" And then you respond, "If not tomorrow I'll have it on Monday."---Yes.

And then he responds, "Thanks, Ghazi, appreciate your guidance."---Yes.

So it's the case, isn't it, that you were providing advice and guidance to Mr Steyn.---I, I would have been assisting, yes.

And when you see where you say, "If not tomorrow, I will have it on Monday," these are things that you're personally doing yourself for Mr Steyn.---No, most likely just collating it from the office.

10 But you're the person who's liaising with Mr Steyn and responding to his requests.---Earlier stages I could have been responding and liaising with him, further on I just would send to Ahmad to sort it out with him.

And then if we could go, please, to page 194. See down the bottom there, there's an email from Mr Steyn to you and Mr Wehbe?---Yes.

And it's also copied to Mr Dubois.---Yes.

20 And Mr Steyn thanks you for your assistance for the plans for the outbuilding and asks whether he will get an updated drawing for construction, and then also has a number of other requests in respect of the plans.---Yes.

Now, do you have any idea why that email would have been copied to Mr Dubois?---No.

Did Mr Dubois, to your knowledge, have any role in liaising with GEC in relation to the works in respect of Mr Steyn's residence?---Not that I recall.

30 And then you see above that Mr Wehbe responds by sending some revised plans. That's in October 2012.---Yes.

And then volume 10.4C, page 66, please. This is an email from Mr Steyn to you and Mr Wehbe.---Yes.

And again copied to Mr Dubois.---Yes.

In early 2013.---Yes.

40 It says, "Good afternoon, gentlemen. Have you had an opportunity to review the below as yet?" And then below there's, "Good afternoon, gentlemen. A happy new year to you both and thank you for the support you provided in the past year of 2012." And then some questions that Mr Steyn has in respect of the outbuilding part of the project.---Yes.

So, Mr Sangari, it's the case, isn't it, that you were clearly involved in assisting Mr Steyn to prepare his DA in respect of the outhouse. It wasn't something just performed by Mr Wehbe.---Yes.

You were involved in that.---Yes.

And do you recall on Friday I was taking you through the work that you did in respect of Urunga and Mount Ousley. You recall that?---Yes.

And do you recall I pointed out some irregularities in respect of the documents that exist in relation to those jobs?---Yes.

And you recall that in respect of Urunga, there was a preliminary drawing but no final drawing?---Yes.

10

And you recall that in respect of the second Mount Ousley site, there's no record of any drawings at all?---Yes.

Now, if I can just remind you of the timing of those matters. It was on the 18th of May, 2012 - - -?---Yes.

- - - that the contract for the first Mount Ousley job commenced. And then on 1 August, 2012, you provided the sketch in respect of Urunga.---Yes.

20

And then on 3 August, 2012, you provided the invoice in relation to the Urunga work.---Yes.

And if we could just go, please, to volume 9.4, page 8. Do you recall that this is the invoice that you provided in respect of Urunga and the Mount Ousley new site?---Yes.

Which you agreed with me is a reference to the second Mount Ousley site? ---Yes.

30

And you see there that on 3 August, 2012 you've charged the amount of \$39,600?---Yes.

And you agree you were paid that amount by the RMS?---Yes.

And you agree that in respect of Urunga there was a preliminary sketch provided only?---There was concept designs done.

But the final works, the detailed drawings were never provided.---Yes.

40

And you accept, don't you, that in respect of Mount Ousley there is no record of any work being done?

MR ROBERTSON: I object.

THE WITNESS: No.

MR ROBERTSON: I object. It's the same objection as on Friday. She can ask about - - -

THE COMMISSIONER: I can't hear you, Mr Robertson.

MR ROBERTSON: I'm so sorry. I object. It was the same objection I made on Friday. Questions can be asked as to GEC's records. They can't sensibly be asked in respect of RMS records. So it can be dealt with by way of an assumption, there's no difficulty with that in relation to RMS, or he can be asked about GEC's records. He can't, with respect, be asked whether or not RMS has relevant records.

10

THE COMMISSIONER: What do you say?

MS SPRUCE: Commissioner, I'm happy just to ask Mr Sangari to assume that there are no records at all in respect of any work being done by GEC at the second Mount Ousley site.

THE COMMISSIONER: All right. Thank you.

20 THE WITNESS: With the second Mount Ousley site, I've driven past there on the way to the south coast, and it's built in accordance with drawings that I would have provided, so I don't know why there's no drawings.

MS SPRUCE: Mr Sangari, what I want you to turn your mind to is whether it was ever suggested to you by either Mr Dubois or Mr Steyn that you should overcharge the RMS in relation to the Urunga and Mount Ousley works.---No, that was never the case.

30 Well, it's the case, isn't it, that at the time that this invoice was issued, you were performing a lot of work in respect of Mr Steyn's private residence? That is, GEC.---Yeah, I, I've never crosschecked the dates, but it could be the case.

Well, I've just taken you through the dates.---Yep.

And I can go back to them if you wish. But this invoice, on 3 August, 2012, is sent at the time that all of the works in respect of the outhouse are taking place.---Could be the case.

40 Well, it is the case. If you want to go to volume 10.3, please, page 26, or perhaps to page 28, please. You'll recall I took you previously to Mr Steyn's request in respect of the footpath crossing application?---Yes.

And that request was made on 1 August.---Yes.

And then if we go, please, to page 26, you'll recall that Mr Wehbe responded to that request on 7 August, 2012.---Yes.

And the invoice that I've just taken you to, in respect of the works at Urunga and second Mount Ousley site, is dated 3 August, 2012.---Yes.

So it's at the very time that you're doing this work for Mr Steyn that you're also issuing an invoice in respect of works that, at the very least in relation to Urunga, you accept hadn't been fully completed.---Yes, but they're not completed for the reasons I stated.

10 I accept there might be reasons for why they're not completed, but the position is, isn't it, that you've charged the RMS the full amount that you quoted to provide detailed drawings in circumstances where detailed drawings were never provided.---Yes.

And what I want to suggest to you is that, first of all, GEC was doing works in respect of Mr Steyn's residence without payment.---No.

20 And second of all, I want to suggest to you that you were at the same time effectively overcharging RMS in relation to the work that GEC was doing for the RMS.---Yeah, I strongly disagree that we overcharged or did any work for RMS that we, that was not intended to be completed. The reason they're not completed is because it wasn't approved. I mean, if it got approved, we would have finalised the drawings, at any point in time after that.

Well, Mr Sangari, you say that you had relatively informal processes in respect of invoicing.---Yes.

And you can't find any record at all of an invoice issued to Mr Steyn.---Yes.

30 But you appear to have been hot off the press to issue the invoice in respect of the Urunga works, because that invoice was issued for the full amount before those works were even completed.---Yes.

And the difficulty with doing that is that what might happen is in fact what transpired here, i.e., the final works are never approved. So you've been overpaid, haven't you?---No. In circumstances where we redesign and relook at and revisit sites, they take more time and more effort and resources than just doing a straightforward job.

40 But the only document that exists in respect of the Urunga job is the preliminary sketch, which we can go to on volume 9.4, page 2.---No, I, I, I believe - - -

THE COMMISSIONER: I think he's accepted that.

MS SPRUCE: Right. But you seem to be suggesting now that you did other works in respect of Urunga.---I, I believe I provided the Commission with some, maybe some CAD files.

With some?---CAD files, designs.

What's a CAD file, sorry?---Like, drawing files.

MR ROBERTSON: To assist my friend, 'computer-aided design'. CAD is 'computer-aided design'.

MS SPRUCE: Oh, thank you.

10

THE COMMISSIONER: Thank you.

THE WITNESS: But the bulk, the bulk of the design was done using a software that was on my local PC, because of the licensing, and that's all gone. And it was gone way before this investigation.

MS SPRUCE: All right. Now, Mr Sangari, can I take you, please, to volume 10.4C, page 80? These are now plans in respect of the two-storey house at Mr Steyn's address.---Yes, yes.

20

And these are dated 6 June, 2013.---Yes.

And again, prepared by Mr Wehbe.---Yes.

And those plans go for a number of pages.---Yes.

And then if we could go, please, to volume 10.4C, page 83. This is now almost a year later, some revised plans are prepared. This is in May 2014.---Yes.

30

And these plans are prepared by someone called K Ammoun.---Yes.

And approved by you.---Yes.

And is K Ammoun someone who was employed by GEC?---Yes.

And these plans are in respect of the ground footing layout and details?---Yes.

40

And those plans continue over pages 84, 85 and 86?---Yes.

And then on 10 May, 2014 – sorry, page 87 of volume 10.4C. There's a further set of architectural plans in respect of the residence.---Yes.

And again these are prepared by Mr Wehbe.---Yes.

And then on page 98, please, of volume 10.4C, there's a basic certificate.---Yes.

This one's dated 10 June, 2014, and is in respect of the main house?---Yes.

And was that prepared by you or Mr Wehbe?---Mr Wehbe.

And then if we could go, please, to volume 10.4C, page 106. This is a storm-water plan prepared again by K Ammoun.---Yes.

And approved by you.---Yes.

10

And that is on 31 July, 2014, that you approved those plans?---Yes.

And then if we could go, please, to page 109 of volume 10.4C. Do you see there that on 4 August, there's an email from you? "Hello Craig, the certifier needs the following from you to finalise approval," and you list a series of documents that are required.---Yes.

Now, do you recall that Mr Steyn was seeking to have the development approved as a complying development?---Yes.

20

And so he had a private certifier?---Yes.

And were you involved in engaging the certifier?---I probably referred him to the certifier.

And is Sam Kayellou a certifier that you worked with?---Yes.

And so that's someone you would have referred Mr Steyn to?---This email is from another certifier.

30

I beg your pardon?---This email is from another certifier.

Oh, I see. Tiana – I can't pronounce her name - - -?---Yeah.

McSevney, is a certifier?---That's right.

And so the certifier appears to have been corresponding with you. Is that what occurred?---Initially, yes.

40

And then Mr Steyn responds to you, copy to Mr Wehbe, that he is confused by your email and asks to have it in plain English.---Yes.

If you go to page 108, you'll find that that is an email from Mr Steyn.---Yes.

And then you respond to him and tell him what he needs to do.---Yes.

And then Mr Steyn responds to you on 17 August, 2014, attaching some of the documents that you've asked for.---Yes.

And then if we could go, please, to volume 10.4C, page 129. Do you see down the bottom there, there's an email from Adam Mainey to you?---Yes.

And you see in the signature there that Adam Mainey is a town planner and building regulations consultant?---Yes.

And he's attaching a planning report for Mr Steyn's address.---Yes.

10 And if we go to page 219 of the same volume, do you recognise that as being the front page of the report that was provided?---Yes.

And, Mr Sangari, is it the case that you retained Mr Mainey on behalf of Mr Steyn to provide a report?---No.

Who retained Mr Mainey?---He works for the certifier, so the certifier would have engaged him.

20 And what's your understanding then of why it is that Mr Mainey is corresponding with you?---The certifier, the certifier that I referred them to is someone that we did a lot of work for and they would have been under the assumption that I would have been looking after this job.

So you say that was just an assumption on their part that they should send this to you.---Yes.

And do you know who paid for the report that was commissioned?---That, all that stuff would have been done through Craig.

30 Well, when you say it would have been done through Craig - - -?
---Although I'm copied in a lot of emails, a lot of this stuff was done between Ahmad and Craig, but for the approval of payments and all that, Craig would have paid for it.

Well, when you say that a lot of the stuff would have been done between Mr Wehbe and Mr Craig, do I take it that your view was that Mr Wehbe was the person who was doing the majority of the work in respect of Mr Steyn's residence?---Yep, he was doing the majority of the design work, yes.

40 And so is it the case then that you assumed that Mr Wehbe was the person who would be invoicing Mr Steyn?---I don't, I mean it just never crossed my mind.

Well, did you ever have a conversation with Mr Wehbe about who was responsible for making sure that you were paid for this work?---No.

You didn't?---No.

And then volume 10.4C, page 131. See down the bottom of the page there, there's an email from Aidan Lee at Hills Consulting to GEC?---Yes.

And are you familiar with Hills Consulting?---Yes.

And is that a firm that GEC uses?---At that time most likely.

And what did you usually use Hills Consulting for?---Building plan approvals for sewer, building close to sewer.

10

Sorry, for buildings close to a sewer?---Yeah, so Sydney Water approvals.

And do you see there that Mr Lee in his email says, "Please find attached the invoice for ■ – for Mr Steyn's residential address?---Yes.

"Please make payment so we can release the building approval plan."---Yes.

And then above that there's an email from GEC back to Mr Lee saying, "Please find payment for \$220. Owner will pay inspection."---Yes.

20

And although it's sent from the generic info@gec address, it's signed by you.---Somebody, somebody, yeah, one of, one of the boys would use that email usually.

And sign off in your name?---Yeah, not uncommon they'd, they'd do something like that.

And when you say "One of the boys," who are you referring to?---Well, one of the, one of the, I mean whoever was working for us at the time.

30

Well, are you aware whether GEC paid the \$220 that's referred to in that email for Mr Steyn?---I'm not aware, no.

And then over the page, please, to – sorry, the page before, 130. Do you see there on 1 December, 2014, there's an email from the person who I understand you've said was the certifier?---Yes.

To you, telling you that she's still waiting on a number of documents.---No, that went to info@gec and Ahmad, not to me.

40

Well, it says, "Hi, Ghazi." Do you see that?---I see that, but that's not my email.

Well, the reality is, isn't it, that the certifier appears to be corresponding directly with you?---By name, yeah, but not by email. So it could be the case that I wasn't dealing with it.

Well, it could be the case, but I'm interested in what was the case. Were you engaging with the certifier on behalf of Mr Steyn?---I recall that on and off I would chase things because I'd get calls by Craig or someone, you know, being chased, "Why isn't this done?" 'cause it took forever. So every now and then I might get involved in chasing the office 'cause they were unreliable. I didn't get too deep into the design and approval.

10 And then if we could go, please, to volume 10.4C, page 138. These are further plans in respect of the ground footings for Mr Steyn's residence, approved by you.---Yes.

And prepared by A. Eleche.---Yep.

Is that someone employed by GEC?---Yes, at that time.

And these plans are now prepared in March 2015.---Yes.

And those plans are on page 138. And then over onto 139.---Yes.

20 And then on page 140 there's plans in relation to the first floor beam layout.---Yes.

The same date as the previous plans.---Yes.

Again, prepared by A. Eleche and approved by you.---Yes.

And then if we could go, please, to page 141 of volume 10.4C. This is now in September 2017.---Yes.

30 And this is a letter from you, certifying that the stormwater hydraulic, stormwater elements of the proposed development, that is the two-storey residence - - -?---Yes.

- - - comply with the relevant codes?---Yes.

40 Do you recall providing that certification?---In about that time, all the emails I'd get for GEC I'd, I'd send them to Ahmad. If there was outstanding inspection or work that had to be signed off, I would sign them off because I left the business at that point, but I'm still, there was things that are still, like, I would have done the inspection most likely a long time prior to this (not transcribable)

When did you leave the business?---2016 or so.

Do you recall whether it was at the beginning of 2016 or towards the end?
---No.

And what your reasons for leaving the business?---I just didn't want to do consulting work anymore.

And did you part amicably with Mr Wehbe?---Yes.

And Mr Wehbe then took over the business, did he?---Yes.

10 And it's the case, as I understand it, that where Mr Wehbe still needed your expertise in respect of engineering aspects of work that GEC was doing, you would come back and assist him with that?---Only for old stuff that needed to be tidied up.

I see. So only in respect of jobs that had commenced while you were still involved in the business?---Yes.

And you see that at the next page, 142, you've also provided certification in respect of the structural aspects of the renovation.---Yes.

20 And it says that an engineer from GEC's office attended the site during the course of construction.---Yes.

And is that a reference to you?---Could, I may have gone there during construction.

So - - ?---I believe I went there once maybe.

You do recall attending Mr Steyn's residence while it was being constructed?---Yes.

30 So, Mr Sangari, having gone through those documents, which span 2012 to 2017, it's the case, isn't it, that GEC did a significant volume of work in respect of Mr Steyn's residence?---Yes. But that's normal (not transcribable) like, it's normal home, still. It's not, it's still considered a normal home.

I beg your pardon?---We still consider that a normal home project, although it was just taking too long. In normal circumstances this would be done very quickly.

40 So is it your evidence that having looked at all of the documents that I've shown you, that you would ordinarily charge someone \$3,500 for that work?---If it was done ordinarily, we would, we would, we have charged that much.

But I'm not talking about ordinarily, I'm talking about looking at a job which spans 2012 to 2017 and involves a number of plan revisions.---Yeah. Regardless, it's still considered to be a home and we, we would charge around that price.

Now, Mr Sangari, in fairness to you I want to tell you that when Mr Steyn gave evidence before the Commission – and this is at transcript 207.8, to 208.30 – his evidence was that no one at GEC ever asked him to pay for drawings or plans, and that when Mr Steyn raised the issue of payment with Mr Dubois, Mr Dubois told him that there was nothing to pay, “It’s taken care of.” So what do you say on hearing that evidence about whether or not any payment was ever made by Mr Steyn in respect of this work that GEC did at his residence?---I’m not sure what he’s referring to, but like I said, I still believe in my mind I thought I charged him.

Mr Sangari, I just want to now take you to the work - - -

THE COMMISSIONER: Mr Sangari, just one other question on that. You say you have in mind that he had been paid 3,500, was it?---I thought it was 3,500 plus GST.

And how would you normally pay – sorry. How would you normally be paid, by cheque or bank transfer or what?---Either.

Would it be the one or the other normally?---Yes.

And what bank did you have your account with back in the period when you believe you - - -?---ANZ.

Pardon?---ANZ.

ANZ. Again, which branch is that?---Bankstown.

Sorry?---Bankstown.

Can’t hear you.---Bankstown.

Bankstown. Do you still operate that account?---Yes.

MS SPRUCE: Mr Sangari, I just want to take you now to the work that GEC was doing for the RMS while the second tranche of Mr Steyn’s home renovation drawings were taking place. So you recall that the first DA was approved in May 2013?---Yes.

And then you started working on documents in respect of the main dwelling?---Yes.

So if I could take you, please, to volume 9.4, page 144. And do you see that this is an email from Mr Dubois to you?---Yes.

And referring to a recent site visit to Picton Road.---Yes.

And then asking that you submit a fee proposal in respect of HVIS sites on Picton Road and the Midwestern Highway at Bathurst.---Yes.

And you recall you gave some evidence late on Friday about this job in respect of Bathurst?---Yes.

And you said that that was one of the problem jobs.---Yes.

10 And it's the case, isn't it, that other than some site visits, no work as every done in respect of the Bathurst site?---No, we, we did surveys and preliminary designs as well.

Well, if we could go, please, to page 113. This is the quote that you provided in relation to Picton Road and Bathurst.---Yes.

So it has as a heading, Mount Ousley Point-to-Point, but in fact in the body of the quote it refers to Picton Road and Bathurst.---Yes.

20 And do you see in respect of Picton Road, you were quoting to do a sketch of the length of the HVIS bays, a detailed survey of the location, and detailed civil road design of the area, and also to investigate and manage/design drainage flows, and perform site traffic and safety assessment.---Yes.

And do you see then that in respect of the Bathurst site, the works were more extensive? The first point listed is to upgrade the existing westbound site for HVIS regulation use.---Yes.

30 So do you recall that there were some civil works that were being requested at the Bathurst site, is that correct?---Both were similar designs.

I understand, if you look down, that in respect of Bathurst you were also being asked to design the eastbound site, sketch the length of the HVIS bays, do a detailed survey, and provide detailed drawings. But what I'm asking you is just in respect of, of the first dot point whether it's the case that in relation to the Bathurst site, it was not only the provision of drawings that you were being asked to do, but also some civil works in respect of upgrading the existing westbound site.---No. It was, it was design work.

40 Well, what did you mean by "upgrade the existing westbound site"?---Yeah, I don't recall exactly the scope, but yeah, it could have been looking into the design of the upgrade.

All right, and then you see there's three dot points down the bottom - - -?
---So that, that, that could have been a typo.

You say that might have been a typo?---Yeah, because it was design works. No, no civil work involved in this.

Well, it'd be unusual for a full sentence, "upgrade the existing westbound site at Lyndhurst for HVIS regulation use" to be a typo, wouldn't it? It's quite a specific proposition.---In this case, it would, I, I mean, in this case, because I mean, the fee submission's 39,000. I don't think any upgrade work would be for that much. I'm sure it was design work.

So your recollection is it's design work.---Yes.

10 And then if you see the bottom three points, there was also going to be some desktop studies of vehicle movements for both sites.---Yes.

Again, the reference to performing site traffic and safety assessment for all sites, and site visits and meetings to all sites.---Yes.

And there's a lump sum of \$39,500 in respect of both sites.---Yes.

20 And then if we could go, please, to page 211, do you recognise this as a purchase order from the RMS?---Yes.

And was it the case that Mr Dubois would often send you the purchase order so that you could reference it on your invoice?---Yes.

So you see here this is a purchase order raised in respect of Picton Road and Bathurst, HVIS, and it's for the amount that was in your invoice of 39,500. ---Yes.

30 And then if you just have a look at the order number in the top left-hand corner, you see that the purchase order number ends there in 4-1-0-1-7. ---Yes.

And that purchase order is dated 28 August, 2013.---Yes.

And then if we could go, please, to volume 9.4, page 214, there's an email from you to Mr Dubois asking if you can have a site visit at Bathurst because you were about to get busy before Christmas.---Yes.

40 Now, how many site visits do you recall having to Bathurst?---For Bathurst, I, I, I recall going there a few times.

So three times?---A, a few times.

Well, how many do you mean? More than five?---I, I, I don't recall exactly. But I went there a few times, and I recall on one occasion we sent a staff member overnight there, for a couple of meetings, because we paid him a bonus I recall. But I don't recall how many times all up we went there. I recall we went several times.

All right, and you recall that site visits was one of the things that you'd included in your quote.---Yes.

But it was just one of many things that you had quoted in respect of, in relation to the Bathurst site.---Yes.

And then on page 215, please, you see there's an email from you to Mr Dubois on 17 June, 2014?---Yes.

10 "Please find attached invoice for Picton and amended Eastern Creek location. Also attached is the survey for Picton." Do you see that?---Yep. Yes.

And then if we go over, please, to the invoice. Do you see in the third line of the description that a purchase order number has been quoted?---Yes.

And it's 41017, which is the purchase order I took you to a moment ago - - - ?---Yes.

20 - - - in respect of Picton and Bathurst.---Yes.

But in fact what is then referred to in the body of the description is, first of all, civil design drawings and documentation, including surveys, for Picton Road. You see that?---Yes.

And then amended location to Eastern Creek heavy vehicle bays.---Yes.

Now, Eastern Creek is a different site that's got no relationship to Bathurst, correct?---Yes.

30 And so there's no reference in there to any work having been done in relation to the Bathurst site.---Yes.

Correct?---Yes.

And I want to suggest to you that it's the case that apart from the site visits you've referred to, no work was done in respect of the Bathurst site.---No, it's not correct.

40 Well, I can tell you that there are no records that have been found in respect of any works done in relation to Bathurst. What do you recall is the work you did in respect of the Bathurst site?---We did surveys.

THE COMMISSIONER: Sorry, say it again.---We, we, we did surveys.

Surveyed what?---Survey. Survey of the area.

What area?---In Bathurst, the two locations that needed to be designed.

What was involved in that?---It was involved going to go up there with a surveyor and surveying the location. So I have to be with him because of safety concerns. It was a busy road there.

How long did that take?---Oh, probably two days' work with a surveyor.

Two days' work? Two days or two hours?---I think, no, there was, that one I recall because it was certain timing or traffic timing.

10

Why would it take two days?---Survey two locations.

Pardon?---We had to survey two locations and he had to set up GPS and organise himself.

MS SPRUCE: And then, Mr Sangari, in respect of the reference to Picton Road, if we just go back for a moment to page 215, you see that in the email you've told Mr Dubois that the invoice is attached and that also attached is the survey.---Yes.

20

And if we go to page 217 of volume 9.4, you recognise that as the survey in respect of Picton Road?---Yes.

And you see that that was prepared by Precise Surveying.---Yes.

And that GEC was the client.---Yes.

Now, it's the case, isn't it, that at the time you issued this invoice for \$43,450, all you were providing to Mr Dubois was the survey and that there were no detailed drawings that had been done in respect of the Picton Road site?---It could have been the case.

30

Correct?---Yes.

And so, Mr Sangari, again what I want to suggest to you is that this invoice is an example of you effectively overcharging the RMS in circumstances where you have done some work but not, by any means, the full amount of work that you were engaged to provide.---No. No, again, with this one, this was a rest area, so we did some concept plans for it to be used as an inspection area, which was refused by RMS. And then I recall surveying another location, maybe 200 metres down the road, prior to reaching this site, which was also not approved.

40

But you agree that the point of issuing this invoice, all that you've done in respect of Picton road is the survey, correct?---Based on what you've showed me, but I just don't recall.

Well then if we go, please, to page 219. You see at the bottom of the page that Mr Dubois emails you a couple of days after the previous email, and notwithstanding that you have provided, it asks again that you provide the survey for Picton Road. You see that? Do you see that, Mr Sangari?---Yes.

And then you respond by saying, “Hi Alex. Please find the survey attached. Let me know if you want to meet up on Wednesday to go through final designs for these two sites so we can finalise.”---Yes.

10 Now, do you recall which two sites you were referring to?---I don’t recall but it would have been referring to the jobs, most likely, it looks like Picton Road. I’m not sure which other location it was.

Well, certainly one of them would appear to have been Picton Road, correct?---Yes.

And the other one could be a reference to Bathurst or Eastern Creek.---I think, no, Bathurst.

20 You think that was a reference to Bathurst?---Yes.

And then if we go, please, to page - - -

THE COMMISSIONER: What makes you think it’s Bathurst as distinct from Eastern Creek?---Because the Bathurst drawings were issues in 2015. I noticed it on one of the files and that discussion would have been had longer that, much longer – this is June 2014.

30 MS SPRUCE: And then on page 222, Mr Sangari, do you see down the bottom there that Mr Dubois responds to your suggestion of Wednesday and says, “That’s okay. What time?”

And you respond – sorry, I’ll just. Yes, you respond, “Any time that you’re ready.” And then Mr Dubois says, “No problem. Around 10.30am this Wednesday hopefully.”---Yes.

40 So, Mr Sangari, it’s clear, isn’t it, that in 30 June, when you’re organising with Mr Dubois to have a site visit in order to discuss finalisation of plans for Picton that no final plans had been provided at that point?---What that means to me is that drawing were prepared to be reviewed.

Well, at very best they would have been draft drawings, correct?---Draft drawings are really detailed drawings which really – there, there might be tweaking and some back and forth on but they’re still a detailed set of drawings.

But, Mr Sangari, it’s the case, isn’t it, that you’re just effectively guessing that that would have been the case. You don’t have any clear recollection of

providing drawings to Mr Dubois, do you?---From that, from that email, from that email, that means to me that drawings were prepared to be reviewed.

Well, Mr Sangari, the email chain starts with Mr Dubois asking you for the survey. Why wouldn't he also ask you for the drawings if drawings existed?

MR ROBERTSON: I object. No, I object, I object.

10

MS SPRUCE: I withdraw the question. Mr Sangari, you provided the survey but any drawings as may have existed weren't provide in this email, were they?---Not in the email but the reference to them, to the drawings being provided and ready to be reviewed are there.

And then Mr Sangari, if we go, please, to page 218 of volume 9.4. This is an email on 12 June, 2014, and it's in relation to the Eastern Creek site. ---Yes.

20

Do you understand that's the second site that you invoiced for under the purchase order number that was raised in respect of Picton and Bathurst? ---Yeah. That, that purchase order could have been a, that could have been, it could have been anything because they're two different projects, two different sites.

Now, Mr Sangari, you see here that Mr Dubois is sending you a soft copy drawing for the site at Eastern Creek and telling you, "We need to complete the drawings for this site." Do you see that?---That's right.

30

And so it's clear, isn't it, that on that date, 12 June, no final drawings had been prepared for Eastern Creek?---That's, that's a different location, yes.

That's right but it's one that you'd already invoiced for.---No. That invoice could have been a mistake.

You say the invoice was a mistake?---Most likely a mistake. I'm not sure. I can't remember that far back.

40

So you're guessing, are you, that it was a mistake?---My understanding is that is Picton and Bathurst were combined as one job and Eastern Creek is a separate job.

And then if we go, please, to page 225. Do you see that this is an email from Mr Dubois to you on 30 June, 2014 attaching a survey for Eastern Creek?---Yes.

Now, do you have any recollection of why it was that Mr Dubois was providing a survey to you?---I mean they, they could have had it on record, this location.

Well, if we go, please, to volume 9.4, page 296. You see that this is a survey in respect of Eastern Creek. Do you see that? Ferrers Road was the Eastern Creek site. Is that correct?---Ah, could be the case. I don't remember the name.

10 MR ROBERTSON: I may well be lost, but this appears to be a Captain Cook Drive, Kurnell.

THE COMMISSIONER: I'm sorry, I couldn't hear that.

MR ROBERTSON: I may well be lost, but the job address, at least on the screen, appears to be Captain Cook Drive, Kurnell.

THE COMMISSIONER: Yes.

20 THE WITNESS: But that could have been typos as well because the surveyor could have made a typo.

MS SPRUCE: If we just go back to page 225 of 9.4 for a moment. You see that Mr Dubois refers to Eastern Creek, Ferrers Road?---Yes.

And so if we then go back to page 296, notwithstanding that there's a reference down the bottom to an address of Captain Cook Drive, Kurnell, it appears that this is a survey in respect of Ferrers Road.---Yes.

30 And you see that the client is CBF Projects Pty Ltd?---Yes.

And you are familiar with CBF Projects?---Now I am, but not at that point.

You weren't at that point. All right. So effectively Mr Dubois - - -?---But that, that's a typo, because the address is wrong, client's wrong.

When you say it's a typo - - -?---From the surveyor.

40 Well, is it your recollection that you engaged precise Surveying Pty Ltd to prepare a survey in respect of Eastern Creek?---If I needed a survey I would have engaged him.

Well, Mr Sangari, you keep speaking in hypotheticals about what you would have done, but I just want to know whether you have a recollection of engaging Precise Surveying Limited to do a survey in respect of Eastern Creek.---I mean if that, that survey's there, I probably would have engaged him.

Well, you say you probably would have, but do you have any recollection of doing it - - -?---I mean I don't recall - - -

- - - sitting here today?---I don't recall exactly.

You don't recall.---It was that long ago, but if it was there I may have asked him to do it.

10 Commissioner, I note the time. I'm only going to be five more minutes if you're happy to continue.

THE COMMISSIONER: I think we should press on, but not much longer than five minutes.

MS SPRUCE: And then, Mr Sangari, if we go, please to page 318. You'll see down the bottom there that on 22 July, 2014, Mr Dubois is now asking you to provide additional costs for the works requested by the RMS for Ferrers Road, and you understand that's the Eastern Creek site?---Yeah.

20 And the Picton Road sites.---Yeah.

And then at page 320 there's the quote that you provide where you now say that you will be doing additional surveys of the locations.---Yeah.

And also geotechnical investigations.---Yes.

30 Now, is there any reason why both sites had to be surveyed again in circumstances where, taking Picton Road, you've issued an invoice in respect of Picton Road and the one document that's been provided on the records to Mr Dubois is a survey, and now you're being engaged, a short time after, to do a second survey in respect of Picton Road.---Yeah, because the original location wasn't approved.

It wasn't, sorry?---Approved.

It wasn't approved.---That's right.

40 But, Mr, Dubois – I withdraw that. Mr Sangari, in circumstances where it wasn't approved, it wasn't appropriate, was it, for you to have invoiced the RMS - - -

MR ROBERTSON: I object.

MS SPRUCE: - - - for the full amount?

MR ROBERTSON: I object. I'm sorry, I'll let my friend finish the question. I'm going to object to the word appropriate, unless she identifies the standard on which the question is being asked.

THE COMMISSIONER: I'll allow it.

MS SPRUCE: Mr Sangari, in circumstances where you say that the work wasn't approved by the RMS, it wasn't appropriate for you to have charged the RMS the full amount for the Picton works, which the RMS had now determined weren't going to proceed.---I'm not sure what you mean by your question. I mean, we, we did designs, we did the investigation work. We invoiced on the assumption that we were going to complete the drawings. If they're not approved, that's not our fault. It's the same as lodging house plans to council. If council doesn't approve it, does that mean we don't get paid?

Well, do you say there's swings and roundabouts? Some jobs you end up doing more work, some jobs you end up doing less work, and it all evens out in the wash if you just charge the full amount for each job?---No, that's not what I said. That's not what I meant. I meant we did the investigation work, we did the work required. We submitted draft plans for approval. If they didn't get approved by RMS for different reasons, that means we don't, I mean, we still did the work. We still committed to the time. We did more work because it involved more back and forth.

All right, Mr Sangari, if I could then quickly take you, please, to page – 9.5, page 7. You see here on 10 September, 2014 you provide a draft plan in respect of Eastern Creek.---Yes.

And a geotechnical report.---Yes.

And if you go to page – 9.5, page 14. Do you recall that you engaged Ground Technologies to provide the geotechnical report?---Yes.

And then if we go, please, to page 25. There's an email down the bottom there from you to Mr Dubois saying, "Please find attached the geotech report for Picton site." And do you recall that you had the same firm provide a geotechnical report in respect of Picton?---Yes.

And then you suggest that you and he could meet to review the site?---Yeah.

And then he responds above that, "Thanks, Ghazi, I'll arranged a site visit date. Can we also progress with the Eastern Creek design? The draft is lacking some major components." You see that?---Yes.

So although you'd sent a draft plan in respect of Eastern Creek, Mr Dubois comes back and says that there's some major revisions that are needed. ---Yes.

And then, Mr Sangari, there's no record of any revisions ever being done in respect of the Eastern Creek design.---I mean, the final drawings were - - -

MR ROBERTSON: Sorry, I object. I object. The same objection of Friday and today. Is it an assumption or is it being put in relation to GEC's records or some combination of the two?

MS SPRUCE: Well, Mr Sangari, I ask you to assume there's no records of any further work being done in respect of the Eastern Creek design.---Final Eastern Creek drawings finished mid, I think, 2015 and provided to the Commission.

10

Well, I'll check that, but – and then, Mr Sangari, again, I ask you to assume there are no records at all of any further works being done in respect of Picton. Do you have any recollection of doing final drawings in respect of Picton?---I did final draft drawings.

You did final draft drawings?---Draft drawings are generally pretty detailed. They just need tweaking. And we've obviously had a meeting regarding that in the emails you've showed me.

20

And if we go then, please, to volume 9.5, page 52. See that you've then invoiced the RMS in respect of provision of geotechnical reports and additional survey works and final amended designs. It doesn't say what the sites are. But having regard to the timing of that invoice and the reference to geotechnical reports, it's likely, isn't it, that that's a reference to the Picton site and the Eastern Creek site?---Yes.

And so you've now sent a second invoice in respect of those two sites for \$12,100.---Yes.

30

And you agree that that amount was paid to you by the RMS.---Yes.

And I'm just going to suggest to you again, Mr Sangari, that what was going on with these jobs is that you were effectively charging the RMS an amount that did not reflect the work that you'd done.---I still disagree with that.

All right. And Mr Sangari, one last matter – do you recall that Mr Dubois had a brother called Fadi Habbouche?---Yes.

40

And is it the case that Fadi Habbouche was an employee of GEC?---No. He did work experience with GEC.

He did work experience. And do you recall what length of time he did work experience at GEC?---I don't recall, no.

And was it a request from Mr Dubois that his brother do work experience at your firm?---We never had any discussion regarding his brother. I recall meeting his father at a community event and asking me to assist, because we have a lot of students working with us, and Fadi was another one of them.

So, sorry, you recall you met Mr Dubois' father at a community event?
---That's right.

All right. And then are you aware that Mr Dubois also has a brother called Wassim Habbouche?---Yes.

I'm sorry, Mr Sangari, do you recall that Mr Dubois also had a brother, Wassim Habbouche?---Yes.

10

And is it the case that Wassim Habbouche also did work for your firm?---I, I don't – no, he's never – he never, he never, was never employed by us, no, I don't recall – I recall Fadi, because he, he was there I think for a while, for a short period of time in his studies. I don't recall Wassim.

Thank you, Commissioner. I don't have any more questions.

THE COMMISSIONER: Yes, thank you. Mr Robertson, do you have any questions?

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MR ROBERTSON: No questions.

THE COMMISSIONER: Yes, thank you. I take it no-one here wants to cross-examine Mr Sangari? Mr Sangari, that completes your evidence. There may be a requirement if there is an application by any other party to cross-examine you. That may be unlikely, but I can't discharge you yet from your summons, but you will be advised by Commission staff in the not-too-distant future as to whether you might be required or not. Thank you, you can go today.---Thank you, sir.

30

Is there anything else to – nothing else?

MS SPRUCE: No, Commissioner. We'll resume with Mr Soliman in the morning.

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

THE WITNESS WITHDREW

[4.12pm]

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AT 4.12PM THE MATTER WAS ADJOURNED ACCORDINGLY

[4.12pm]