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PUBLIC
HEARING

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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 WEDNESDAY 26 MAY, 2021

AT 10.30AM

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: Good morning, Mr Dubois. Do you take an oath or an affirmation to give evidence?

MR DUBOIS: Just an oath.

THE COMMISSIONER: An oath.

MR DUBOIS: Yes.

10 THE COMMISSIONER: I'll ask you to stand, if you wouldn't mind, and take the Bible in your right hand and my associate will administer the oath to you.

THE COMMISSIONER: Thank you, Mr Dubois. Just take a seat there. Now, Mr Dubois, before we start the - - -

MR DOWNING: Commissioner, can I just raise this?

THE COMMISSIONER: Yes.

10

MR DOWNING: I'm not sure whether Mr Dubois actually gave the oath then on the Bible or on the Koran, but I understand he's of Muslim faith and it may be that - -?---I held the Koran.

You did hold the Koran. All right. Thank you. I just wanted to clarify.

THE COMMISSIONER: Thank you. Mr Dubois, I just want to explain to you some of the procedures of the Commission. Before I do, I just want to make sure – you're not legally represented, is that right?---Correct.

20

And in those circumstances I feel it's incumbent upon me just to make clear to you as to what your rights are and your obligations as a witness. Firstly of course you are required to answer all questions truthfully. If you are required to produce any item, whether it's described in the summons that brings you here today or otherwise as may be required by me, then you must produce the item or the document.

30

The provisions of the Independent Commission Against Corruption Act include a right in a witness such as yourself to object to answering a question or object to producing an item, and the effect under those provisions that deal with objections to evidence is that although you must still answer the question or produce the item, your answer or the item produced cannot be used against you in any civil proceedings or, subject to an exception that I will mention, in any criminal or disciplinary proceedings. The exception to which I have just referred is that the protection that you obtain, if you do wish to object to giving evidence or producing items, could be used against you in the event of a prosecution for an offence under the Independent Commission Against Corruption Act, including, for example, an offence of giving false or misleading evidence for which the penalty can be a term of imprisonment up to five years. So the evidence could, with that exception that I have just referred – in that exceptional circumstance to which I have referred, that is in the prosecution for an offence under the Independent Commission Against Corruption Act, then your evidence could be used in that prosecution.

40

As a matter of convenience, I can make a declaration that all answers given by you or any items that you produce would be regarded as having been given or produced on objection and that would mean that you don't have to

object to any particular answer or particular item if you're required to produce any. So, Mr Dubois, those provisions, I wanted to make clear to you, do exist. You're entitled to avail yourself of those provisions if you wish to give evidence on objection. Do you understand what I have been saying?---Yes, yes.

And is it your wish to give evidence on objection?---Yes.

10 Very well. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by the witness, Mr Dubois, and all documents and things produced, if any, by him during the course of his evidence at his public inquiry are to be regarded as having been given or produced on objection and accordingly there is no need for the witness, Mr Dubois, to make objection in respect of any particular answer given or document or thing produced.

20 **DIRECTION AS TO OBJECTIONS BY WITNESS: PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THE WITNESS, MR DUBOIS, AND ALL DOCUMENTS AND THINGS PRODUCED, IF ANY, BY HIM DURING THE COURSE OF HIS EVIDENCE AT HIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND ACCORDINGLY THERE IS NO NEED FOR THE WITNESS, MR DUBOIS, TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

30 THE COMMISSIONER: Now, Mr Dubois, the Commission's usual seating hours are between 10.00 and 4.00, although from time to time those hours might be varied, changed, in which case the Commission will make clear what sitting hours apply the next day of the hearing, each day of the hearing. It's common for us to take a morning tea break, often about 11.30, and a luncheon break between 1.00 and 2.00 and we normally go through until 4.00pm, although there may be instances where we go beyond 4 o'clock if there is a need to do that. Now, Mr Dubois, apart from explaining those matters to you, and having made the declaration under section 38 of the
40 Independent Commission Against Corruption Act, before we start the examination in this public inquiry, is there any application you wish to make?---No, thank you.

All right. Well then I will call upon Senior Counsel Assisting, Mr Downing, to proceed with the evidence. Thank you, Mr Downing.

MR DOWNING: Thank you, Commissioner. Mr Dubois, could you state your full name, please?---Alexandre Dubois.

And your date of birth as you understand?---[REDACTED], '81.

And it's correct, isn't it, that you were born in [REDACTED], Lebanon?---
Correct.

THE COMMISSIONER: Mr Dubois, just before we go any further, would you try and direct your - - -?---Oh, sorry.

10 That's all right. And I say this to each witness because sometimes the microphone won't pick up your words unless you do direct your speech towards – not right on top of – but towards the mic, and also if you'd keep your voice up, please, so that everyone in the hearing room can hear your evidence. So just bear that in mind if you wouldn't mind. Yes, Mr Downing.

MR DOWNING: Thank you. And, Mr Dubois, is it correct that the name you were given at birth was Hassan, is it "Habbouche" or "Habboushay", how do I pronounce it correctly?---Can I object to that, Commissioner?

20 This was prior to me working at the RMS, 2006 the change of name had happened, so I don't see the relevance to mention that.

THE COMMISSIONER: Well, Mr Dubois, unless there's some other reason other than relevance, the question such as been asked of you is not irrelevant to the inquiry. It provides perhaps some framework or reference within which your evidence can be seen, whether or not for example you have an understanding of a language other than English, and those sort of matters are associated with your, not your nationality but your ethnic background can sometimes be of assistance in knowing whether or not you can communicate with others in more than one language such as English. It's not designed to elicit any evidence that infringes any privacy concerns or anything of that kind.---Okay.

30

All right. So I think we're just simply trying to ascertain when you changed your name, what the change of name was and how you pronounce the previous surname.

MR DOWNING: So if I could just ask the question again. To your knowledge, Mr Dubois, was the name that you were given by your parents at birth Hassan Habbouche?---Correct.

40

Is it pronounced "Habbouche" or "Habboushay"?---The latter, sorry.

"Habboushay"?---Yeah.

All right. Thank you. And is it the case that your parents were Nabil Habbouche and [REDACTED]?---Correct.

And I'll show you a document, if I could. So volume 1.1, page 5. The documents come up on the screen in front of you and if you need something left up for longer or enlarged, please let me know. You'll see it's a change of name certificate and it indicates a registration date for the change of name of 15 March, 2006. Is that when you recall changing it?---Correct, correct.

And was there some particular reason for changing it at the time?---Just couldn't find the work because of racism.

10 Is it the case that you say that because of your name as given at birth, you found it difficult to obtain work?---Correct.

And it's correct, isn't it, that you did your high schooling in Lebanon?
---The majority, yes.

Did you do some of it in Australia?---Yes.

20 So you were born in 1981. Did you finish high school when you were about 18 years of age?---I can't remember exactly, but yes.

Which would put it to about the late 1990s.---Correct.

It's the case, isn't it, that for parts of your teenage years you were in Australia?---Correct.

Did you just visit or were you here living for periods?---Living for a period.

30 And just as best you can recall, during your high school years, when was it that you were in Australia?---In the high school years?

Well, tell me any periods you lived in Australia, if you could just outline those for us, please.---I think it was from the late eighties to mid-nineties.

So for some years?---Yes. Five or six years period.

And at that time where did you live?---We're going back 30 years my friend, so - - -

40 In Sydney?---Yes.

And was it with a relative?---Some parts, yes.

Did your parents come with you at the time?---Yes.

So that it was both parents and you living in Australia from the late eighties to the mid-nineties.---Correct.

But did you go back to Lebanon in order to complete your high schooling?
---The whole family went back.

And when do you recall that was?---I can't remember. I think mid-nineties.

Did you then remain in Lebanon until about the early 2000s?---I think it was
2000 or just before that.

10 It might be a useful reference point that the Olympics occurred in Sydney in
the year 2000. Do you recall whether you were in Australia for that?---I
was in, I may have just come just before that.

All right, thank you. Now, is it the case, though, that you completed your
high school in Lebanon?---Correct.

And did you embark on some university studies in Lebanon?---Correct. I
did one year of university in Lebanon.

20 And what was that in relation to?---I studied maths and physics.

Then you arrived in Australia, do you say, in or around 2000?---Could have
been the late nineties. I remember it was before the Olympics.

And when you arrived in Australia, was that by yourself or with your
parents?---By myself.

And did you live with an uncle at the time?---Ah, yes.

30 And was that uncle Mohammed Habbouche? Sorry, "Habbou-shay".
---Correct.

And where were you living when you arrived in Australia at that time?---In
Sydney. In Sydney – do you need the suburb?

If you could.---Condell Park.

And is it the case that other than for short-term travel you've lived in
Australia since that time?---Correct.

40 After some point, did your parents come out to Australia?---Yes.

And as best you can recall, when was that?---Could have been maybe,
maybe seven or eight years after I've been here on my own.

And in that period, where you were here on your own, did you live with
your uncle the entire time or did you move out on your own?---No, I moved
out after a short period living there, yep.

And did you then live on your own?---Correct.

Now, in Australia did you commence some study?---Yes.

And did you initially do some study through TAFE?---Yes, for a short time.

Was that doing an electrical technology course?---Correct.

10 And did you then commence study at the University of [REDACTED]?
---Correct.

And was that doing a Bachelor of Electrical Engineering?---I think it would have been computer first but then, yeah, electrical or computer engineering.

And was that study that you did at the University of [REDACTED], was that something that you did on a scholarship?---I was awarded a scholarship after the first year.

20 How long did you spend at the University of [REDACTED]?---One year.

So is it the case that you completed a year, were awarded a scholarship but actually didn't then go back to study under scholarship?---Correct. I was, after the first year I was awarded the scholarship but I chose not to take it.

Was it a full scholarship?---It was I think an amount of money that they would provide towards the study.

30 Now, in the course of that year of study at the University of [REDACTED], did you meet anyone who would later become a contractor that you worked with at the RTA and RMS?---Correct.

And who was that?---Hassan Alameddine.

Now, what was he studying at the time?---I think it was the same course.

And I take it he was someone that you just met through the course of the study?---Correct.

40 Was he someone that you'd ever known before?---No.

In the course of your year at the University of [REDACTED], did you develop a friendship with Mr Alameddine?---Not at the beginning but it did eventually, some sort of friendship.

And over that year of study over which you developed a friendship with Mr Alameddine, were you introduced to any other persons by him that ultimately became RTA or RMS contractors?---No, not from, not in the first year, not really, no.

But I take it you, through Mr Alameddine, met other people that he was friends with?---Correct, yes.

And were there any incidents that occurred during your period of study at the University of [REDACTED] which involved Mr Alameddine?---
Incidents, sorry, can you please - - -

10 Well, did he ask you for any favours or perhaps ask you to do something for him during that time?---Oh, yeah. This is how I met him. He asked me to be, be his tutor.

So is that the initial introduction?---Correct, yeah.

20 So you're studying and he approaches you?---Yeah, I mean, he think the, just, I think the, they, they, they noticed that, at the university, my marks were, you know, probably at the top of the, top, I had the top grades in the, in the class, so he approached me to tutor him the same – we were in the same course, same class, so he asked me to tutor him and that's how I met him.

And did you provide some tutoring?---Yes, yes.

And did he offer to pay you something in return for doing this tutoring?
---Yes, he offered me some, he offered me an hourly rate, yep, but I, I didn't get paid.

30 So you provided the tutoring. Over what period of time did you tutor him?
---I think it was the whole time I was, the whole time was there at that, at that university. So, it was him and there was a group of them but essentially they ended up asking me for assistance.

Did any of those other persons end up doing any RTA or RMS work?---Not that I recall, no.

Did any of those others, were they people that you met and then through them met others that did RTA or RMS work?---No, I think it was just Hassan Alameddine, yeah.

40 So, it's not the case that you had ever met Mr Alameddine through the Lebanese community in Sydney?---No.

It is the case, though, isn't it, that after your arrival in Sydney you did regularly socialise with others from the Lebanese community?---Correct, yes.

And you met a number of people through that, it's correct, isn't it, that ultimately became RTA and RMS contractors?---Yes.

But you don't believe that any of Mr Alameddine's friends or associates from that year at the University of [REDACTED] introduced you to anyone that ultimately became an RTA or RMS contractor?---No. I, I mean, he was friends with other people that he went so high school with that I met later on and there was a connection there, yeah.

And I'll come to those.---Oh, okay, sorry.

10 But during that year none of his friends were a connection to someone that later became a contractor?---No, correct.

Now, he having agreed to pay you to tutor him and you having done that tutoring, did you approach him for payment?---I, I can't remember now. This is a long time ago but, I mean, of course I would have asked him but, I mean, he just brushed it off.

20 Can I ask, what did you think of the arrangement then that you'd been asked to assist him and - - -?---I think he offered, he offered me, yeah, an alternative, like, where he would pick me up from home, take me to university and he considered that to be, like, an equivalent payment.

Did you feel that that was – well, did you feel that that was an adequate compensation for you for what you'd done for him?---No. No, no.

Did it cause some strain on the relationship?---The whole time the, the relationship was a little bit strained, to be honest.

30 Well, describe what you mean by that.---Oh, just because there was a lot of pressure from him and all them the individuals that were doing the same course, where they would basically constantly try and copy my assignments or sit behind me during exams, or I remember they once, one time they stole the exam, you know, and they came to me to solve the exam and to my surprise it was the actual exam.

That you were due to sit?---Correct, yeah.

40 And what did you do when they approached you to do that?---Well, I mean, I was dumbfounded but I, I ended up, having, having spent all night teaching them the solutions, and they still tried to cheat off me. So - - -

I take it assisted you as well though, in the sense that you knew the exam - - -?---No, not really. I mean, I was an HD student and I didn't need the exam. I mean, so I, I, look, I was kind of naive coming here on my own. So, I mean, I learnt that over the many years, so - - -

You must, through that experience with the exam paper, have come to wonder about Mr Alameddine's honesty?---Well, this is the reason I left the university and, and forgone a scholarship.

So you say, you told us that you finished the year, you were awarded the scholarship.---Yeah.

Was that based on your academic performance over the year?---Correct, yes, yep.

10

But you did choose to leave?---Yes.

And, sorry, if you could explain what do you mean by – the reason you chose to leave, was it to - - -?---It was just too much pressure just to, you know, it was constant bombardment of, of, of assistance required by individuals at that university.

But when you say “individuals”, was the chief amongst the individuals Mr Alameddine?---Yeah, correct. One of them, yeah.

20

Well, I take it that in effectively giving up a paid scholarship to study in one university to go somewhere else, I take it you had to pay fees elsewhere?---I had to start again.

But did you also have to pay fees for your study?---Correct. I had to get, I paid HECS, yep.

So, it must have been a fairly strong motivator, that is the desire to get away from Mr Alameddine and his ilk that were asking things of you?---Yeah. It was just, I just – yeah, correct.

30

I take it that you understood that what he was asking you to do, in solving a stolen exam paper, was something that showed that he was not an honest man?---No. He just didn't believe in hard work.

I'm sorry?---He didn't believe in hard work. He wanted a shortcut, wanted - - -

Well, it was more than a shortcut, wasn't it? They stole the paper.---Yeah, correct. Well, they just, I mean, every assignment was just copied and, and they would sit behind me regularly during exam times. So - - -

40

You must have understood at the time that the behaviour that they were engaging in, even at university, they – well I'll focus on Mr Alameddine – involved wrongdoing on his part?---I did, but as I said to you, I was very young, I came here on my own, not very streetwise and that continued for many years later. You know, so book smart, not street smart.

So you leave the University of [REDACTED] and you then move, is it correct, to the University of [REDACTED]?---Correct.

And do you recall that between 2001 and 2005 at the university you complete a Bachelor of Computer Engineering?---Correct.

And having moved there, did you have any ongoing contact with Mr Alameddine?---I, I remember working with him a few times for – we did some – during the Olympics, some security work.

10

Just pausing there, did he have a security licence to your knowledge?
---Yeah, we got the security licence at the same time. It was just very easy to get.

And that's before the Olympics, was it?---Yeah, just before the Olympics, correct.

And I take it there was a fair bit of security work going around.---Oh, it was just everywhere, yeah.

20

Now, I take it from that that Mr Alameddine had some work he was doing outside of his studies.---This is after you mean?

Well, even in 2000, if you assume that it was in 2000 that you arrived – sorry, I'll go back a step. I want you to assume that in 2001 you commence at the University of [REDACTED].---Correct.

If that be the case, then it was the year before, wasn't it, that you were at the University of [REDACTED]?---Correct.

30

Which would put it at 2000 when the Sydney Olympics were on.---Correct.

And thinking about that time, do you recall that Mr Alameddine was doing some work or perhaps running some business interest outside of his study?
---I don't recall if he had. I knew he, I knew he was involved in many businesses afterwards but - - -

But at that point?---But I think he maybe, I think from memory he may have been trying to get a security, like, a different licence, or I'm not sure.

40

But you and he did some security work together.---Yeah, just, correct.

And who organised that work, can you recall?---Who organised the work? I don't recall. I remember there was a lot of work going around during the Olympics, yeah.

Thinking then about the time you were at the University of [REDACTED], did you continue some contact with Mr Alameddine at

that time? And I'm talking now about 2001 to 2005.---I think the relationship came to an end because I owed him, according to him, some money. I – again this is a long time ago, but there was a SIM card, I can't remember the company, I think One.Tel I think it was, company, and there was, from memory there was \$1,500 owing, could have been a bit more or less, on the SIM card and I didn't agree with it, I don't remember making or using the SIM card or making the calls, and that's where the strain happened and the, the fallout of the relationship.

- 10 Is that while you were still at the University of [REDACTED] or at the University of [REDACTED]?---I think it was just after I, after I'd left.

And just pausing there, at some point he obtained a SIM card which he gave to you to make calls on?---Correct, yeah. I believe that the One.Tel was making an offer for a short time and they acquired multiple SIM cards.

When you say they, are you referring to Mr Alameddine and his friends?
---And his friends, correct, yeah.

- 20 And did you use a SIM card that he gave you, whichever the provider was, to make international calls?---I don't remember, to be honest. I may have used it slightly but maybe another friend of mine that I used to spend time with may have used it. You know, this is, this is where the dispute happened.

But did the dispute ultimately involve Mr Alameddine coming to you and saying, "You owe me \$1,500," or something of that amount, around that amount, on the SIM card?---Correct, yes.

- 30 And you didn't agree that that was what you owed him, based on your use of the card?---Correct, and I couldn't afford to pay it anyway, so - - -

So did you refuse?---I just said to him, yeah, I mean sort of, yeah, along those lines.

Well, what do you mean by that?---I just don't remember the conversation but I remember – not refusing to pay it, I just wouldn't agree with – I may have said it would have been somebody else that's used the SIM card, not me.

40

When Mr Alameddine confronted you about paying the \$1,500, were you not convinced that there was genuinely \$1,500 use on it?---Look, I can't remember if he showed me the bill, this is what I can't recall, but I do, I just wasn't sure that I had – I couldn't see how I had made that many calls on the SIM card, yeah.

In any event, you didn't pay it.---Correct.

But did you then have ongoing contact, either you contacting Mr Alameddine or him contacting you, during your period at the University of [REDACTED]?---No, I hadn't seen him for many years or a number of years after that.

You didn't see him around?---No.

Even in the, when you attended perhaps the mosque or - - -?---No, I didn't see him.

10

- - - community events involving people from the Lebanese community?
---I, I, I recall that he got married, so I wasn't invited to his wedding, so I'd obviously been outside his circle of friends.

Did you live in a similar area of Sydney at the time?---He would have been 15 minutes away, yeah.

But you didn't bump into him from time to time?---No. Not that I recall.

20

Is your recollection that during the time you were at the University of [REDACTED] you had little if any contact with him?---Correct.

I take it he was someone whose details you had? You had each other's phone numbers?---I don't even remember if I had his number, to be honest.

Well, presumably you would have had it when you were studying together at the University of [REDACTED] and you were tutoring him, wouldn't you?---Correct. But numbers change all the time, so I - - -

30

So you may have had it but you don't know if it was up to date at the time?
---Correct.

Now, thinking about your time at the University of [REDACTED], did you come into contact with any people then that ultimately became contractors that did work for the RTA or the RMS?---That attended the university, you mean?

Yes.---Attended the university. No, not that I recall any of the guys from the university became contractors, no.

40

Did you meet any people then who were links, that is they would then introduce you to others that became contractors for the RTA or RMS?
---Yes.

And tell us first of all who the person you met at university was, and then who the link to – sorry, how they were connected to an RTA contractor.---I think I met a gentleman by the name of Maher, who - - -

Maher, is that M-a-h-e-r?---Correct, yeah.

And surname?---Chamsine.

C-h-a-m-s-i-n-e?---Correct, yeah.

And just pausing there, you were at the University of [REDACTED] doing a Bachelor of Computer Engineering, correct?---Yeah, he was studying mechanical engineering.

10

Sorry - - -?---He was studying mechanical engineering.

So another engineering student. You met him.---Yes.

And was he a man of Lebanese origin?---Correct.

And who did you meet through Maher Chamsine?---Barrak. Barrak Hadid.

20

And Barrak Hadid ultimately became an RMS, sorry, RTA and RMS contractor?---Correct.

And is it the case that you believe you met him during this period of 2001 to 2005 while you were studying?---Yes, some, some, within that period, yes.

And is it the case that Maher Chamsine was cousins, was the cousin of Barrak Hadid?---Correct, yep.

30

Now, through Barrak Hadid, did you meet someone else, and I'm thinking again of this period, who ultimately became an RTA or RMS contractor? ---Yeah, I met a, a gentleman who was, I think, another cousin of Maher. His name was Sam. I don't remember his surname. I don't remember his surname. But he was, he used to, he used to always spend time with Towfik Taha. That's how I met Towfik Taha.

So the connection is again through Maher and the cousin and then relationship to Towfik Taha?---Correct.

40

And that's someone that you met during that period of study at the University of [REDACTED].---Yes. Yes.

Now, Towfik Taha is known by other names, correct?---I think so, yes.

When you met him, was he someone that was introduced to you as Towfik Taha?---Yes, as Towfik, yeah.

Did you ever understand him to go by the name of Zac Malas?---Not till later, yeah, I found that out, yeah.

All right, well, we'll come – well, in what context did you learn later that he went by the name Zac Malas?---I don't remember exactly how I, I knew, but I think it would have been maybe, he had changed his name or a different licence or something like this.

All right, yeah. Now, is it the case that you learnt at some point as well that Towfik Taha had also attended the same school in the same year as Hassan Alameddine?---Yeah, I, I, somehow I, I found that out, yes, they went to the same high school.

10

But it's the case, is it, that you say it wasn't Hassan Alameddine that introduced you to Towfik Taha, it was actually a link through Maher Chamsine?---I mean, maybe in my time meeting he may have, maybe he's run into Towfik, but I don't recall that, no. Yeah.

Is it the case you're not certain - - -?---Not certain.

- - - as to precisely what the link was?---No, but – correct. But, but I remember meeting Towfik through the other link that I've just said.

20

That is Maher Chamsine and Sam, whose surname you don't recall. ---Correct. Correct. That's what I recall, yeah, yeah. It's a long time ago.

But did you ultimately learn that both Mr Alameddine and Towfik Taha had actually attended the Malek Fahd Islamic School in Greenacre in the same year?---Yes, yes.

30

Now, again thinking about that period, did you, through – and I'm talking about 2001 to 2005 – through Mr Taha, were you introduced to someone else who became ultimately a contractor for the RTA and RMS?---Through Mr Taha?

That is Towfik Taha.---Through, oh, other than his brother.

Well, that's who I'm asking about.---Yeah.

Did you recall that you met – that Towfik Taha introduced you to his brother, Hussein Taha?---Yes.

40

And he was a younger brother?---Correct, yeah.

And do you recall what he was doing when you met him?---I, I had become friends with another brother of Towfik, Mustafa Taha, but then I think, the youngest brother which you are referring to was a little bit younger at the time. So it was only a couple of years later until we started to talk, yeah.

And what was the context of you first meeting Mustafa Taha?---Mustafa Taha. What was the context, what do you mean, sorry?

Well, how was it that you came to meet him?---Oh, I met him through Towfik.

So Towfik was the link again?---Yep.

Now, just going back for a moment to Hussein Taha. Did you come to know him by other names at later times?---Correct.

10 Was one of those names Adam Malas?---Yes.

And at a later point did you understand his name became John Goldberg? ---Correct.

Did you know him by any other names?---Not that I recall, no.

Is there anyone else that ultimately became a RMS or RTA contractor that you met through someone that you were introduced to at the University of ██████████?---Yeah, it was Chahid Chahine through - - -

20

Well, I think we – oh, I’m sorry. We haven’t covered him. So Barrak Hadid is someone that you met through Maher Chamsine?---Yes.

And did Barrak Hadid, in this same period when you were studying, introduce you to a friend, Chahid Chahine?---I remember I went on a, a bit of a, like a road trip and that’s where I met Chahid Chahid for the first time. He was with Barrak, yeah.

30

And they were friends?---Correct, yeah.

Now, thinking about the time when you met Barrak Hadid and Chahid Chahine. What did you understand that they were doing?---What did I understand they were doing? I think they were working, something in the construction industry. Maybe gyprocking or plastering.

Did you learn from them that they had done - - -?---Sorry, what year was that referring to?

40

Well, I’m talking about – tell me if this assists or not, but I’m talking about the period 2001 to 2005 and your evidence is that you met Barrak Hadid during that time through Maher Chamsine?---Correct, yeah.

Do you believe it was also during that period that you met Chahid Chahine on the road trip you’ve described?---Yeah, it was briefly, briefly, yeah.

Do you recall learning from them that they had done some form of apprenticeship when they finished school?---Yeah. I, I, I, I recall something

that they were involved in, in the plastering, or the working with family or something. It was, you know - - -

And when you met them did you understand that they were doing some work together?---I'm not sure together but they were friends, yeah.

10 Is there anyone else then that fits into the category of people who ultimately did RTA or RMS work but you met through a connection at the University of [REDACTED]?---Through a connection. I'm just - Towfik introduced me to another guy called Mark. Is that what you're, is that what you're trying to, like, I mean, you want the list of the contractors or - - -

Well, I'll tell you who we've covered so far. You've told us about Hassan Alameddine and your contact with him at the University of [REDACTED].---Yes.

You've told us about Towfik Taha and Hussein Taha.---Yes.

20 You've told us about Barrak Hadid and Chahid Chahine.---Yes.

Was there anyone else that you met through a connection at either of those universities in 2001 to 2005?---No, no. It was later on, yes.

Now there are other contractors I want to ask you about and if you could tell us, please, how you came to meet them and what the connection to them was.---Okay.

30 It's correct, isn't it, that an Abdula Nachabe became a contractor that did some work for the RTA and RMS?---Yes.

And do you recall how it was you came to meet him?---When did I recall to meet him. Look, I may have met Abdula Nachabe either through, through the gym or maybe also through a connection through Barrak, yeah. Potentially.

Just pausing there, which gym are you referring to?---This was the gym at Bankstown. It was called Train Station Gym at the time.

40 And is it the case that he attended and you attended that gym?---Correct, yeah. So I, I can't recall if it was through that or, you know, but, you know, sorry, I can't recall.

But was there a family connection to Mr Abdula Nachabe through Barrak Hadid as well?---Could be, yeah, potentially. Sorry, I recall now that I think Abdula's brother was married to Maher Chamsine's sister, yes, yeah.

And can you recall now what it was, which of those two was the connection that led to you first meeting him or could it be - - -?---I, I can't recall, no. I can't recall.

Now, Gamele Nachabe was also a person who later did some contract work for the RTA and RMS?---Yes.

That was Abdula Nachabe's brother?---Correct.

10 Did you meet him through Abdula?---I may have met him through Abdula or through Barrak because I, I remember that Barrak was also friends with Gamele, but that was later on.

Then think again about Bilal Najjarin, he was someone that did some RTA and RMS contract work?---Yeah, very brief, yeah.

Well, we'll come to the detail of them later, but can you tell us if you can recall what the circumstances were under which you met him?---I met him through my cousin, Nabil.

20

That is Nabil Habbouche?---Correct.

Did he also go to the gym you went to?---No.

And - - -?---Oh, he may have, I'm not sure, but - - -

But the connection was via your cousin.---Correct.

30 And just pausing on your cousin, Nabil, is it the case that Nabil was educated in Australia?---Yes.

But is that high school and university?---Yes.

But did he ultimately work for some years in the Middle East?---Correct.

Before coming back to work in Sydney.---Correct.

And it's the case, isn't it, that your cousin, Nabil, then did some work as a contractor for the RTA and RMS?---Yes, correct.

40

Then finally, do you recall the circumstances under which you first met Ghazi Sangari?---The circumstances – I don't recall the first instances but - - -

Who the connection was or what the link - - -?---Through, I think it was through my cousin I remember.

Is that Nabil?---Correct, yes.

So that he was someone that Nabil knew?---Yeah, he, I think Nabil's cousin used to work or was partners with Ghazi Sangari.

And sorry, who's Nabil's cousin?---His name's Ahmad.

Wehbe?---Yes, correct.

W-e-h-b-e?---Correct, correct, that's it.

10

So, sorry, just to make clear, so the family connection is, Nabil's cousin, Ahmad Wehbe, was business partners with Mr Sangari?---That's what I recall, yes.

Now, I've suggested to you that you completed your study at the University of ██████████ in 2005. It's correct, isn't it, that you then did some work – I withdraw that. You did some work while studying. Correct?
---Yes, potentially.

20

And just to briefly look at that if we could, can I ask that you be shown volume 1.1, page 57. Perhaps just before I ask you a question about that, can I just check a couple of things about nicknames. First of all, the nickname that you were widely known by when you were working at the RTA and RMS was Buzz. Correct?---No, that was later, that was at the RMS.

Sorry, I was talking about the RTA and RMS.---Yes, correct, yes.

30

Mr Goldberg, did you come to know that he was known by the name Humphrey?---Yes.

Now, if we go back, please, to page 57, you see it's a resumé, and I'm going to suggest this is a resumé you provided to the RMS in about 2013. But if we could go, please, to page 61 in that document, you'll see that on page 61, starting in April 2000 there's a description there of some work that you'd done?---Ah hmm.

40

And as you go up the page you'll see that we then move forwards in time. If we scroll down, back to the top of the document, please, so at the top, you'll see then, so first period is April 2000 to May 2001, then May 2001 to January 2003. So just pausing there, those two periods of work are when you were studying. Correct?---Correct.

So dealing with the first position, that is that's described in April 2000 to May 2001, "Construction 360 Pty Ltd, consultant engineer." You weren't actually a qualified engineer at the time, you were studying engineering. Correct?---Correct.

And then similarly in that job that is listed for Smart Home Solutions, you were still studying?---Yes. The Construction 360, I don't really, I wasn't really working as a consultant engineer, I just kind of put it down, because I think that was Nabil's company, right, from memory. I forgot that he had that company.

That is your cousin, Nabil?---Yeah, I think it, I think it's his company.

10 But it's not correct that you were a consultant engineer at the time in the sense that you were a qualified practising - - -?---No, no, correct.

All right, thank you. And then as far as Smart Home Solutions is concerned, was that a company that was controlled by a friend or relative or just a company that you obtained a job with?---No, we, we, Nabil knew somebody that worked there, and, but it wasn't run by that, by his friend. It was a properly run business, correct.

20 And again, that's while you were still studying engineering. You were not a qualified engineer.---Correct.

And if we go, please, to page 60. The next job is the Somfy Pty Ltd, January 2003 to January 2004.---Ah hmm.

That's still while you were studying at University of [REDACTED]?---I think so, yeah. Potentially. Maybe, maybe that was a little bit after. I may have had a few subjects left.

30 If we could go, please, to page 57 of the resumé. Do you see under Education what it lists is 2001 to 2005, completed a Bachelor of Computer Engineering at the University of [REDACTED].---Ah hmm.

And then there are later listed educational attainments. So 2010-2011, master's engineering management.---I hadn't finished that, though. I started it.

So you didn't actually get a master's. You - - -?---No, no, I was in progress. I should have put "in progress", yeah.

40 And then the other courses below, are they TAFE courses, that is the 2008-2009 Certificate III?---Correct, yeah. I didn't finish that either. I had to do the exam, final exam, yeah.

And then 2009, Certificate IV in Security Risk Management.---I don't, I can't recall that one, but anyway, yeah.

Did you complete it?---I can't recall. I don't think I did.

And perhaps just by way of background, just you indicated earlier that you were in Australia for a period from the late '80s to the mid-90s. Do you see under Awards Received you'd indicated that 94-95 you were the Australian champion in judo.---Yes.

So you obviously were in Australia at that time.---Yes.

If we could go back, please, to page 60. So that job with Somfy - - -?---Yes.

10 - - - by reference to what you've included in the resumé as to when you completed your study, it was again during the period you were an engineering student.---Yeah, I don't know if that was the correct date, though, but it could have been later that I worked there, but yes.

So the dates of the work could be wrong.---Correct, yes.

All right. If we go back, please, to page 59, you'll see that the next job is with the VOS Group, sorry, VOS Group Consulting Pty Ltd.---Ah hmm.

20 And that's January '04 to February '06.---Yeah.

Do you recall, did that job span effectively the end of your period of study up to graduation?---The dates are probably not accurate. I'm certain they're not accurate. I just tried to make it work. But I did work at VOS Group, yes.

Sorry, what do you mean "I tried to make it work"?---Tried, basically tried to basically look at my, look, make my CV look presentable and the dates work and trying to amplify how much experience I have.

30

So there was a little bit of padding in it?---Correct, yeah, of course, yeah. Everyone does that with their CVs.

Then the next job after that is NDY Consulting Engineers.---Yeah.

And that's February '06 to December '06. Do you recall that as the first job you did as a graduate consultant? That is, a graduate consultant engineer. ---I don't recall. But I do remember working at Norman Disney & Young.

40 So NDY stands for - - -?---Norman Disney & Young, yep.

And then if we go back to page 58, please. Towards the bottom you'll see the last relevant job before the RMS was with John Holland and Wormald. ---Yep.

And that was December 2006 to February 2009.---Yeah, I think it was, it was a shorter period than that but, yeah.

But in that period were you working as an engineer?---Yes.

But were you also working as a project manager?---Yeah, for certain services only, yeah.

And did part of the job there involve then either allocating or managing contract work?---Yes.

10 So I take it you became somewhat familiar then with the idea of procurement and contract allocation and management?---Procurement had already been done. I was just managing the contractors.

So you didn't, you weren't involved in the actual decisions there relating to the allocation of contracts, is that the case?---Not that I recall, no.

But you then, what, managed the performance of contractors under their contracts?---Correct, yeah.

20 So when it came to them submitting invoices and receiving payment, would it be the case that you would check the work was done and sign off on it? ---Oh, I may have been asked a question. I don't recall now. But I, I was more onsite managing the work.

Well, what did you actually do, though?---Managed the day-to-day activities of the contractors and scheduling of the work.

30 But you say, what, it wasn't normally part of your responsibility that you would actually, when it came to the completion of the works, confirm that they'd been done satisfactorily and then sign off on the payment of invoices?---I don't remember signing off on payment of invoices, to be honest, but that's a long time ago. But I do remember managing contractors onsite.

And during that period of work – that is, from when you started your university through to the completion of your job with John Holland and Wormald – did you meet any persons that later became RTA or RMS contractors?---Sorry, can you just repeat that question?

40 Sure. During all of the periods of work that I've taken you through, starting from the work during your period of study through to your completion of the work with John Holland and Wormald, did you meet any persons that later became contractors for the RTA or RMS?---Not that I recall, no.

Can we then move, please, to your work with the RTA and RMS. Can you recall, at the time you started with what was then the RTA, where you were living?---Sorry, what was the question again?

Where were you living at the time you commenced your work at the RTA as it then was?---In [REDACTED] I believe. In Sydney, [REDACTED].

Is that [REDACTED]?---Correct, yeah.

And was that living on your own or with family?---I think it was family, yeah. With mum, yeah, with family.

10 With, with your mother?---I think my father had just come. But, yeah, it was family.

Now, do you recall that you commenced work with the RTA, as it then was, in early – I withdraw that, sorry. In some point in 2009.---Yeah, I remember late 2008, maybe 2009, around that period, yes.

So late 2008, early 2009?---Something like that. Can't remember exactly.

20 And it's correct, isn't it, that for some years up until March 2014 you did your work on a contract basis?---Yes, correct.

So that you weren't initially employed by the RTA or the RMS.---Correct.

And is it the case that your contract work, as it was initially, was obtained through what was then Julia Ross, the recruiting agency?---Correct.

Or a particular division within Julia Ross.---Yes.

30 And can I ask, if you have a look, please, at volume 1.1 page 13. Actually, if we go back, please – yes, sorry, yes, page 13. If we stay on that page, you'll see that there's a Julia Ross letter to a Mr – is it Prathipati at CXC Contracting in Warringah. Sorry, in Brookvale. You see that? Dated 17 August, 2009.---Okay, yeah.

Do you recall that at this point you began your work with the RMS or, sorry, RTA as it then was, but via CXC Contracting?---I don't remember. I don't recall what CXC Contracting is, to be honest.

40 Well - -?---I don't recall what that is. But I do remember working through Julia Ross for the RTA at around that time, yes.

So you don't have a recollection of CXC at all?---No.

You don't recall whether perhaps it was a company that was subcontracting your services via Julia Ross to the RTA?---Potentially. I don't recall, to be honest.

Whether this assists, I'm not sure, but if we could go back, please, to page 6. And if we go to the bottom of the page, please, you'll see an email now from you in April 2010, 15 April, 2010, to a Ben Chiarella.---Yep.

Who was someone you dealt with at Julia Ross, you recall that, don't you?
---Yep. Yep.

10 About having spoken to Srikanth, and suggesting that he might ring him to investigate any legality issues.---I don't recall that – I remember, I do recall a Ben that I spoke to, but I don't recall – it's the details I don't remember.

You'll see at the top of the page, though, there's an email from Mr Chiarella to you, indicating he'd spoke to Sri and that there was, he was happy to keep things as they were and the quote for the services was at a particular hourly rate that's set out there.---Okay, okay.

Now, do you recall when you started that your position was that as a project engineer in a particular division for the RTA?---Yeah, the – correct.

20 And was the area where you were working the Intelligent Transport Systems Project or - - -?---Projects.

- - - known as the ITSP?---Correct.

And do you recall at the time whether the ITSP sat within a particular branch or directorate? That is the area within which you were working.---I think it was the Engineering Branch or directorate or something like that.

30 Could it be the Engineering Technology Branch?---That's the one, yeah.

Now, just starting at that point, what was it that was your area of work when you were working within the ITSP?---What, what was the area of, relating to my work?

40 Well, what was, given your duties as a project engineer in the ITSP, what programs or RTA assets were within your area of responsibility? I'm really asking, in effect, what did you do, what was the nature of your tasks?---Oh, I was, when I went for the interview, I was, I went for the engineering role but I was hired as a project manager. So it was mainly to manage projects on behalf of that division or branch. So - - -

And what particular projects fell within their area of responsibility at the time?---I, I, I, I recall that it was mainly, it revolved around the heavy vehicle, heavy vehicle space and there was, there was a project I remember that related to the TIRTLs and Safe-T-Cams.

Now, TIRTL is an acronym, T-I-R-T-L, for The Infrared Traffic Logger, correct?---Correct, yep.

And is the TIRTL a device – and please correct me if this is wrong – but it’s an electronic device that, in effect, triggers the Safe-T-Cam?---It’s an electronic infrared device that can trigger cameras but also measure speed and work out lanes and differentiate between light vehicle and heavy vehicles, yeah.

10 But is it connected to the Safe-T-Cam system in some way?---At the time it wasn’t. So that was one of the projects that I – probably, probably one of the first, or maybe, I don’t recall exactly but it was one of the main, one of the main projects that I was, was, that I rolled out when I was at ITSP.

That is the use of TIRTLs?---To, to roll out TIRTLs to trigger, to improve the accuracy of the Safe-T-Cam system.

So they were, once they were rolled out, connected up to the Safe-T-Cam system?---Correct.

20 Was there also another device separate to the TIRTL known as a HARE?---I think they came later on. I remember that the RTA had bought, spend a lot of money, maybe in the millions, on these devices that sat there on the shelf and did nothing, and then I think certain efforts were made, maybe by people at the ITSP, including maybe myself, to try and, to try and improve the Safe-T-Cam, and I think the HARE was a device that was going to improve, maybe it’s like a computer system that can talk to the, the, the camera system, yeah.

30 And again, was this period of work, that is the rollout of the TIRTL and some work in respect of HAREs so that ultimately the, at least the TIRTL was connected up to the Safe-T-Cam, during that period of work under the ITSP?---Correct.

Do you recall the HARE, it’s an acronym, isn’t it, but it’s H-A-R-E?
---Correct, yep.

Do you remember what that stood for?---I don’t remember, no.

40 But was it ultimately rolled out as well?---It doesn’t stand for anything, I think. It just, they just called it a HARE, because of turtles and hares.

Was it rolled out as well around that time when you were doing the ITSP work?---It could have been rolled out after the TIRTLs to be honest, yeah.

But was it also connected up to the Safe-T-Cam system?---Yes, yes.

Now, thinking about that period of work when you first start in the ITSP. Do you recall who your direct report was?---It was a gentleman by the name of Stuart.

Pringle?---Correct.

So he was the person that you directly reported to.---Yes.

Can you recall that you also worked closely with someone in the area that you worked in?---Yeah, I think it was Kim Finch.

10 Was there also a Peter Bamford?---No. No, I didn't work with him at that time, no.

So it was Kim Finch?---Oh, sorry. Peter Bamford, I think, yeah, I think – sorry. I just recalled now. I think he was in another division completely, yeah.

20 But in your day-to-day duties, was there someone that you frequently worked with in that time doing that work in the ITSP?---Yeah, it was Kim at the beginning but then he, I think, I, I don't remember how long he, I was there for before he left or took leave and obviously Stuart Pringle and there was other engineers that worked there with, with us in that division.

Now, again thinking about that period, you've indicated that while you applied for an engineering role you, in effect, almost immediately had a job in project management?---Management, correct.

And how did that come about?---It was just post the interview that then Stuart recognised that I had probably the potential to, to carry more duties 'cause of my experience and my qualifications.

30 So is it the case that very soon after your commencement in the ITSP you became involved in project management?---Correct.

And do you recall how soon it was after you started in the ITSP that you first became responsible for contract allocation?---No, I don't recall, to be honest, how soon after. I don't remember.

But was it during the ITSP period?---Yes, yes.

40 And do you recall was, as far as the TIRTLS were concerned, do you recall that, for instance, there was a particular company that had the contract to either supply or to install the TIRTLS?---To install the TIRTLS. I remember there was, the supplier was a different company and it was Jones & Gray that mainly did all the installations.

And were they electrical contractors?---Correct, yeah.

And just pausing there, were Jones & Gray a company that were on a panel of some sort for use in that or was it just a company that had been successful

in tendering or quoting for the work?---No, there was no panel. I recall that it was a company that Kim Finch regularly utilised.

And had, in the past was it the case, had used Jones & Gray in order to install the TIRTLs?---I don't know about installing the TIRTLs. May have installed them, a few TIRTLs but, they may have installed a few TIRTLs but they also did other works. I can't remember what they were.

10 Just pausing there, given that it seems that, fairly soon after you start work at the RTA in the ITSP, contract allocation comes within your area of responsibility. Did you learn what the process was when it came to seeking contract work from outside contractors?---I learnt bits and pieces, to be honest. Yeah. I, I didn't, I, I don't recall, like, a full training program, no.

20 Well, where did you learn? Do you say you learnt bits and pieces? First of all, from whom did you learn?---I may have learnt some from Kim. I think I may have spoken to Peter Bamford because that name rings a bell, maybe on the phone or, you know, maybe in person I saw him but he was another location from memory. I think there was stuff on the intranet, you know, like there was a project management – I can't remember what it was, tool or something on the intranet, where they had some sort of project management framework if you like to call it. But it was more self kind of – I had to kind of look at that and learn. I think Stuart Pringle tried to include some process, but, yeah. This is what I can recall. It's a bit vague.

30 As far as what was available on the internet or, sorry, intranet that you've referred to, was there something in relation to procurement, like procurement guidelines or a procurement manual that you understood existed?---It's hard to say whether I knew that then or from what I, I'm recalling what I know now, so it's hard to kind of split which, when exactly I knew. I know that there's the, a minor works framework and things on, this is like going back a few, many years now, but - - -

But it's the case, isn't it, that not long after your commencement you were in the process, part of your job involved you seeking quotes for work, making recommendations as to who should get work and then work being allocated and performed, correct?---I think that that period, yes, yeah.

40 And is the process that you learnt one that involved using either quotes or tenders?---I actually don't recall. I don't recall what the process was.

Well, it's the case, though, isn't it, that fairly soon after your work you were actually – sorry, fairly soon after you commenced your work in the ITSP, you were in fact calling for quotes or tenders for jobs?---I remember the TIRTL work, which is all I remember, that Jones & Gray did that work and there was a, a, a – I don't remember getting quotes for, from other contractors for that body of work, and that was a large body of work. I think it was a million dollars or plus that.

Just pausing on the TIRTLS.---Yep.

Did Jones & Gray do the civil works for the TIRTLS or the actual electrical works?---The whole lot.

10 The lot. Do you recall whether there was another company that did some of the works in respect of the TIRTL installations?---I think there was another section within ITSP that did other work. I think it was, they did – I think they were doing, they may have used I think a company called RTS, RTS from memory, but I had never, I can't remember if I'd used, used them in the past, but I don't, I don't remember other companies quoting on that.

Do you recall a company CIC Engineering having some role?---CIC Engineering, yes, they, they were basically the arm that kind of set up the TIRTLS but they didn't – the majority of installation was done by Jones & Gray. So the testing or setting up the TIRTLS in terms of thinking of heights and how they sit is done by CIC.

20 But thinking beyond the TIRTLS, isn't it the case that smaller-scale perhaps civil works were something that you were responsible for allocating not long after you began at the ITSP?---I think so. I think I've taken, taken a similar role, because I remember there were other works as well related to the vehicle checking stations.

30 Now, whether through reference to documents on the intranet or through speaking to others that were working in the area, did you come to an understanding of in what circumstances you needed to get quotes and in what circumstances you needed to acquire or organise tenders?---Sorry, can you just repeat that question?

Sure. Through whatever means, and we'll come to the means, did you learn in the course of your work with the ITSP that for some jobs that it was necessary to get quotes and for other jobs it was necessary to get tenders? ---Yes, at some point, at some point, yeah.

But it's something that you ended up having to do fairly early in the piece, isn't it?---Ah, pretty much, yeah.

40 And what was your understanding, first of all, as to the circumstances in which you would get quotes, did that depend on something?---You're asking about something that happened over 10 years ago, so it's hard to kind of say. I could tell you under \$50,000 you need one quote, but I learnt that later on. So did I know that then? It's hard to say, you know, it's hard. I just don't recall.

Is it the case that at some point in the course of your works you learnt that for jobs under \$50,000 you get one quote?---Yeah. During my time at the

RMS I learnt that, yes, but was it at, whether it was at the early ITSP or did I learn that later on, I'm not, I'm not too sure, I can't really say.

But is it the case then that whether you get one quote or more quotes, depended on the value of the contract?---Correct, yeah. And I recall there was a delegation manual that also included that, but did I read that while I was at ITSP or later on, I just don't recall.

10 Whatever the timing of you learning it, as to whether it was ITSP or later, is what you ultimately understood was that for works of less than \$50,000 you get one quote?---Correct.

For values of between 50,000 and \$250,000 you're required to get three quotes?---Two or more quotes.

Two or more?---Correct, it's two, I remember, yeah.

20 And then what about where there were works that were likely to be valued at more than \$250,000, what would you - - -?---This is what I remember, it was open tender.

Right.---Yeah, open tender.

So - - -?---But I learnt later on that you had a panel in place, you didn't need to do that, but I learnt that later on.

We'll come to a particular panel that was created at a later point in your evidence.---Ah hmm.

30 But is it the case that from the early point in your works, you weren't seeking work from people on a panel, it was literally going to market to seek quotes?---Yeah, there was no panel in place.

So it was really for you to find people that were competent, experienced to do the work you needed.---Correct.

40 Now, based on what you knew at the time, when it came to seeking companies to quote for and ultimately perform work, did you have any understanding as to what a conflict of interest might involve?---Probably not at the beginning and then as time went on I understood that.

How far into your work do you say you had a concept of what a conflict of interest involved?---That's impossible to answer. I don't remember when, how far in.

Let's to right back to the beginning when you start in the ITSP. You were working within, at that point on a contract basis, but within a statutory authority. Correct?---I don't know what that means, sorry.

Well, you knew that the RTA was not a private company, it was a government authority?---Correct.

And you knew that part of its role was to manage the road network and road infrastructure network.---Ah hmm.

It was also responsible for things like licensing and registration. Correct?
---Correct.

10

And relevant to your area, particular programs relating to road use and road safety.---Yes.

But you knew that you were not being paid by a private company, you were engaged as part of a government authority.---That's correct.

20

You did understand, didn't you, and I suggest from the beginning, that where it came to seeking quotes or tenders from companies for work, it would be important to disclose any relationship you had of a personal nature or a family nature where a company might be quoting for or tendering for work?---I learnt that but exactly how far in, so at the very beginning I didn't make, didn't think much of it, the conflict of interest, because I would discuss these projects with people I knew or contractors potentially, but I learnt that later on, and how far in, it could have been early on or halfway, I don't remember now.

Mr Dubois, you're a university-educated man.---I'm telling you what I remember. I can't make up an answer, so, you know.

30

What I'm going to suggest, and you can agree or disagree - - -?---Yes.

40

- - - is that you understood from the outset of your work that where you were in effect seeking quotes or tenders from companies that you either had a personal friendly, friendship with or a family relationship with, that would be something that you would need to disclose to the organisation for which you worked.---Of course, I agree, but I just, I just can't tell you exactly when I learnt that, was it very early on, within the first week, within two weeks, within a month, I just don't remember when. So I remember early on it was a little bit vague and didn't think much of it, but as time went on maybe it was through a document that I had read or a, or a, maybe it was something the RTA, RTA would have probably organised to - - -

THE COMMISSIONER: Is this reasonable, that within the first 12 months at least - - -?---Yes, of course.

- - - of you commencing this work, that is initially on a contract basis and thereafter on a permanent basis, it would be reasonable to conclude that at least sometime in the first 12 months you would have become aware of

these conflict of interest issues?---Yes. So I agree, I just don't remember when.

No, I understand.

I was thinking of taking a morning tea break, maybe this might be a convenient - - -

10 MR DOWNING: I did leave it a little later, just because of the late start.

THE COMMISSIONER: No, no, that's all right, we'll finish this.

MR DOWNING: But if that's convenient now - - -

THE COMMISSIONER: Yes, it is.

MR DOWNING: Thank you.

20 THE COMMISSIONER: We'll take a morning tea adjournment. Mr Dubois, we're going to adjourn for about 15 minutes, if you'd be back here in about 15 minutes.

I'll adjourn.

SHORT ADJOURNMENT

[11.42am]

30 THE COMMISSIONER: Mr Downing.

MR DOWNING: Thank you, Commissioner. Mr Dubois, just before the break I asked you some questions about your understanding of conflict of interest, and I think ultimately you agreed with the question from the Commissioner that by the end of 12 months from you starting work, you understood that it was, it would be inappropriate to not disclose a connection to – there's a family connection or a friendship connection to companies that were tendering for or quoting for RTA or RMS work? ---Yes.

40 Did you also in that time period understand what corrupt conduct was? ---Probably in that time period, yes.

So certainly would you agree that within that 12-month period after starting work with the RTA, you understood that it would be inappropriate to receive either a payment or payment in kind from companies that were either competing for or performing RTA work?---Yes. Most likely, yes. Most likely, yes.

Whilst you were working on a contract business, you knew at the time that you were working for what was a government authority?---Yes.

And that it would be wrong to seek some additional payment or payment in kind beyond the hourly rate that you were receiving as a contractor?---Yes.

10 Now, do you recall that after, in 2009, working in effect as a contractor but in your own name, you then started providing services to the RTA through – or, sorry, still in the RTA through a company?---I, I vaguely remember something along those lines, yes.

If we could go, please, to volume 1.1, page 20. Now, you see this is a letter from Ben Chiarella, who you've already confirmed you met at Julia Ross. ---Yep.

20 And you'll note that this is a letter 16 December, 2010, indicating that Ross Specialists, a division of Ross Human Directions Limited, was confirming that Australian Technology Group Pty Ltd was to act as their consultant to provide project manager services to the RTA. See that?---Yep.

And that the dates for this particular appointment, according to that letter, were 7 December 2010 to 31 December, 2011.---Okay.

Subject to a possible extension.---Okay.

30 And if we go, please, to the next page. You'll see that the agreement, as set out in some more detail there, indicated that it was Ross Human Directions, that you were the contractor, and it confirms a term was set of December 2010 to 31 December 2011.---Okay.

Now, just pausing there, can you recall how it was that you came to be providing your services then through a company?---I'm trying to remember. I think, I think, I mean, I, I vaguely remember some, a discussion with Ben about how to set up the, I think, I, I don't remember the CXC company prior, so maybe that was replacing that. I'm not sure. But something about the pty or engaging as a, as a contractor, having not a, something about a sole trader or engaging through a business, pty, for tax purposes. Something along those lines.

40 But is your evidence that the suggestion that a company might be engaged to, in effect, be the supplier of services to the RTA and that you work through the company, that that came from Mr Chiarella at Julia Ross? ---Yeah, the discussion that we had, how they set up, I mean, there was the mechanism, you know, but I don't remember the detail but, yeah.

Now, is your recollection that you set up that company in order to provide your services through Julia Ross to the RTA?---What do you mean by set up

personally or do I, did it through an accountant or, I'm not sure what you mean by - - -

The company Australian Technology Group Pty Ltd - - -?---Yeah, I set - - -
- -

- - - is that a company that you set up or Julia Ross set up?---I think, I think I may have set that up myself.

10 Now, if we could go same volume, please, to page 93. You'll see it's a company search. And whereas the letter from Mr Chiarella referred to Australia Technology Group Pty Ltd, you'll see the company was Australian Technology Group Pty Ltd.---Okay.

But do you also see the registration date is 30 June, 2010?---Yep.

And it shows also that it was deregistered on 26 July, 2015.---Okay.

20 Now, just pausing there, 30 June, 2010 is some months before that letter from Julia Ross indicating that that was going to be the company that was going to provide services.---Ah hmm.

But is your recollection that you set the company up?---Yes.

Can we go, please, to the next page? And you'll see as far as company addresses, for a period the registered office was your home address in [REDACTED], correct?---Ah hmm.

30 And then from February 2013 to July 2015, it was a different address in Tempe Street, Greenacre.---Ah hmm.

And if you go down below, you will see that under previous directors, that from 20 January, 2013 to 26 July, 2015, the director was Adam Malas. ---Okay.

Just pausing there, Adam Malas is also Hussein Taha, also John Goldberg, correct?---Yeah, I think so, yes.

40 Zac Malas is Towfik Taha, correct?---Oh, okay, sorry, yes, okay, yep.

And then you'll see at the bottom of the page you're also a previous director. And if we go to the next page it shows that your date of being a director is from 30 June, 2010 to 20 January, 2013.---Ah hmm.

And then going back to the page before, to page 94, that Mr Malas then becomes the director from your cessation date, which is 20 January, 2013 through to 26 July, 2015.---Correct.

Which was the day of the deregistration.---Okay.

And if you go back, please, to page 95, you'll see at the bottom of the page the share structure was just one share, so a \$1 share, so it's a dollar company.---Ah hmm.

And if we go over the page, please, you'll see in terms of the holding, holding was – that is, the one share – was owned by Adam Malas, though you're listed there also as being a shareholder.---Okay.

10

And if we go – in terms of the dates, if we go, please, to page 97. You'll see right at the bottom of the page, 29 January, 2013, there's changes to various things, "Company details," "Registered address," "Change of principal address." And if we go over the page, "Appointment or cessation of company officer holder," and also, "Changes to member shareholdings." Do you see that?---Ah - - -

Second line on page 98.---Yep.

20

So what I'm suggesting is that also in January 2013, at the time of you ceasing being the director, you also ceased to be a shareholder and Mr Malas, aka Mr Goldberg, became the owner of the shares.---Oh, okay.

Now, just pausing there. This is a company that you've told us was set up as the result of some advice from Mr Chiarella at Julia Ross so that you could provide your services on a contract basis to the RTA. So, you certainly seem to be the person that starts the company. but for some reason in January 2013 it appears that – I'll just refer to him as Mr Goldberg from now on just for convenience sake.---Okay.

30

He then seems to assume control of the company.---Okay, yes.

Can you recall the circumstances of that?---Yes. I think when he was, he, he – again, the circumstances. I think it was for, to liquidate this company, amongst other companies.

Well, let's just break that down. At the time the company was set up, it's the case, isn't it, that it had nothing to do with Mr Goldberg?---Correct.

40

It was purely so that you could provide your services and be paid on a contract basis but through a company?---Correct.

Could it have been that you were given some advice at the time that there might be some tax advantages in being paid via a company or - - -?---With Julia Ross, it was more about the mechanism to of how to do it, so that's correct, yeah.

But Mr Goldberg wasn't the reason for you incorporating this company in the first place?---No, no.

But between June 2010 and January 2013 it seems that something happened so that Mr Goldberg assumes control of the company.---Yes.

10 So what had happened in the interim period involving you and Mr Goldberg between June 2010 when you set the company up and January 2013 when he becomes the director?---Well, his company receives payments from other contractors that work for the RTA and because one of those people that provided payments to this company was Mr Goldberg's – we were referring to Mr Goldberg's brother. So as, his advice was to liquidate not only my company, other companies and this is, this is probably the period where he did that, 2013.

20 So, can I just pause and break that down, please? So that during that period you had been receiving your compensation on a contract basis from the RTA through the company, correct?---Through Julia, through Julia Ross, yes.

Through Julia Ross but ultimately the payments were being made into Australian Technology Group?---Correct, correct. Yeah, correct. At least for one year I think it was, yeah.

But do you say that separate to that, in that period from June 2010 to January 2013, contractors were making payments into that company?---May have been after that period. I can't remember. It was, when was this period, when was the contract from? 2011 to 2012 or - - -

30 The initial contract – we can go back.---I, I remember, just to make it - - -

Just pause and I'll take you back to the document, please.---Okay.

If you go back, please, to same volume, page 20. You'll see that, according to the letter, Australian Technology Group was going to be providing the project manager services from December 2010 until December 2011.---Ah hmm.

40 And if you go to the next page, page 21, that you were the contractor that was providing those services, notwithstanding that the company set-up was Australian Technology Group, correct?---Correct.

But by January 2013, the company changes in terms of who owns it and who's a director, and is your evidence that by January 2013 Australian Technology Group had received payments, not just in respect of the work you had done on a contract basis ultimately for the RTA but had also received some payments from contractor companies?---Correct.

And when you say had received payments, payment of what nature?---It was, like, what do you call it, what's the word for it? Kickbacks, yeah, from contractors, yeah.

Then focusing this on that period, noting that the change happens in January 2013, are you able to identify which companies had been making payments to the Australian Technology Group between mid-2010 and the beginning of 2013?---It would have been TTS. I think it was - - -

10 Pause there for me. Was that a company controlled by Towfik Taha?
---Correct.

And that's John Goldberg's brother and his company?---Correct.

Any others that you can recall?---Areva Corp.

Now, pause there. I'll come to these companies in due course, but that's a company controlled by Hassan Alameddine?---Correct. There may have been, there may have been, like, I can't recall, but maybe others, like one or
20 two others, maybe Senai Steel, maybe, maybe not, I don't remember so I can't say for certain. And maybe one or two others, but it would have been just small in comparison to TTS and Areva Corp.

All right.---So - - -

So it's the case, isn't it, that by sometime in that period between the middle of 2010 and the beginning of 2013, you'd been receiving substantial kickbacks from at least those companies?---Yeah, may have, may have, I'm
30 not, can't recall, I can't recall who this - - -

Well, you say – sorry, I cut you off, please continue.---May have, because this would have been an electronic transfer or a cheque of some sort into this company - - -

Well, whatever the form though - - -?---Whatever the form, yeah. May have – sorry.

Whatever the form you say that kickbacks had been received by January 2013, prompting Mr Goldberg to make a suggestion to you about liquidating
40 Australia Technology Group.---Correct, yes.

And do you recall also that in June 2013, Mr Goldberg assumed some role with Areva Corp?---I think he liquidated that company too.

Could it be that in June 2013, that is a little later in 2013 than I'm asking about now, with the changes to the Australian Technology Group, that he

actually took over as the sole officeholder for Areva, to your knowledge?
---I don't know how he did it, but I remember he, I think he liquidated that company as well, or he was involved with that.

But just going back, is your recollection that Mr Goldberg had a conversation with you at the time expressing some concern about the traceability of payments coming into Australian Technology Group?
---I think Mr Goldberg at the time, what I knew of him, he was, he was, like, he came across as a person that knew a lot about the taxation system and
10 about the system and liquidations and he was involved with liquidations and other companies, so this is what his advice was, and he said he's kind of in layman's terms, "I'll take care of it," and he would have probably done the same to Hassan Alameddine's company, which is Areva Corp.

THE COMMISSIONER: Well, Mr Dubois, I don't think you've quite dealt with the point of the question.---Sorry.

Just perhaps it might be put again and - - -?---Sorry, ask me the question.

20 - - - just if you just focus.

MR DOWNING: What I'm asking about is whether you recall a discussion with Mr Goldberg in or about January 2013 where he expressed some concern about the traceability of payments into the Australian Technology Group?---Oh, yes. I apologise. Yes.

And do you recall that one of the things he expressed a concern about was that payments had been made by - - -?---TTS.

30 - - - TTS, his brother's company?---Correct.

Did he say something to you about what that might mean if the payments through either TTS or perhaps Areva Corp were traced?---Oh, he didn't say what it meant but he just said it's, the best way to avoid that is to liquidate the company.

And did he give you some advice then about perhaps creating another company that might be able to then provide your contract services?

40 ---Not that I recall. I, I, I'm not sure, yeah, I'm not sure.

But ultimately I take it you acted on his advice and in effect let him take over control of Australian Technology Group?---Yes.

And do you know what he ultimately did with that company afterwards, other than that you've seen that it was ultimately deregistered in 2015 from the search?---No.

Just dealing with Mr Goldberg and his advice to you, how did he know that payments had been made to the Australian Technology Group by TTS and Areva, as best you're aware?---I don't remember how he knew. Maybe – I don't remember, I don't, I don't recall the moment where, I don't, it's hard to remember that, that point where he knew. I'm not sure. We may have told him, maybe his brother told him, maybe collectively we told him. I'm not sure.

10 When you say we, who are you referring to?---Me and Towfik or, yeah.

Is it the case that by January 2013 you've become quite friendly with Mr Goldberg?---Yes. Potentially, yes.

And also you'd become quite friendly with his brother Towfik Taha.
---Correct, yes.

20 You think it's likely that you had let them know by that point that you had been receiving these payments into the Australian Technology Group from Areva Corp, that is Mr Alameddine.---Yes. I think I remember, do recall there was a meeting with all of us present, yeah.

That is - - -?---Not a meeting but there was, there was a discussion with Hassan present, yeah.

So with Hassan, Towfik Taha and John Goldberg.---Yes.

And yourself.---Correct, yes.

30 And is your recollection - - -

THE COMMISSIONER: What do you recall saying at that meeting? In other words, what was the subject matter?---It may have been more than once, Commissioner, but it was something along the lines where John Goldberg was kind of heavily advising that the way, the method that was used for payment was easily traceable and he, he knew of a solution or, because he was involved with something similar with other companies and that he would look after it and he knew people in certain places and that was the advice. We didn't like his advice as much as we kind of were kind of taking it just to solve this potential problem.

40 Well, he was you say addressing the problem or the risk as the method of payments being easily traceable and suggesting that he knew the way forward to overcome the risk. Is that in essence what you're saying?
---Correct.

And from your account thus far you sound as though you're putting Mr Goldberg as the leader as it were on this matter at this time. Was that

his position?---He came across as a person that knew a lot about this sort of stuff.

About what?---About these sort of liquidating companies and taxation and he had worked with other accountants and he came across as a person that knew quite a bit about these sort of things. He had previous experience in this sort of thing.

10 So in essence he was indicating issues concerned with establishment of corporate vehicles, if I can use that expression, was central to being able to receive and funnel payments in certain directions. Is that in essence what he was emphasising, that you needed to establish corporate entities as an integral part of any scheme to get payments through without the risk of them being traced?---I think because the big companies were in our names so the traceability was quite evident. So to alleviate that, the liquidating of the companies would potentially – hence, hence I think the change of directorship to those businesses. So he had done this before to businesses he was involved with and we just decided to proceed with that advice.

20 We'll come to the details in due course but was the advice he was giving on this occasion eventually followed?---That you need to get rid of these companies, get them out of your names and liquidate them, and after a certain period of the companies being liquidated that it was very difficult to strike the information from these businesses and what businesses, what business or transactions they were involved with. Something along those lines.

30 You also said that he knew people. Which people was he referring to by your recollection?---I don't know. He just kind of came across as a person, or he kind of claimed to know people in the Taxation Office or, and very high senior accountants and he was involved with liquidating businesses in the past that he, he was involved with.

Did he refer to his association or contacts with people in government or public administration?---Yep, he referred to, he, he claimed, he had claimed to, to know people in the Taxation Office, very senior people in the Taxation Office and things of that nature, yes.

40 All right, thank you.

MR DOWNING: Given what you understood from Mr Goldberg about his connections in respect of companies or tax, I take it that you understood that he had some connections of an illicit nature that he was suggesting that you might be able to utilise.---Yes.

And ultimately when it came to changing the, getting rid of this company from your name – that is the Australian Technology Group – what you were

seeking to do was to disguise any traceable link to the payments that you'd received from the contractors.---Yes.

Now, it's the case, isn't it, that companies associated with Mr Goldberg started doing some RMS work at or around this time in early 2013?---Can you repeat that question?

10 That companies associated with Mr Goldberg started actually doing some RMS work at or about this time in 2013?---Yeah, it could be around that time or just after around then.

When it came to what Mr Goldberg was doing for you in terms of giving you advice and assisting with getting the Australian Technology Group out of your name, did he ask for anything in return?---Not at that moment, no. Not at that time, no.

20 Did he ask you at or around that time if perhaps he might be able to put forward for RMS work so that he could become a contractor?---Yeah, potentially after that, yeah.

And it's the case, isn't it, that even before January 2013 you had set up or, I withdraw that, had set up a company under the name of MWK or MWK Developments that was being used to receive payments from contractors? ---I don't remember setting that up. I think Towfik set that up.

Do you recall that that was as a result of discussions between you and Towfik Taha?---Potentially, yes.

30 Did Mr Goldberg have anything to do with MWK Developments being set up?---I don't think he was involved with the initial set-up. I can't recall that.

THE COMMISSIONER: Well, who did set it up?---I recall it was – if I recall correctly, I'm not entirely sure, but it was Towfik that set up that company initially.

By whom?---Towfik Taha, sorry.

40 MR DOWNING: Just dealing with Mr Goldberg for a moment, do you recall the names of companies associated with him that ultimately obtained RMS work?---I don't recall because I remember he was involved with a company whose director was a – I don't, I've never, I had never met. So he got a, a, a unknown person. I didn't know them. He set up a company in their name and did work through that, but I don't remember the company name.

Just pausing there, is the person that you recall being the director, was that a person known as Mark Abraham?---I'd never met him. I don't know him.

Do you recall the company name or do you think you might recognise it if I
- - -?---Maybe if you say (not transcribable) it may ring a bell.

MJ Wilson, Wilsons Projects Pty Ltd?---That does ring a bell, yes.

And I'm going to suggest to you that it seems to first provide a quote to the
RMS in January 2013.---Mmm.

10 Do you recall that perhaps that around the time you were speaking to Mr
Goldberg about you getting your name off the Australian Technology Group
that he proposed that he might set up a company that might put in for some
work?---Yes, I do.

Do you recall that also, separate to the MJ Wilson company, there was
another Wilkins Corp that was set up at or around the time?---That's the one
I think he worked through, that one. I don't think MJ Wilsons was used to, I
think it may have used, been used as, I don't think MJ Wilsons was awarded
works but I'd have to double-check.

20 Well, I'm going to suggest to you MJ Wilsons was awarded works.---Was,
okay.

But Wilkins Corp wasn't and received - - -?---It was the other way around,
okay.

- - - payments into it.---Okay, sorry, yep.

30 Do you recall discussing with Mr Goldberg at the time that, in effect, that
one company would be set up and would receive RMS works - - -?---Yep.

- - - and another company would be set up so that kickbacks could be
funnelled through it and then ultimately on to you?---I don't recall, because
I don't remember the names of the companies. But it would, the discussions
would have happened, yes.

So putting aside the specifics of which company did what - - -?---Yes.

40 - - - do you recall discussing with Mr Goldberg that, separate to getting your
name off the Australian Technology Group, that he was going to set up
some companies?---I remember talking to him about him setting up
companies, but I don't recall about which company was going to get paid. I
don't remember those details.

But you recall there was at least a discussion, putting aside the names of the
companies, one would put in for RMS work.---Yes.

And one would then transfer funds into another company through which payments would be on-paid to you?---Yeah. I, I, I don't remember but he must have transferred money from one company to the other to extract, to, to alleviate traceability, yes.

Now, just going back to the Australian Technology Group. You've seen from the documents that I have shown you that your role ceases with that company in January 2013?---Yes.

10 But you would also have seen from the original contract documents that I showed you that it's contracted to provide your services on a contract basis was to expire in December 2011.---Yes.

Do you recall that that was extended through to the end of 2012?---I remember it was extended multiple times.

If I could show you a document, please, just to be fair. Volume 1.1, page 36. So do you see now, November 2011, which is just before that contract in the name of Australian Technology Group was due to expire. There's a
20 letter from now Michelle Zammit at Julia Ross, indicating that you were providing your work as a contractor and that the current expiry date was 8 December, 2012, for your contract?---Okay.

Now, just going back to what happened after the Australian Technology Group ceased to be a company under your control, can I take you, please, to volume 1.1, page 42? And do you see in November 2012, so a couple of months before Mr Goldberg takes over as the director and shareholder in the Australian Technology Group, a Mr Omar Metlag, an accountant at Fox
30 Financial Services, sends a "To whom it may concern" letter – or I should say, sorry, drafts a "To whom it may concern" letter, indicating that Davencorp is a restructure of Australian Technology Group and will retain the same payment structure and no changes will be made as to the running of the company?---Okay. This was sent to Julia Ross, was it?

Well, first of all, do you recall that just before Mr Goldberg takes over as director and shareholder, that you get some assistance from an accountant in in effect setting up a new corporate entity?---I, I remember only having one meeting with Mr Metlag and that could have been the time, and that was in
40 the process of Mr Goldberg.

Now, first of all, did you understand Mr Metlag was Mr Goldberg's accountant?---Yeah, I understand that Mr Metlag worked with Mr Goldberg and he worked with other accountants but he was one of the accountants he worked with.

But was Mr Metlag introduced to you via Mr Goldberg?---Correct.

And do you recall perhaps a discussion with Mr Goldberg at or around this time about not only getting your name off Australian Technology Group but setting up what might be a new clean company that could then provide your contractor services?---For the RMS, potentially, yes.

And do you recall Davencorp was that company that ultimately provided you services, that is on a contract basis?---I had completely forgotten about it, but I can see here the paperwork so I would assume so, yes.

10 If we could go back to the page before, bearing in mind that that's a 20 November, 2012, date on that letter. If we go back, please, to page 41, do you see on 19 November, 2012, an email from xmetlagx@[REDACTED] to, there's an address taja6986@[REDACTED]?---Ah hmm.

Now, do you recall that that was the email address of Mr Goldberg?---I don't recall but, I mean, it could be. That's his last name.

20 And in looking them at the body of the email, the first word, Jahash, is Arabic for "donkey", isn't it?---Correct, yep.

And so it reads, "Donkey, make sure you print and sign it. I could not print it and sign it because I have no scanner here." And you'll see then at the top of the page on the following day, Tuesday, 20 November, it seems that Adam, which seems to be the name that this email address is saved as on your system, that is taha6986@[REDACTED], sends you the same email, that is forwards the PDF letter to you.---Okay.

30 Looking at that now, do you believe that it was Mr Metlag that had drafted it and Mr Goldberg then sent it to you for you to rely upon?---Yes, yes.

And does that assist you as to recalling that it was Mr Goldberg who gave some advice then about a new corporate entity that might be set up for you to provide your RTA contract services through?---Correct.

And just on Davencorp, if we could go, please, to same volume, page 84. You'll see that's an ASIC search on Davencorp, and it indicates that it was registered on 13 November, 2012, with your address as its registered office and principal place of business. Correct?---Yeah.

40 And over the page, you're the director, secretary and shareholder.---Yes.

Did Mr Goldberg assist you in setting this up or did you set it up yourself? ---I don't remember him, I don't remember. He may have. I don't remember.

If we could then go back, please, to volume 1.1, page 45. Do you see on 28 December, 2012, you get an email from Michelle at Chandler McLeod. Do

you remember that Chandler McLeod swallowed up Julia Ross?---Julia Ross, yes.

With the new contract and terms for your transition to being an incorporated contractor.---Ah hmm.

And if you go over the page, please, you'll see that the contract now involves your services being provided through Davencorp.---Yeah.

10 And you'll see it's a contract term of 8 December, 2012, to 7 June, 2013.
---Yes.

And again it confirms that you're in the role of project manager. Now, can you recall whether – sorry, before we leave that – you will also see that it lists there client contact is Tam McCaffery.---Yeah.

Now, just pausing there, can you recall whether by the end of 2012, whether you were working in a different area, that is different part of the RMS and doing different types of work?---I was doing very similar types of work, but
20 just for a different branch now.

Well, so do you recall was your position then as a technical project manager?---I can't remember what my title there was. May have been, yeah, I think it was.

And what area or branch were you working in?---I think it was called Compliance and Enforcement Branch, but it may have had a different name or changed multiple times.

30 Could it be that at the time you were working as a, well, within the Project Delivery and Installation Division?---That's the division under that Compliance and Enforcement Branch, yeah.

So part of the Compliance and Enforcement Branch.---Yeah.

Now, pausing there, can you recall what sort of programs you were responsible for or assets that were under your area of responsibility in that role, assuming that it's in some way different to what you were doing with the ITSP?---At that particular time? Because it kind of increased over time.
40

Well, take us through. You've told us what you were doing as regards to the work with The TIRTLs and the rollout of them, the Safe-T-Cam and the ITSP.---Yes.

As best you can recall, when did you move into this other branch, that is the Compliance and Enforcement Branch?---When did I move? I don't remember exactly when it moved, but it would have been a year and maybe eighteen months after I'd started. Around that time.

But is it the case that once you were in this position that your direct report was Tam McCaffery?---Correct.

And can you recall who was above him in the line of authority?---It was the general manager, at the time I think it was, trying to think of the gentleman's name, I think Peter Wells maybe.

10 In any event, thinking about the work in that branch, what type of assets were you responsible for or what sort of programs were you then dealing with?---So as I said, it increased over time. I can relay them to you if you like. I can tell you what they were.

And in terms of the period, I'm really looking at the period now between when you move into that Compliance and Enforcement Branch, through until March 2014 when you get a new position working under Samer Soliman, and I'm going to come to that in a moment.---Oh, okay, all right. So I recall when I first joined the – they wanted me to focus on Safe-T-Cam.

20 So first joined the Compliance and Enforcement Branch?---Correct, yeah. That was one of the first projects that they wanted me to focus on. It was, it was predominantly related to the structures themselves 'cause the structures were deteriorating and were, were, were kind of almost a work health and safety issue, which they were, actually.

Now, pausing just there for a moment, when you talk about – are you talking about the structures that the Safe-T-Cams were mounted on?
---Correct, yep.

30 And were they steel structures?---Correct, yep.

Located at various locations around the state.---Correct.

And they consist of a vertical steel column with a horizontal gantry structure, correct?---Correct, correct, correct.

40 And, sorry, you say that when you start working in the area, there was some issue, was there, about the condition of them?---I think the guys who used to maintain the cameras had, may, may have, this is again a, I don't recall exactly how this happened but, it's a long time ago, but I remember they may have provided or maybe – I, I, there may have been somebody that had gone and looked at these gantries in the past on a regular basis and maybe provided some feedback or alerted to the condition or the lack of with these gantries. So the management there were aware that the condition of these gantries – some of the gantries, not all of them – were not suitable and needed urgent repair or looking at.

And as far as the gantries, do you recall that you then engaged some people to go out and inspect the gantries?---Yeah.

And then ultimately to do some work on them?---That was one of the first things they wanted me to do when I first joined, so that was the first thing, first cab off the rank.

Sorry, first joined the Compliance and Enforcement Branch.---Correct, yeah, sorry, apologies.

10

And as far as that work was concerned, do you recall that a company that you got to provide you with some inspection reports in respect of those gantry structures was a company controlled by Abdula Nachabe?---Correct.

And was that A&A Structural Solutions?---Yes. Yes.

And did it then go out and, that is A&A Structural Solutions, inspect the various gantries around the state and give you a report as to their condition and any works required?---Correct, yeah, individual reports for each gantry.

20

And did you then, as a consequence of what was reported on by A&A Structural, organise for works to be done?---Correct.

And was the company that obtained the contract to do the works a company known as Senai Steel Pty Ltd?---I think there was, was, there was, from memory there was one gantry which was extremely severe in terms of the conditions, and there was some extreme – it was an extreme issue I think with the bolts. I can't remember now exactly, but - - -

30

But was there some urgent work?---Urgent work that needed to be done on one of the gantries, and I think Senai Steel probably would have been the first one that did those initial repairs just to alleviate the issues, yeah.

But then other than urgent work that had been identified, was there then a program of works that was required across all of the gantries in the state? ---Correct, yep.

And did Senai Steel do that work?---Yeah, some of it, not all of it, yes.

40

And Senai Steel is a company controlled by Abdula Nachabe's brother Gamele, correct?---Yes.

Now, going back then to your work in the Compliance and Enforcement Branch, you've indicated that was one of the early responsibilities you had for the gantry structures housing the Safe-T-Cams. What other assets did you have responsibility for or programs did you have to look after?---So all the heavy vehicle checking stations, enforcement sites.

Just pause with each item.---Sorry.

So with the heavy vehicle checking stations, did that mean doing ongoing maintenance work or constructing them? What are you talking about?

---These were very neglected, these sites, so there was a lot of maintenance required. They had equipment that needed to be repaired, ongoing maintenance.

And just to again go back a step, please.---Yes.

10

There are a number of heavy vehicle checking stations located around the state, correct?---Yes.

And they're at places, for example, like Mount White, north of Sydney. ---Correct.

And is it the case that what they are for is that where heavy vehicles are proceeding along the highway, they're required to go through them and be weighed and have their brakes checked, et cetera.---Brakes checks, the overall compliancy, et cetera.

20

So part of your role in the Compliance and Enforcement Branch was to look after those checking stations?---Correct.

So did that mean doing maintenance checks on them, organising for repair works or maintenance works?---All the above, yes.

And did that range from things like general civil works on the building structures themselves?---Correct. Or even the pavement, could be the line-marking, could be certain equipment that's used there, you know, on a regular basis.

30

So things like the, there were machines there that did brake testing.---Brake testing, the weighbridges, ah hmm.

So all aspects of that fell under your area of responsibility in terms of ongoing maintenance and repair?---Correct.

So would you liaise with people at a local level within the RMS network about how the condition of the particular HVCS was?---At the beginning it started off with dealing with the, the station manager itself, and then as time went on it was dealing with more the area managers for those sites.

40

Now, before – and I'm sorry I interrupted you before – you indicated that heavy vehicle checking stations was one asset that you were responsible for. What else was there beyond that?---There was the, there's also, there was also other smaller sites. They're called enforcement sites or on-road

enforcement sites they became. There's many of those. I think almost 150 of those around the state.

And what do they involve by contrast to the heavy vehicle checking stations?---A similar thing but they're not as large and they don't have a permanent facility at these locations.

And do they relate also to heavy vehicles or to all vehicles?---Heavy vehicles. Oh, sometimes they're used by the police as well.

10

So were you responsible for their ongoing maintenance and repair as well? ---Yeah. As time went on that was more of a, they became more of an issue so I guess they were used more regularly and more frequently. There was also a, that came in later on, the, the over-length program which at Galston Gorge. There was, and there was the over-height program which that fell into my lap as well. I was responsible for the over-height program.

20

And just pause there. You've referred to Galston Gorge. Is it the case that with Galston Gorge there were some particular works that were required in respect of over-length vehicles using the road through, the Galston Road through the Galston Gorge?---Correct.

And that fell into your area of responsibility.---Yes. I was tasked with solving that issue.

30

And do you recall what it was that led to that issue coming up on the RTA or sorry, the RMS's radar by then?---From memory it was, it was a, it was a incident that happened at Galston Gorge and I think a famous media announcer complained to the minister and we needed to take action. So they made some promises to the public and we had a very, very short time window to solve some issues or at least be seen to have solved some of the issues.

So you say it came in effect to the RTA – I withdraw that – the RMS because of some media coverage?---Correct.

Do you recall who it was that provided the media coverage about it?---I think, I think it may have been Ray Hadley.

40

But did it then involve having works done with a fairly short turnaround in the Galston Gorge area?---Yeah, but which continued as further improvements were required.

And did those works involve building lanes sufficient for long vehicles to be stopped and checked at either end?---Yep, and very large, we call them variable message signs, VMSs. Also placing TIRTLs at strategic locations to measure the length of a vehicle and signage.

So basically setting up signs, installing devices and creating sufficient length lanes so that long vehicles could be stopped and checked.---Correct.

And compliance could be ensured.---This is the first time that this was done so it was an evolution.

And I think you also said separate to Galston Gorge there was an over-height program.---Correct.

10 And can you tell us what that was and what it involved?---The over-height program, the over-height program I think there was an incident on the M5 where a truck damaged the entry to the M5 heading east, eastbound. It caused a lot of damage and it was a safety issue, and as a result they changed the legislation to now enforce loss of licence and loss of rego to drivers and truck companies and we, we found out through one of the I think court matters that a lot of these locations were missing the adequate standard signs that were needed as per the Australian standards.

20 So did it involve from your perspective sign installation at various locations?---Sign installations and then there was further ITS equipment which I wasn't involved that deeply with but it mainly was the signage.

Is ITS again an acronym for intelligent transport systems?---Intelligent Transport Systems. Sorry, apologies.

30 Now any other assets or programs that you can recall being responsible for once you were in the Compliance and Enforcement Branch?---I also assisted further down the track point, the point-to, Craig with the point-to-point program.

Well, just on that, before we come to Craig. I take it that's a reference to Craig Steyn?---Correct, yeah.

40 I'll ask you some questions about him but just before I do that I've been asking you about the period, as I indicated earlier, once you had started in the Compliance and Enforcement Branch up until when you begin working – which I think by then had become, is it the Compliance and Enforcement Branch, working under Mr Soliman in 2014?---Yeah, I think it was 2014 or 2015. Around that period, yeah.

But is what you've described, in terms of the assets and programs, things that were under your area of responsibility all before 2014 or did some occur later?---Some may have occurred later. I can't remember when the over-height program kicked in. I'm not sure.

But is it the case that when the change was made in 2014, which I will come to in a moment, that whilst it was a new position for you and a different branch that, in effect, it was just a rebranding of the branch and you doing a

similar job?---I think what had happened was, the, the, Inspector, Inspector branch were now under – which I think they were called the IVRs – inspector vehicle, I’m not sure what the acronym stands for. But I remember they were now merged under the umbrella for the Compliance and Enforcement Branch. So there was more emphasis from the Compliance Enforcement Branch to look after these sites. This is where my role kind of just, it was more responsibility and more work thrown towards - - -

10 So is this the case, that when you changed that position in 2014, the things that you had been doing before when you - - -?---No, sorry, prior to 2014 this happened.

Thank you. So when that change occurred, did your area of responsibility widen?---I was going to leave the RTA after my contract finished with, with the, with the ITSP, the, under the Engineering Technology branch.

20 That’s going back some years, isn’t it?---So, yeah, I was going to leave and then I was then asked to remain at the RTA by somebody within the Compliance and Enforcement branch to - - -

Who is that?---Paul Hayes, to say, “No, you, we, we will need you to deliver these programs on our behalf.” But I was actually, I was going to leave. My contract had finished, yeah.

30 But to then come – is it the case that when that change, not in your contract, but in the structure within the Compliance and Enforcement Branch occurred, did it mean that there were a broader area of responsibilities that fell to you?---It, yeah, more, more, more and more things needed to be done, yeah, fell, fell, yeah, just I was given the responsibility of, directly or indirectly.

But in March 2014 when you – and I’ll take you to the contract shortly – you begin the position with Mr Soliman as your supervisor. Was that a substantive change or was it really just there result of some reorganisation within - - -?---Reorganisation. I think that position was advertised, advertised internally.

40 That is Mr Soliman’s position?---Correct, yep.

And it’s the case, isn’t it, that both you and Mr Steyn actually applied for it?---Correct, yes.

But Mr Soliman got the position?---Correct.

Now, you mentioned Mr Steyn a moment ago. Can I ask you to go back as far as you can in your period of work with the RTA or RMS to indicate

when you first encountered Mr Steyn?---Okay, yeah, I do remember this one vaguely. So - - -

First of all, what section were you working in at the time?---When I met Mr Steyn I was working for the ITSP branch and I remember he had, he required some TIRTL work to be done at one of, maybe the early, very, very early point-to-point sites that he was managing.

10 So, pausing there. Did you understand that the point-to-point program was under his area of responsibility?---Oh, I came to, yeah, I sort of kind of figured that. I mean, I had no, I hadn't known him prior to that.

You're in the ITSP at that point. Did you know what branch or division he was working in?---I had never met, met him before, yeah.

But on meeting him, and you say that you understood that he had some particular job in respect of the point-to-point program where he might require the TIRTLs?---Correct,

20 Did you learn through your contact with him at that time as to what area he worked in?---It was the Compliance and Enforcement Branch.

Which you then moved to at a later time?---Correct, correct.

30 So, just dealing with that initial contact. He requires some work in respect of TIRTLs and TIRLTs were within your area of responsibility in the ITSP?---So I had provided, so I had provided a quote or a raw figure, something along those lines, to Mr Pringle, Stuart Pringle, who was my manager at the time. He had brought somebody in and I think their title was, I forgot the lady's name, she was the PMO officer at the time within our section and they put together a quotation or a tender because they were a service provider for other branches within the RMS, to Mr Steyn, and the price had gone up three or four times. So my I think initial quote, don't quote me, I don't remember the exact number, but it was something along the lines of 40, 30, 40, \$50,000 for The TIRTL installation work, which was kind of in line with what I had seen prior. And that figure was three or four times that after they'd included management fees and engineering fees and specification fees and so the initial meeting I had with Craig, he wasn't very impressed with that, those numbers and that's the last time I've seen him for
40 that period.

So was it the case that you didn't ultimately, that is the ITSP didn't ultimately provide the services you quoted for to Mr Steyn?---No, he wasn't, he just, yeah, he kind of (not transcribable) yeah.

Accepting that your evidence is about that initial meeting when you were in the ITSP, do you then have some further contact with him once you begin working in the Compliance and Enforcement Branch?---When I started

working with the Compliance and Enforcement Branch, from memory he, I didn't see him, so I didn't know he was in that section. I didn't see him. He was on, must have been on holidays or, or on leave, and then he was very surprised when, when he saw me working in the section, so yeah, I didn't know he was working in that section.

So did he return from holidays and you're then working in the same area together?---This is what I vaguely remember, yeah.

10 And were you in effect seated almost next to each other?---Pretty much, yeah.

Now, had you, in the period when you were working for the ITSP, was that in a different building in terms of physical location?---The Argyle Street building.

And where was the Compliance and Enforcement Branch based?---No, sorry, can you just repeat your question?

20 What I was asking you was, when you were in the ITSP, was that in a different location to where the Compliance and - - -?---Ah, yes, it was, yes.

So where was the ITSP located?---I don't know the physical address now, but it was on the, it's called the Octagon.

Octagon Building in Parramatta?---Correct, yeah.

30 And as far as the Compliance and Enforcement Branch, where is that located?---The, on Argyle Street, Parramatta.

So I'm going to suggest that this happened in about 2011, that you move into that branch and Mr Steyn then comes back from holidays and you're seated almost next to each other.---That sounds about right.

From that point, was there some – were you and Mr Steyn working on similar projects and assets?---No. He was looking after the point-to-point program.

40 So he works on point-to-point. Did you understand him to be doing anything else beyond that?---No.

And you've already described for us the work things that you were working on.---Yes.

So the various projects and assets that you were responsible for.---Correct.

Were there times though that there was some overlap in the sense that some of the devices that you were looking after were required at the point-to-point

locations?---Yeah, TIRTLs were probably required at the point-to-point locations.

So the TIRTL devices were installed as part of the point-to-point system?

---Yeah, they were installed at the point-to-point system initially as a verification tool.

10 Is it the case that having returned, Mr Steyn having returned from work, you recognised him as the person that you'd met with sometime in the past about the TIRTL quote.---I'd met him once from, yeah.

But did you then start to work together, even if on different projects, but working side-by-side doing similar-type work within the Compliance and Enforcement Branch?---Similar project management work, yeah.

And did you become familiar with him over time?---Over time, yes.

20 And over time did your relationship move from being purely work colleagues to developing some form of friendship?---Yes.

And it's the case, isn't it, that by certainly 2018 you'd become reasonable friends?---Yes.

And indeed going back perhaps as far as even 2013/2014 your work relationship I'm going to suggest had moved beyond just being work colleagues.---Yes, yes.

You developed a friendship.---Yes, yes.

30 And can you recall whether – no, I withdraw that. I'll come to specifics in relation to Mr Steyn at a later point, but can I just ask you this. Now that you are in the Compliance and Enforcement Branch, I take it by that point you're well familiar with the contract system that works when it comes to the way work is allocated to contractors?---It changed to be honest. It was, there were some changes. It wasn't, I think, it wasn't the same so I mean again – so does that answer your question directly?

I am asking about the way in which contracts were allocated.---Yes.

40 And I'm really going from requesting quotes or tenders right through to the payment of the invoice.---Yes.

And isn't it the case that during your time working in the Compliance and Enforcement Branch right through until the end, even though there might have been some variations with the system it was a fairly consistent process?---It was very similar, yes.

So that it worked this way, didn't it, that initially you would, putting aside for the moment tenders, you would call for either one quote or more quotes depending on the financial commitment involved in the contract?---Correct.

You would then go and identify the particular contractors that would provide those quotes.---Yes.

You'd get them in. Correct?---We didn't get them in sorry.

- 10 They would be received by you as the relevant person responsible for that job.---The quotations, yes, yep.

You would review them.---Yes.

There would normally – I withdraw that. There would be a contract number allocated to the job once it's identified that a contract needed to be awarded.---Every job that had the contract number which I learnt that's probably further down the track with the CM21 system, yeah.

- 20 Do you say that the CM21 came in at what point? Is it when - - -?
---Because at one point there not every contract needed a CM21 number so I think from memory anything under a certain value they didn't need the CM21. I can't remember now but - - -

But isn't it the case that the CM21 system was in place either at the time or not long after you commenced in the Compliance Enforcement Branch?---It was, I remember, I remember it was there, yes.

- 30 So in most instances except perhaps for very small jobs a contract number is allocated.---CM21 number was allocated. It's then, yep, sorry.

So, once you get either the single quote or multiple quotes, you make a recommendation as to who the job should be awarded to?---Yes.

Typically then it would be, you would be, you would be the proposer and there would be someone as the person that approves?---This is for the purchase order creation?

Yes.---Yes.

- 40 Sorry, I did miss a step. Commissioner, this'll take, this topic, perhaps another minute or two. Would it be convenient just to finish that?

THE COMMISSIONER: Yes, press on.

MR DOWNING: Thank you. It's correct, isn't it, that you make a recommendation as to who the job should be awarded to?---Yes

And typically, perhaps not universally, but typically it's the cheapest of the quotes, assuming there more than one?---Generally, yes.

Then once the contract has been awarded to the individual company, it would start work?---Yes.

And a purchase order number would be created within the system?
---Correct.

10 And there would then be a proposer, which would normally be you if it was your job?---Yes.

And then someone would be the delegate to approve it?---The approver, yes.

And that was typically Mr Soliman once you were working under him in the Compliance Operations Branch?---Yes.

And before that, was it your direct supervisor?---Correct,

20 Being who, Mr McCaffery?---Mr McCaffery and for some time it was Frank Chan. Just depending on who was in the role.

And it's the case, isn't it, that at times, where it was you putting in a particular purchase order application, that Mr Steyn might actually be the approver?---Yeah, if he was acting in that role, yes.

Once the purchase order number is created, it's communicated to the contractor?---Correct.

30 It is then in a position to submit its invoice?---Correct. With the purchase number on it, yeah.

With the reference of the purchase order number?---Correct.

Once it's received it paid by EFT by the RMS?---Correct, yes.

Subject obviously to checking and the work being done satisfactorily?
---Correct, yes.

40 Thank you, Commissioner. If that's a convenient time.

THE COMMISSIONER: Yes. Thank you. Yes, very well. We'll take the luncheon adjournment. I'll reconvene at about 2.05.

MR DOWNING: Thank you, Commissioner.

LUNCHEON ADJOURNMENT

[1.04pm]