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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 THURSDAY 27 MAY, 2021

AT 10.00AM

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

THE COMMISSIONER: Now, Mr Downing.

MR DOWNING: Thank you, Commissioner. If Mr Dubois could return to resume his evidence.

THE COMMISSIONER: Yes, thank you, Mr Dubois. Mr Dubois, I'll have the oath readministered. Again the Bible's there and I'll have my associate administer the oath.

THE COMMISSIONER: Thank you. The declaration I made under section 138 of the Independent Commission Against Corruption Act continues to apply to the evidence given today by Mr Dubois.

MR DOWNING: Thank you, Commissioner.

10 THE COMMISSIONER: Thank you, Mr Downing.

MR DOWNING: Mr Dubois, late yesterday I was asking you some questions about the way in which you first came to allocate RTA and RMS work to the various contractors who ended up doing work under you. Do you recall that I was asking those questions?---Yes.

And you described in terms of what you recall being a chronological order, but the first approach you thought was from Towfik Taha.---Could be, from my recollection.

20

And you've described the circumstances of that and you also described in the course of that evidence that there had been a – that one way or another, Hassan Alameddine also then became involved with doing work.---Correct.

And the way you've described it is that he also asked for work, but that you resisted him for a period of about six months.---I don't remember the exact period but initial, initial approach, there wasn't, yeah, inclination from me to give him work, yeah.

30 So you refused it for a period.---Correct.

And you indicated, as I understood it in your answers yesterday, that ultimately he in effect got work indirectly in the sense that it wasn't work that you actually allocated to him or his company, but it was work that he in effect pushed his way into through coming in to assist or supervise Towfik Taha.---That's correct. And can I also add to that?

40 If you'd like to add something to the evidence you gave yesterday, please do.---Yeah, just because you asked me about the motivation. I remember at the time, if I, if I may, that I remember Hassan Alameddine had, when I'd seen him again after a period of time, he had gone through a divorce that affected him psychologically and, and mentally and spiritually and I was, I remember this, I mean, this is a long time ago, but I remember his parents even asking me, urging me to help him get over his situation, because I've known his parents from previous visits to his house.

So you'd met him first but then you'd met his parents by going to his house.
---Oh, previously, back, you know, this is when I knew him years before
that I've gone to his house.

Is this in your university days?---Correct, yeah, yeah. So I've known his
parents. So they asked me to kind of help him get out of the rut that he was
in and obviously he'd brought up the money that I'd owed him and that I
owed him a favour and, and I don't remember him providing any financial
incentives initially, but obviously later on that obviously came.

10

So is what you added to your evidence today, a way of explaining that you
felt under some pressure to try and at least give him a chance to do some
work?---Correct.

Partly through his parents' approach and partly through what he had told
you about how he'd been affected by his divorce?---Yes, yes, yes.

20

Well, you acknowledged yesterday though that based on your prior dealings
with him, you had a fair cause to be cautious about having anything to do
with him in a work sense.---Oh, I've never worked with him, other than the
security, but other than that I hadn't been involved in any of his businesses
or ventures.

But, well, you knew that he'd pressed you for money when you didn't
believe you owed it to him.---Yeah, I wasn't sure about the amount, sorry,
yeah, correct.

30

And you also knew that he had stolen an exam paper from the university
and then asked you to assist in solving.---That's correct.

One way or another though, whatever the avenue through which Mr
Alameddine obtained work from you, it's the case, isn't it, that he then
received a large volume of that work over a number of years?---That's
correct.

And it's through his companies, first of all there was, do you recall, Areva
Corp?---That's correct, yeah.

40

Then Seina Group?---Ah, ah - - -

S-e-i-n-a.---Yeah, Seina.

I may be mispronouncing it.---That's right, Seina or, yeah, yeah.

Then there was also, wasn't there, EPMD?---Yeah, Efficient Project
Management.

Project Management & Deliveries Pty Ltd.---That's correct.

Now, did you understand that that was his company or his and someone else's company?---The last one, EPMD, I remember he set that up under someone else's name, but obviously they were involved with or they were aware of the, you know, the setting up of the company.

And was that other person that it was set up under, was that Simon Raha?
---That's correct, yeah.

10 And is he also known as Samir Rifai?---That's correct.

But it was your understanding, based on your communications with Mr Alameddine, that it was in effect just his company with someone else as the front for it?---That's what I understood. I mean that's correct.

Based on what Mr Alameddine had told you?---Correct.

20 And it's the case, isn't it, that between those three companies, that they ended up doing work over a long period of time and to a significant level in terms of the dollar value of it?---That's correct.

Did you at any stage consider it might be better to just stop giving work to Mr Alameddine?---Yeah, I tried a number of times.

30 And what prevented you from succeeding?---Just pressure from, from him. I mean there were multiple conversations where, you know, I've described in the past that I gravitated towards this group of people that I knew from the community, it was almost an obligation to give work to the community, things along the lines of, you know, you can trust us, if you get anybody else it may not be good for you, they may do you in, indirect pressure, or sorry, direct pressure, indirect kind of a little bit intimidating. His cousin also mentioned a few things a few times.

40 Sorry, which cousin?---This is Simon, you know, mentioning that, "You better made sure that you feed everybody, otherwise, you know, it might not be good for you." Things along those lines. Yeah, and pressure from his parents, sorry, to keep getting work. He, he had gotten himself into situations where he's owed a lot of people in the community money. Some of them, according to him, were people that were questionable, he needed to pay them back or else and, "You need to give me work," very bluntly, very firmly. So, there was many instances and I can go through those if you like, but that's the gist of it.

But again, your experience at the time, his pressuring you for work even in the first place in first place was that he had been someone that, in terms of his business, you understood he was someone who hadn't done particularly well in his various ventures?---Ah hmm.

Correct?---That's what I understood, yeah, that none of his businesses ended up, I mean, succeeding. That's what I understood, yeah.

And then you say that in the course of the period when you were allocating work to his companies, you learned from him that he owes people money at various times and he raises that as a point of pressure to seek more work.

10 ---Yeah, correct. Like, he, he would, I think he, when he had another, in parallel he had another business venture that, according to him, I mean, I, I think he lied to me about the amount that he --well, he told me he invested a certain amount, \$50,000 and then he later told me that he had lost, you know, much more money than that and people, he owed people money. I think he even said at one point he had a caveat on his house, that he needed to pay that off and he would also constantly, sometimes buy material or machinery or he could start a project or a fabrication project and then ask for, you know, stuff for that work to, to happen. So, that's over a course of a period of time, sorry.

20 You say he mentioned some other business venture. Did he indicate to you the nature of that business venture?---I think it was involved with the meat, meat business. Exporting or, exporting meats.

Was it Australian meats to the Middle East?---To the Middle East, yes.

30 And did you learn from him subsequently that there were problems with that? That is that it wasn't doing well and that he had some financial exposure through that business.---That's correct. I mean, he initially asked me to invest in that business and I said no, I wasn't comfortable doing that. And but I learnt afterwards, according to him, that he had been owed a lot of money.

Sorry, he had been owed or he owed?---He owed, he owed a lot of money, yeah, yeah. And I think he wasn't paid a lot of money for it.

40 Did that not also raise a level of concern for you in the sense that he's doing work for the RMS, but if his businesses went bad, he may be unable to complete the work that he signed up contracts to perform?---Oh, that was one of the issues that I'd always had issues back and forth with him. But he didn't tell me the, I mean, according to him, and this is, I don't know how true this is, I'm just going off his word, that he did initially invest a lot of money into this and -- correct.

But you say that there was significant pressure from him from the beginning to give him work which you resisted for we period.---Ah hmm, ah hmm.

And then when he was doing the work, there was pressure from him to keep giving him more?---Correct. Even wanted to venture out and do other works that other contractors were doing, yeah.

And you agreed with me yesterday that in terms of his skill set he had no background at all in any form of civil works that you were aware of?
---Initially, no, but, I mean, as time went on he started to development a little bit of a niche for certain items but initially, no.

Through learning doing the RMS work?---Correct, yeah, yeah.

And what was his niche area?---Oh, he started to become familiar with, you know, fabrication works in - - -

10

In steel?---In steel, installing, installation methodologies and that's obviously over time. And the signage, he became very familiar with the signage standards and the process to install signs et cetera.

I'll come to specifics with Mr Alameddine's companies later but it's the case, isn't it, that there were frequently contracts allocated to him which involved getting steel fabricated?---There, yeah, as a, yeah, correct. Not initially but afterwards, yeah.

20 Over time?---Yep.

But he himself wasn't capable of doing steel fabrication, was he?---No, no. He wasn't a fabricator himself, no.

So, he would subcontract out that task to others?---That's correct, yep.

And wasn't that also a mechanism by which he could then inflate his invoices so that there was enough of a margin to pay you your kickback?
---No. Sorry, can you repeat that question?

30

What I'm asking about is the work that he did in respect of steel fabrication and you've confirmed that, not initially, but over time, there were a number of contracts he obtained.---Yes.

Where he was a contractor to the RMS for steel fabrication?---Yes, yes.

And you've confirmed that he didn't actually perform that himself, he subcontracted it?---Correct.

40 And what I'm suggesting is, that arrangement where he was the contractor but actually subcontracting out the actual key tasks to be performed, that was a mechanism by which he could inflate his margin so that there was sufficient money to pay kickbacks to you.---I didn't, I don't recall thinking of it this way. A lot of the, a lot of the fabrication that went on was all through third parties. So the fabricators never installed the structures. It was always going through a third party.

But I'm suggesting, in relation to the contracts that Mr Alameddine obtained for steel fabrication, there were in fact two parts to the fabrication. The first fabrication was the actual steel that was being subcontracted to someone else to fabricate?---Correct.

But also I'm suggesting within his quotes and invoices, you knew there was an element of fabrication in the sense that he was overcharging for effectively just managing someone else to do a task that the RMS could have directly engaged them for.---Um - - -

10

Do you agree with that or not?---I, maybe, I mean, look, I have to think about this answer to this question, because there's a lot of variables here. A lot of these guys weren't on panel – anyway, doesn't matter. I, I don't know how to answer that question.

Well, wasn't it a neat way for him to, in effect, charge more than he was really entitled to because he wasn't bringing a lot to the table in just managing someone else - - -?---No, because - - -

20

- - - to fabricate steel.---No, a lot of the contractors, even if it were to, say, for example, before internally, internally, we would go to the Yennora, they would also engage specialist fabricators. So it was, it was, it was, it was a common practice. It, you, we rarely engaged actually, actual fabricators. You know, I mean, there was a, there was a few instances for the point-to-point program, but other than that, a lot of the, there was, sometimes there was three third parties.

THE COMMISSIONER: Mr Dubois.---Yes.

30

You have made admissions of you having improperly received kickbacks. ---That's correct.

And as I understand it, you've also accepted that many of the contractors to whom work was allocated by you were also acting improperly.---Yes.

And acting improperly in a way which generated to them very considerable financial benefits.---Yes.

40

That right?---Yes.

So it was not just you acting corruptly, but they were acting corruptly, the contractors.---That's correct.

And in order for them to be able to structure these contracts of work for RTA/RMS, there had to be, if they were acting corruptly, a method they employed to embed in the quote and the invoices an amount which would return them with corrupt benefits, correct?---Correct.

Sorry?---Correct.

Right. And I think Counsel's just taking you into what seems to me to be almost a self-evident scenario, based on your evidence, in terms of how these corrupt dealings work, but perhaps if you just attend to Counsel Assisting's question and questions on these matters, and just respond to them directly, please.

10 MR DOWNING: Thank you, Commissioner. You understand I'm just asking, at this moment, about Mr Alameddine and the fabrication works he did?---Ah hmm.

And you acknowledge that he, through his companies, ultimately paid significant kickbacks over many years?---Correct.

And what I'm suggesting is, one of the means of him achieving sufficient margin to pay the kickbacks was through those fabrication contracts.
---That's correct.

20 Because where he was in effect just project managing other people that were doing the fabrication, it was an easy mechanism within which to build a decent margin.---That's correct.

All right, thank you. Now, moving on from Mr Alameddine, you've described now for me, in answer to my questions, the approach by Mr Taha, the approach by Mr Alameddine in effect in concert with Mr Taha initially.
---Correct.

30 Although ultimately Mr Taha disappeared off the scene and Mr Alameddine continued for many years to provide the work.---Yep, he got pushed out, yep.

Was he pushed, was Mr Taha pushed out by Mr Alameddine?---I think, I think he had a role to play, yes. A significant role.

And did Mr Taha – that is Towfik Taha's brother John Goldberg – also have a role to play in pushing him out?---No, I don't think so. I don't, I don't feel that way.

40 All right.---I don't feel that way.

Who else played a part in pushing Mr Taha out, other than Mr Alameddine?---I'm not entirely sure. There was another gentleman involved with a meeting we had one time, his name was Mohamad Alameddine, he was I think a distant cousin of Hassan Alameddine. He was like a, like a religious sheikh figure who he was like an arbitrator at the time or Hassan got him involved and he got me involved with this particular gentleman, that's another story, but I remember he may have had a role to

play, but I remember Hassan Alameddine definitely had a role to play with, with that.

But you believe that Hassan may have brought in his cousin, Mohamad, who was a sheikh?---Yeah.

Who then in effect helped to settle some dispute between you and Towfik involving his access to work?---That's correct, yeah, correct.

10 We will come back to that later, but did that, I'll call it an informal arbitration, did that involve in some form of compensation being paid to Mr Taha?---That's correct.

And what was that?---He wanted a certain amount of money and I think it was agreed to, that he received 150,000 in compensation and that was paid off, not, it was arranged that he would receive a vehicle, it was a Porsche, that was valued at the time at 125,000. And he accepted that.

20 So in a nutshell, he felt aggrieved at being pushed out of the work.---Yes.

That is that you weren't going to allocate it to him anymore through TTS. ---Correct, yeah.

He sought something in return?---Yes. He was disgruntled, so there was probably other reasons, yeah, but yeah.

30 Did I take it that he expressed to you that he believed he was entitled to something for being pushed out?---Yeah, something like that, along those lines, yes.

Did he say anything explicitly to the effect that if he wasn't settled up in terms of what he wanted, that he might alert others to what you were doing? ---I remember it was, for me it was a stressful time. I don't remember the exact conversation, but I was a little bit fearful of ramifications.

40 That is if someone were to reveal what had been going on between you and Towfik and indeed Hassan Alameddine?---Yeah, correct, and his cousins I'd had maybe, not conflict with, but they were well-known in the community to be people that, you know, you don't want to really maybe get on their bad side.

So do you say that Hassan Alameddine suggests bringing in his cousin, Mohamad Alameddine, to in effect try and settle the dispute?---That's correct.

And ultimately the way it was settled with the sheikh's involvement was a suggestion of a figure of about \$150,000 be paid to Mr Taha.---That's correct.

In effect to compensate him for lost further business.---Potentially, yeah, and I think there was issues prior to that, yeah, there was.

But instead of it being paid in cash, it was paid by you providing Towfik Taha with a Porsche - - -?---Yes, but - - -

- - - valued at about 150,000.---125, and then I think there was 25,000 that was paid Towfik Taha through his brother later on.

10

So, and was that – I’ll come to the cars later, but was that car that was provided to him one of the cars that had been bought for you via the various contractors?---That’s correct, yeah. I think it was bought for me through Towfik, through - - -

Through TTS?---Yes, yes.

Do you recall what model, make, sorry, model or variant that Porsche was? ---996 GT2.

20

Colour?---White.

Can we then move on from Towfik Taha and Hassan Alameddine, to Mr Hadid and Mr Chahine, because it’s the case, according to the RMS records, that they were also doing works at a fairly early period during your time at the RTA.---Okay.

I’m going to suggest from about mid-2010.---Okay.

30

Which puts them fairly early in your period of work.---Okay.

Can you recall the circumstances in which they came to do work? Whether that is they approached you or you approached one of them?---Again, this is a long time ago, so I’ll do my best. Barrak Hadid, which I knew previously, as you mentioned earlier, he was at one point living next to me, I think in the early 2000s, and then he disappeared for a couple of years, I hadn’t seen him. And then I think he was going through a divorce as well and I reconnected with him somehow, I don’t know how. He was living at Bankstown in a one-bedroom unit on, I forgot the street name, in one of the, in, in the heart of Bankstown, and he had a few kids at the time, and when I’d seen him, I think I’d visited him at his property or his residence and he had told me that he, they were still working in, he was working in the gyprock, plastering, construction field. I think he just started working with Chahid and with him at the time.

40

So they were working together?---I think at the time because he was working, this is what I remember, that he was working with his uncle, and his, his uncle, his uncle had claimed bankruptcy. He, and the company was

in Barrak's name, which put him, a very bad situation. He had lost his car, money and - - -

Sorry, that is his uncle had – business had gone under but it was in Barrak's name.---Correct. And then as a result he felt the need, so this is why he partnered up with Chahid Chahine. They started a company together because he trusted him. And they weren't doing the best. They were just basically, you know, doing bits of work. I wasn't sure exactly what the situation work-wise. But they obviously needed to, you know, get on their feet and, and, and, and that's, that's what I remember initially. So he may have suggested if I could help him, I can't remember, but I remember that they, I think there was a project at Mount White southbound that, where the comms room needed to be relocated. There was no comms room per se. The comms rack, sorry, needed to be relocated, the comms room.

Is comms short for communications?---Communications rack.

Thank you.---Which was in, it, it sat very close to the inspectors while they were working. So I think I, I remember that they, they built, I remember Barrak explaining to me the sort of work that they were doing, and I remember this was kind of up their alley because it involved building gyprock walls and a room and they were very capable of doing. So I, I may have asked if they could help or if, maybe asked for advice, and maybe the conversation led to them maybe getting an opportunity, yep.

I'll come to the specifics of the work they did a little later, but it's the case you knew at the time that they had both done plastering apprenticeships and they did general gyprocking and small-scale civil works?---Correct. And Barrak at the time was explaining to me that while he was working with his uncle, they had done some pretty large projects with storage facilities and, and, and some, the likes, you know.

But it's the case that while they might have had that general experience, they didn't have any specific experience in respect of either roadworks or the camera systems that you were responsible for?---No.

And the work that they did involved more than just general civil works and gyprocking, didn't it? The work that they ultimately go through you at the RTA and RMS.---Eventually, yes. Eventually, yes.

So again is it the case of them effectively learning on the job?---The initial, as I said to you just moments ago that they were involved with the – from memory, and I could be wrong, but this, this is what I recall. One of the first projects they did was the building of the comms room, which was kind of very familiar. It was kind of up their alley, like I said.

I'll take you to the specific jobs. I'm going to suggest they did a number of jobs in respect of TIRTLs in the early phase, as well as some work on the comms room.---Yes, that's correct, yep.

So that you were giving them a chance, in effect, in some areas that they had no experience.---Mmm.

And other areas where you believed that they had some background that would suggest that they could do the work.---Correct, yeah.

10

Now, moving on from them, do you recall others that you ultimately gave work to early in your period of time at the RTA and RMS?---Early on?

So I'm thinking of the early period. Sorry, I withdraw that. Before I move to that, you're aware, aren't you, that ultimately Mr Hadid and Mr Chahine performed work over a number of years through a number of different companies?---That's correct.

20

And I'll come to them in a moment, but do you recall that the first company that they were operating and you offered work to was Complete Building Fitout Pty Ltd?---That's correct.

As far as others are concerned, can you recall first of all, in the early period of your time at the RTA and RMS that you provided some work to a Mr Alan Rifai?---Ah - - -

30

Also known as Talal Rifai?---Yes. I can't remember how many, I think maybe, there wasn't many. I think maybe one or two. I can't remember, yeah.

Just do you recall he had a company UDE Group Pty Ltd?---Yeah, I forgot about, yeah, I, I do. That rings a bell, yes.

And do you recall he had a background in demolition and excavation?
---That's correct, yeah.

40

Do you recall how it was that he came to obtain work from you, whether it was you contacting him or him approaching you?---I, I may have known him through the gym, but I can't recall exactly how that came to be. But I remember I knew him from the gym. There was a gym at Condell Park that I, that I used to go to.

But you can't now recall how he first came to, in effect, put his hat in the ring for RMS work?---I don't recall exactly, no, I don't.

What about Bilal Najjarin, who I've asked you some questions about yesterday. Do you recall?---Ah hmm, ah hmm.

And do you recall he had a company BMN Electrical Services?---Yep.

And I'm going to suggest to you that he also did work early in your period at the RTA and RMS, indeed between mid-2010 and mid-2011.---Okay, yep.

Can you recall how he came to get work through you?---I, I knew Bilal Najjarin through Nabil, Nabil, it's Nabil, it's a cousin of Nabil. Yeah. I knew, I knew he was an electrical contractor.

10

Sorry, just pause there. You knew him through your cousin, Nabil?
---Correct, yep.

So, do you recall then whether it was you who approached Mr Najjarin or he approached you, looking for work?---I actually don't recall to be honest, yeah.

20

Then if we could move to Abdula Nachabe. You answered some questions about him yesterday and confirmed that you understood he was an engineer.---Ah hmm.

And you indicated in your answers that his company, A&A Structural Solutions, had done some work in mid-2011.---That's correct.

And do you recall that work involved going around and inspecting and reporting on the various gantry structures?---Correct. The inspections, yeah.

30

Do you recall how it was that he came to obtain that work, whether you approached him or he approached you?---Oh, I, I, I, I remembered I was friends with, with Abdula. He used to work in the, the city. I can't remember which company he used to work for. So it may have been in conversation, I'm not sure. I think he wanted to go on his own. I don't recall exactly how that came to be, whether I suggested it or he, it was a mutual thing. I'm not too sure. I can't recall, yeah.

40

And then following on from those reports, you confirmed yesterday that you also knew his brother Gamele, whose company Senai Steel Pty Ltd then did some work on the gantry structures?---I remember his brother maybe I met very limited times but I didn't, wasn't good friends with Gamele at the time.

But do you recall how it was that he got to, in effect, put his hat in the ring for the work? Was it you approaching him, was it he or perhaps Abdula suggesting that - - -?---Maybe, I think, may, may have been Abdula suggesting because I think he started a company, or he started working with his brother.

And you recall the company that did it was Senai Steel?---That's correct, yeah, yeah, yeah.

Now, it's also the case, isn't it, that fairly early in your time at the RTA and RMS you began awarding work to a company which was controlled by Mr Goldberg?---Yeah. I don't remember the name of the company. You mentioned it yesterday.

I did and I'm suggesting to you that there were a couple of companies. One of them was MJ Wilsons Projects Pty Ltd that did some work.---Ah hmm.

10 And also that, for at least a brief period – I withdraw that. I'm sorry. Just focusing on MJ Wilsons. Do you recall that that company – well, first of all, do you recall that Mr Goldberg approached you about a company that he was associated with being able to do some work?---I remember being approached by Mr Goldberg for work, yes, but I can't remember, as I said, as I said to you earlier, I don't recall the name of the companies.

20 Well, we'll take you to the specifics of that later. All right. I want to now move from the approaches for work to how it was that you came to start receiving benefits from the various contractors, and I'm going to suggest to you that the records indicate that receipt of benefits from no later than mid-2011. Does that accord with your recollection in terms of when it was in your period of work when the benefits began to be received?---Potentially, yes.

30 And what I'm interested in, in relation to each of the contractors that I've asked you about, is was it the case of you approaching them for some form of, in effect, kickback or reward for the work they were getting or was it them offering it to you?---I, I don't ever recall saying – I'm not saying, you know, I never, I don't ever recall saying to a contractor that, "If you don't give me payment you're not getting the work." I don't ever recall that. And I could be wrong but I don't ever recall that. So it would be the latter that you have just mentioned, that they were basically suggesting - - -

THE COMMISSIONER: Mr Dubois you're not answering the question.---I am answering it.

Perhaps we'll have it put again so that you can focus on the question.
---Okay. Can you please repeat that question?

40 MR DOWNING: Sure. I guess what I'm trying to get a clear answer on is whether the, with the various contractors that ultimately ended up paying you kickbacks, whether that started via an approach from you asking for the kickback, or them in effect coming to you unsolicited and offering a kickback?---Over all the contractors, because this is kind of (not transcribable)

There are a lot of them, and we can break it down, but just pausing there, the mere fact that there are many of them that you received kickbacks from, I

know there were connections between them but ultimately you are the common link between each of those relationships. Do you say that each of them independently approached you with the offer of a kickback or that you, whether you directly said words that tied it to the receipt of work or not, that it was you that said to them, “I need you to make some payment to me or on behalf of me?”---I don’t recall that, no. It’s hard to say. It could have been both.

10 So do you leave open as it being a possibility that they all independently approached you and offered to make payments?---Yeah, I, yes, and if I could mention vice versa as well.

Well - - -?---It’s hard to – I mean - - -

20 THE COMMISSIONER: Is what you meant when you said it could have been both, could have been either way, you telling them or they offering it to you?---Yeah, correct. I mean I don’t ever recall saying to a contractor, “If you don’t do work, if you don’t give me money you’re not going to get, or you’re not giving a kickback, you’re not going to do the work,” but it could have been discussion with them about what the other contractors have in place with me, which they knew, it could have been that, like that, yeah.

MR DOWNING: But from an early stage in your work, you were receiving the kickbacks.---Correct.

And thinking about the order in which you’ve described your relationships, you believed it was Towfik first, with Hassan coming in not long afterwards.---Correct.

30 And do you agree that Mr Hadid and Mr Chahine were also fairly early in the piece?---Correct, that’s correct.

40 Well, how do you recall the first discussion with anyone about kickbacks occurring? How did it first come up?---That’s very – I’m trying to – it’s, it’s a long time ago, I don’t remember exactly, but I can, I do recall some conversations with Towfik about, or with Hassan saying, mentioning a percentage and I was talking to Towfik about what Hassan, Hassan had said and I think Hassan was trying to incentivise me to give him work, so he must have mentioned a percentage of the, of the profit that he would acquire from the work from the RMS or the RTA, and then I mentioned to Towfik, he said, “No, well, no, if we do this, you know, you’ll be like my partner and I can, I will give you, I can give you” – to that effect, something, words to that effect, that I can give you more than what Hassan has said.

So, sorry, in effect there was some sort of bidding war between Towfik and Hassan?---I kind of just told Towfik, “This is what Hassan was saying,” and, and he said, “Well, no, well, you’re basically” – if, in layman’s terms, “If it wasn’t for you I wouldn’t be able to get the work, so you will be

essentially my partner and if you ever leave the RTA we will continue working together as partners.”

THE COMMISSIONER: I understand though there were occasions when there did occur what’s been referred to as a bidding war between the contractors.---Maybe between Towfik and Hassan, but, but that was, that’s what I remember, the conversation that I had with Towfik, and that may have been very early discussions about incentives.

10 You may be asked about this later, but can you bring to mind particular contracts in which there was that bidding between contractors to get the work?---No, I don’t recall that. I don’t - - -

You don’t recall any project?---I, well, I don’t understand your question, Commissioner, sorry.

You know what a bidding war means?---Yes.

20 One contractor’s upping the ante, as it were, bidding against another contractor for a more favourable deal in order to secure the work, secure the contract.---Yes.

I’m asking you to recall particular contracts where that did occur.---I don’t recall that occurring. I don’t recall that a contractor was outbidding another contractor for the work.

But you acknowledge it did occur.---This is for the incentives, it wasn’t for a specific – I don’t recall that being for a specific project.

30 Well, you may not be able to tie it to a particular project, but you don’t deny that it did, did occur on occasions?---Yeah, ultimately that’s what I’m saying, I’m saying early on.

That’s what you’re saying, is it?---Early on, that’s, that’s, that’s what I vaguely remember, there was some conversations along those lines, yes.

40 MR DOWNING: Thank you, Commissioner. But going back to the origin of any form of kickback from Towfik, do you say that he initiated some discussion with you about perhaps a margin or perhaps a commission or something that would be paid to you? Or did you, even if in indirect words, raise it with him?---I, I, what, again, I don’t recall but I recall a conversation that I had with Hassan Alameddine which I - - -

Just pause for me there, though.---Yep.

Isn’t it the case that before Hassan is trying to muscle in on Towfik’s work, Towfik is already paying you some form of benefits?---I don’t recall at the time, it’s all, it’s vague for me.

Sorry, then go on, you were saying you remember a discussion with Hassan.---Which that I relayed to Towfik Taha and that's when he, that's, just what I said earlier, a few minutes ago.

So Hassan raises with you that you might be a form of partner with him and that, what, he would pay you a fee to reflect that you're in business together?---Correct.

10 And you relay that to Towfik?---Yes.

Presumably so that Towfik would know that that's what he's up against. ---No, I just, it was in conversation. I don't know. This is 10 years ago, so I don't remember the exact conversations. I'm doing my best here, okay?

I understand. Why would you want to relay something that Mr Alameddine had raised with you, in effect proposing that he's going to pay you kickbacks? What was the rationale for raising that with Towfik?---I just always kind of, I don't know, I just – Hassan Alameddine was, is, is, was, 20 the things that he did sometimes were, were frustrating, and he came across as cunning, so it may have been a conversation where I was telling Towfik, this is, look at what Hassan Alameddine has said to me or proposing, and Towfik said, well, along the lines of "If we, if you leave work," and which I planned to do, "we will continue as partners and I can give you a larger share or we're partners in the business." This is what I recall, sir.

But you deny that it was perhaps a motivator for you, in passing that approach from Hassan to Towfik on, that in fact Towfik might say, well, I'll see him and raise him a bit more?---It could have been. I don't know what I 30 was thinking at the time. Possibly, yes, maybe.

But do you recall any discussion with Towfik about how it would be that they would, that he would arrive at what you would receive from his work? ---Sorry, could you repeat that?

Do you recall any discussion with Towfik about how he would arrive at what you would receive from his work?---Maybe. I don't recall the conversation, sorry, but, yeah, sorry.

40 Do you recall perhaps there was a general approach you had in dealing with various contractors in terms of how you arrived at what would ultimately be the amount of kickback? I'll come to the form of kickbacks later, but in terms of just how it would be arrived at. Did you have a way in which you would generally speak to contractors and say, "When you've worked out your price, et cetera, the amount that will be paid to me is X dollars or X per cent"?---Ah hmm, correct, yeah.

So what was it? Tell me, thinking of the early days, and maybe it might have changed over time or evolved, but in the early days did it reflect a price or a percentage that you would generally discuss?---Oh, early days, it could have, it could have, could have gone from 10 per cent to 30 per cent, at one point 50 per cent of the profit as agreed with, with the contractor over time, yes.

Now, just stopping there.---Yep.

- 10 Is it your recollection that, in the early days, that the percentage that you discussed with the contractors was lower?---Yeah, I think Hassan Alameddine, I remember that figure, 10 per cent, yeah, correct, yep.

And do you believe that that was something that you were also getting from Towfik Taha, in rough figures, about that same margin?---I actually don't recall. I don't recall.

- 20 What about Chahid Chahine and Barrak Hadid?---I also don't recall, to be honest, what the percentages was early on. I remember what they were later on. It could have been per project, when they were rolling out the TIRTLs. I remember there was, there was a figure, as opposed to a percentage, for each TIRTL installed.

Well, just pause there, then. With the TIRTLs, what was the figure per TIRTL that was being installed?---I think it was a few thousand dollars.

So it would depend on how many TIRTLs were being installed.---Correct, yeah.

- 30 But your recollection is that even from the early works involving the TIRTLs with Barrak and Chahid, that there was a margin that was being built in, in order to fund kickbacks?---To fund kickbacks. A margin built in to fund kickbacks. Oh, they were, yeah, what you're saying is that they would put my kickback price on top of their price, is that what you're saying?

- 40 Well, they weren't paying it out of their own pocket. I'm suggesting that whatever price they were quoting and ultimately billing reflected whatever their genuine price was plus whatever was to be paid to you.---I have to disagree with you. That's not how it kind of worked. It may, it may have worked on some contracts, but generally that's not how it -- yeah.

All right, well, let's go back to the part that you do seem to agree with.---Yeah.

You say that with the TIRTLs there was a price per TIRTL, a few thousand dollars.---Yes. Some, I can't remember exactly, yeah.

Perhaps I was misunderstanding your evidence. I thought you were indicating to me in your answer that that price per TIRTL reflected your kickback, not the actual genuine price to install it.---No, it was the kickback after they installed the – correct, yeah.

So, there had been a discussion – let’s break it down. TIRTL installation work was done early in the piece of Complete Building Fitout’s contract work with the RTA and RMS, correct?---That’s correct.

10 And you’re indicating that with that early TIRTL installation work that you had had some discussions with Barrak and Chahid about there being a kickback that you would receive to reflect, depending on how many TIRTLs were installed, about a few thousand per TIRTL?---Correct, yeah.

But do you say that the next step I’m putting, that is that you understood that they were then including that in their price, you disagree?---I don’t remember that’s how the discussions were. I don’t remember them saying, “Look, our price is X and now you want a kickback of Y, we’re going to now do X plus Y.” That’s not how it worked. I don’t remember it ever
20 working like this. I, I remember them pricing the entire job and built into that job, or from the profits after they had taken out the costs and any tax that they had to pay and any outstanding travel fees et cetera, then they would give me a percentage of – maybe for the TIRTL it was different, but later on it was a percentage of the profit.

THE COMMISSIONER: And your margin was embedded into that exercise they performed, is that right?---Correct, yeah.

30 But you would give them some indication of what percentage would apply to the particular - - -?---Not every time, Commissioner. It was - - -

No, well, perhaps not every time but from time to time you would specify a percentage?---Correct. I mean - - -

Is that right?---Correct. I mean, sometimes they would just kind of, it just kind of held, it stayed the same for, for like, for works that came afterwards.

40 Could I ask you this? Over time there were contractors who you knew and who got repeat work, contracts over time?---Correct.

Awarded by you?---Correct.

And would it be true to say that over time all of the contractors that you dealt with and from whom you got kickbacks were either people you knew as friends or you knew as members of the same ethnic group as you belong to, in terms of your ethnicity, or both of those things, friendship and that you shared that ethnic aspect in common with them?---Yes.

And that in the relationship that developed over time, they came to understand that there would be a margin in it, or a kickback for you, they may apply the same margin or kickback contract after contract or it might vary from contract to contract. Is that, in general, a fair statement?---In general, yes, yes, yes, it is.

10 Well, are you able to say whether more often than not they knew in advance how much to allow for to provide a kickback or was it more often than not up for negotiation as to how much the kickback would be?---So the percentage obviously was common for projects and then from project to project obviously the amount would vary based on the profit that was remaining. Yep, that makes sense.

MR DOWNING: And it sounds, from the answers you've given both to me and the Commissioner, that there was some specificity to your arrangement with different contractors so that they weren't all exactly the same? ---Maybe at the beginning they weren't but then afterwards there, there was, there was the same contractors doing the work, yeah.

20 But dealing with – let's go back to Mr Taha. You say initially it was about 10 per cent of whatever profit there was after all of the costs had been - - -? ---I, I don't recall with him exactly how much, yeah. Sorry, yep.

So it was Hassan Alameddine?---Yes.

About 10 per cent after he had costed in all of the various genuine costs associated with the project?---That's what I recall, and I could be wrong but that's what I remember, yeah.

30 But then over time that increased to 30 and even up to 50 per cent? ---Correct, yeah, correct.

So in the later years, with contracts that were allocated to Mr Alameddine's companies, that there was a much bigger percentage that was being allocated towards your kickbacks?---From the profit, from the profit.

From their profits?---Yes, correct.

40 So after allowing all of the genuine material costs, labour costs, travel costs, subcontractor costs et cetera?---Correct.

And do you say that Mr Hadid and Mr Chahine, you believe initially with the TIRTL rollout it may have just been – or sorry – that it was that it was just a set amount per TIRTL, maybe a few thousand dollars. That was your kickback?---That's what I recall, yeah.

But then over time it went to a percentage of their profit.---Depending on the project, correct, but most of that, most of the time it was after, yeah, yeah, correct.

And then what sort of percentages, were they equivalent to what you were getting from Mr Alameddine?---Correct.

And it's the case, isn't it, that the various contractors that I've been discussing all knew each other?---This is very early on you mean, sorry?

10

Well, early on when it was obviously Mr Taha and Mr Alameddine knew each other?---Yes.

And as time progressed, the biggest contractors were Mr Chahine, Mr Hadid and Mr Alameddine.---Yes, they all knew each other, correct.

And it's the case, isn't it, that you would meet with them, that is all of them, from time to time?---Yeah, towards the later, yeah, correct.

20

Well, I'm going to suggest that it was on a number of occasions right through.---Yeah, I've already said that previous, yeah.

And it's the case, isn't it, that when you met with them, you would actually discuss with them together the sort of margin that you were getting and that they were to pay on the different jobs?---No. When we got together it was more about talking about the individual work, but the percentages had already been in place, so it was just a common practice.

30

But do you say that there was never a discussion about that with all of them together, that it was individual discussions with Mr Hadid and Mr Chahine on one day and Mr Alameddine on another?---Sorry, can you just repeat that question, please?

40

What I'm asking is whether there were ever – I'm not suggesting formal meetings where someone's going to send out an Outlook invitation, but meetings in a sense that you would all get together and informally discuss the work that was coming up and what the expected margin was on that job and what would then be paid as the kickback?---We really didn't talk about margins in those meetings because they all just understood what the process was, so it was more about maybe the pricing or what the quotations are going to be and what the work involved and which company was going to be allocated for the work.

Well, just on that point, it was the case, wasn't it, that in those meetings you would have discussion about jobs that were coming up?---Correct.

Who you were going to invite to quote?---Yeah, correct.

And often you would actually tell them who was going to win the job?
---They would, I wouldn't, they would ask. Well, I mean it was a, it was a,
it was a, it was a, it was, it wasn't just, it was myself and the contractors that
spoke about that.

But at the end of the day it's you who is going to be writing the
recommendation to Mr Soliman in the later years, and other supervisors
earlier, as to who's going to be allocated the contract?---Correct.

10 Isn't it the case that in those discussions with Barrak Hadid, Chahid Chahine
and Hassan Alameddine, you would say, "These three companies will be
quoting on this job and this company will get it"?---I guess so, I mean you
could say that.

And in those meetings there would actually be explicit discussion about
what price the various companies would quote at.---Yes, yes, yes.

20 So that from really even before the job had been sent out in the sense of a
request for quote or a request for tender, you'd already been speaking to
them about the prices each would put in and who would have the lowest
price and who would get the job.---Yeah, we spoke about, we spoke about it
openly together, yeah.

And at that point you would have had already some idea, at least perhaps on
a rough calculation basis, of what the margin might be and what you would
get as your kickback.---It just depends on the, on the project, yeah.

30 But obviously until it's finalised and they've paid the last of the
subcontractors, and there might be variations et cetera, you don't know what
the exact price would be.---That's correct.

But you would have had a sense when you were indicating to each of the
contractors what they were going to quote at, how much the margin would
be in a rough sense - - -?---Correct.

- - - on the winning price.---Correct, correct.

40 So that you would have been working on a rough calculation as to what
your margin would be from the person that you were deciding that that job
would go to.---That's correct.

And that was a process that was went through many, many times with Mr
Chahid, or sorry, Chahid Chahine, Barrak Hadid and Hassan Alameddine.
---That's correct.

Did that process also occur in the early stage with Mr Taha and Mr
Alameddine?---I don't recall having - maybe, maybe not, I don't recall.

What about Mr Goldberg?---Mr Goldberg, with, with Hassan Alameddine, you mean?

And perhaps Towfik Taha as well.---I don't recall that. I don't recall. I don't recall.

Now, when it came to actually having them submit quotes, you would assist them from time to time, wouldn't you?---Yes.

10 That is, writing up the narrative to describe what was involved and making sure that it met the requirements of the description.---I would check, I would check their quotations or the wording and, and what they included, yes.

Did you sometimes actually draft them for them?---Maybe, maybe. Initially a few times, maybe. But they got, they got used to the process. They, they had their own documents, yeah.

20 Can you recall that perhaps in the early stages that they were a little bit rough and ready, some of your contractors, with the paperwork that was required?---Yes, yes.

Particularly Mr Taha.---Mr Taha and Mr Alameddine. Pretty much all of them.

And it's the case, isn't it, that they would send you, in effect, open Word documents for you to either draft entirely or to edit for them?---That may have occurred, yes.

30 And you're aware that when the - - -?---It wasn't as common, but they have.

But you're aware, aren't you, that when the search warrant was executed on your premises on 18 June, 2019, there were a number of computers and also storage devices seized?---Yes.

And you're aware, aren't you, that on those devices are multiple quote documents and invoice documents in Word form from each of those contractors?---Yep. That's correct.

40 Because you would receive them as Word documents, and it was a very common thing to then open them, change the wording or - - -?---They asked me to set up the templates sometimes, so yes.

So you'd actually set up the templates to begin with?---Sometimes. Sometimes. I can't recall all of them, but for some of them I have, yeah.

Who can you recall doing that for?---CBF and I can't remember if I did it for TTS. I mean, I think Hassan Alameddine did his own, but I helped him

copy another contractor's document and I think I, they may have, even Chahid Chahine may have copied another contractor's documents.

So coming I guess to the end of that process of meeting and discussing and setting prices, what you were doing was rigging the quoting process?---Yes.

So that starting with small matters where the contract was under \$50,000, it was up to you who you were going to invite to quote.---Yes.

10 So determining who would win that job was a fairly straightforward thing. ---Where it's a single contractor, yes.

So you would just decide which of the various contractors that you had a relationship with would quote, and they'd get the job.---Correct.

Where it was between 50 and 250, though, you had to get three quotes. ---Correct.

20 And what you would do in that instance was rig it in the sense that there was no genuine arms-length assessment of quotes going on. You were going to predetermine who would get the job.---They had one quote, quote that was the actual price, and then the others were dummy quotes, correct.

Then once the jobs had been done and the works were allocated, then you received your kickbacks.---Correct.

30 And just – I'll go to specifics shortly, but it's the case, isn't it, that the forms of kickbacks that you received varied a bit from contractor to contractor? ---Sorry, could you repeat that, please.

Sorry, you also need to just stay close to the mic.---Could you repeat that? I didn't - - -

Sure. The form of kickback you received varied a bit from contractor to contractor, didn't it?---Correct.

And it did evolve a bit over time as well.---Correct.

40 Just thinking first of all of Mr Taha, can you recall that he was making payments into – or, sorry, I'll leave it as an open-ended question. What's your recollection as to how he was paying kickbacks to you?---I recall that it would have been, early on it would have been a combination of cash and transfers.

And I think you said in evidence yesterday you thought it was transfers to the Australian Technology Group.---I think so, yeah. I don't recall, but it may have been, yes.

And I'm going to suggest also that there were transfers to MWK Developments. Do you recall I asked you some questions?---Yeah, that was later on. That was – correct, yeah, that was probably potentially later on, yeah, which I completely forgot about but, yes, I, I, I agree.

But MWK Developments was a company that was set up with Mr Taha himself as the director?---Correct.

10 All right. And a number of other contractor companies made payments into the MWK Developments account, correct?---Potentially, maybe, yes, yes, I think they have. I, which I forgot about, but I agree.

Well, it was actually quite a bit of money, wasn't it, that went into MWK Development?---I actually forgot, to be honest, where they transferred the money, but I agree, yes.

20 Well, I'm going to suggest that the money that went in there was over a million dollars. But do you say you'd forgotten about it being used?---I remember MWK doing, I think I remember MKW may have done work for the RMS. I can't remember, though.

I'll come to that later. But with Mr Hadid and Mr Chahine, do you recall that there was some cash they paid you?---Mr, sorry, Chahid Chahine and Mr Hadid?

Yes.---Yes.

30 And do you also recall that they used a couple of non-contractor companies in order to funnel moneys to you?---That was probably later on. Talking, talking initial stages or - - -

Well, tell me in the initial stages what you recall was the mechanism.---It was similar to Towfik Taha, I think it was a combination of the two.

Cash and - - ?---And transfers.

40 And do you recall that they made some transfers into MWK Developments?---Again, I don't remember exactly. I remember there was transfers. Now, whether it was, I, I had thought it was Australian Technology Group but you're saying it's MWK but I know there was transfers.

And then is your evidence that you recall later in the piece they set up specific non-contractor companies through which moneys were funnelled? ---Correct.

And do you recall that the contractor companies – and I'll come to them specifically in a moment – were Complete Building Fitout and then CBF

Projects initially?---Complete Building Fitout and CBF. I think they changed the name, correct, yep.

Yes, I'm going to suggest that the company that first did work for the RTA and then RMS was Complete Building Fitout and that they then stopped using that and used CBF Projects.---That's correct.

And that over time they also set up two other contractor companies, Ozcorp Civil and Euro Civil & Maintenance.---That's correct.

10

But separate to those, those companies that were doing contract work, do you recall that they set up these two non-contractor companies, Euro Projects Pty Ltd?---And there was Built Engineering.

Built Engineering.---I don't, I don't remember Euro Projects but that may have been, yes, yeah.

20

Now, I'm going to suggest that through those companies they funnelled moneys to you.---Okay, yeah. I thought it was through Built only but you, that could be right, yeah.

THE COMMISSIONER: Are you agreeing with that proposition?---Yes, I am.

Through those companies they funnelled money through to you?---Correct.

MR DOWNING: And that involved use of EFTPOS debit cards on your part?---Ah, yes.

30

To get cash out and to buy things?---Correct.

But also that through those companies, particularly Built Engineering, there were a number of cars that they purchased?---Correct.

Cars for you?---Correct.

40

Then with Mr Alameddine, can you remember the form of kickbacks that you received from him?---It was mostly cash but there was, I think, some instances where cheques were returned through another company.

And do you recall whether there was some of those payments that were made through MWK?---Oh, maybe initially at the beginning. I don't remember, no.

But with Mr Alameddine, do you have a recollection that, perhaps in contrast to some of the other contractors, he had a preference for cash? ---Correct, correct, yeah.

And do you recall then saying something about why he preferred that the payments be in cash?---Oh, it's, it's, it's, it wasn't, it wasn't traceable. He preferred to use, to do that.

THE COMMISSIONER: Are you able to estimate how much cash you would have paid Mr Alameddine?---How much he would have paid me?

10 Well, how much he would have paid you by way of kickbacks, yes.---I don't know. I would have to think about that one. I would have to – sorry, Commissioner. I have to think about that one, off the top of my head.

Well, over what period of time would he have paid in cash kickbacks to you?---The majority of the time it was cash but I remember there was some instances where there was cheques written out for vehicles and it could have been through a different company than he was, he was using to contract through the RMS.

20 MR DOWNING: Thank you. And then with Mr Goldberg, do you recall the form of the kickbacks that you received through him?---Yeah. it was mainly cash with him.

Do you recall that there were any non-contractor companies that were used for payments to be made?---I don't recall the names of the companies, I'm sorry, yeah, yeah.

30 Well, I'll come to that in due course. What about the others – and I'm going to suggest that these were contractors that did a much smaller scale of work in terms of number of projects and money paid. But Mr Najjarin?---I don't ever remember him giving any moneys to be honest, yep.

What about Abdula or Gamele Nachabe?---That was, I think, through cheques that was deposited into an account, yeah.

You can't recall which account now?---I, I thought it was, I don't remember to be honest. Maybe ANZ, I can't remember if it was an ANZ account. I can't remember, yeah.

40 What about Mr Sangari?---That was – I remember two or three small payments of cash.

And Mr Rifai?---I don't even remember getting money from him to be honest. I may have. I, I don't remember.

I want to now move specifically to Mr Hadid and Mr Chahine and their various companies. Now, you've indicated that you, I think you agreed with me earlier, that they were doing work for you fairly early in the piece, and I think you indicated your recollection was that there was a Mount White comms room job.---That's my, yeah, correct.

And in terms of their companies first of all, did you have some involvement in recommending to them that they set up companies at various times in order to bid for and receive RMS work?---I do remember having a, a meeting with them in Campbelltown in a cafeteria. I think it was Coco Cubano, one of those cafeterias in Campbelltown. And they wanted to do, there was, and this is in discussions with, with, even with Craig Steyn at the time, where we wanted to, he has advised me and we had conversations along those lines where there was, should be an even distribution of work between the companies. So we couldn't give all the work to one company (not transcribable)

Just pausing there. Do you mean between the companies controlled by Barrak Hadid and Chahid Chahine?---In general, but specifically about them, now we're talking about them. So they wanted to do more work, and the way they could do that was through opening of a company, and they suggested that they would open another company to be able to do, essentially do more work.

20 So do you say this is a meeting at a Campbelltown café. You said café or cafeteria, Coco's. Is that Coco Cubano?---Correct, that's correct, that's the one.

It's a chain of cafes.---That's correct. That's the one. That's what I remember.

And who was present at the meeting?---There's myself, Chahid and Barrak.

30 So the nature of that discussion was about perhaps, what, setting up other companies so that they could spread the work across?---Correct, yeah. I mean, we may have spoken about other things, but specifically about this, I, I don't remember that conversation came up.

Can I take you back to the early phase of the work, and I already suggested to you that the first company that obtained the RTA, as it then was, work through you was Complete Building Fitout. Could we go, please, to volume 2.1, page 26. You'll see this is an ASIC search for Complete Building Fitout.---Yes.

40 And it shows it was registered 19 May, 2008 and deregistered 6 October, 2013.---Yes.

So first of all, that registration date indicates that it existed prior to you commencing at the RTA.---Yes.

So did you have any knowledge that they were already operating their business through the company at the time?---This is when I saw Barrak, I remember when I saw him initially, as I mentioned earlier, he had told me

that he was working with Chahid Chahine through Chahid Chahine's company. So I assumed this would be the company that he was referring to.

And if we could go, please, to page 27. You'll see that it lists the previous office holders and Chahid Chahine is the director/secretary, and then if you go over the page you'll see there's also the shareholder. You see that?
---Yes.

10 But was your understanding that with each of the companies, starting with this one, Complete Building Fitout, that were doing the work for you, that in fact it was Chahid Chahine and Barrak Hadid were in effect operating together?---That's correct.

So as you understood it, that whatever profits were being made by the company was being split between them irrespective of whatever the official company structure might be?---That's correct.

20 Now, I'm going to suggest to you that Complete Building Fitout did RTA and RMS work through you from about May 2010 to August 2012. But – and I'll take you to specifics of it in a moment, but are you aware that, not long into the work, that CBF Projects in effect took over and did the work that had previously been done by Complete Building Fitout?---That's correct, yeah. I remember there was a change of name.

And again did you understand that that company was controlled by both Mr Hadid and Mr Chahine?---That's correct.

30 And I'm going to suggest that CBF then did work over an extended period from about August 2012 right through to May 2019. Do you recall that it was doing work right through until the period effectively just before the search warrant was executed on you?---That's correct, yeah. I don't remember, I don't remember working in 2019, but, yeah, I agree with you, yes.

And it's correct, isn't it, that between those two companies, Complete Building Fitout and CBF, they did a very substantial amount of work over a number of years?---Correct.

40 Now, you've indicated already in your evidence that you're aware that Mr Hadid and Mr Chahine opened other companies that ultimately became contractors?---Correct.

And indeed you've referred to that discussion that you recall occurring at the café in Campbelltown.---Yeah, and there may have been other discussions because there was Euro Civil & Maintenance that was opened, yep.

Just on that, if you could go, please, to volume 3.1, page 14. See this is the search for Euro Civil & Maintenance. And you'll see that in terms of registration date, it is 24 March, 2015 that it's registered.---Yep, yes.

And again if we go, please, to the next page, you'll see that Mr Hadid was the director and secretary and also the shareholder.---Yes.

But again did you understand that this was operated by both him and Mr Chahine?---That's correct.

10

And noting that it was registered in 24 March, 2015, I'm going to suggest to you that it ultimately – that is, Euro Civil – did RMS work through you between July 2015 and June 2019. Does that accord with your recollection that it came on the scene later and continued to do work right through until just before the search warrant was executed?---I don't know when the last project was given to Euro Civil, but that's, yeah, from, from, from when it was set up till towards the end, yes.

20

Now, last in order in terms of being established, if we could go, please, to volume 3.1, page 33. You'll see Ozcorp Civil Pty Ltd was registered on 21 August, 2015.---Yes.

And if you go, please, over the page, you'll see that in this instance the director and secretary were Kristen Tui.---Yes.

And there are 10 shares. And if we go to the next page, she holds the shares.---Okay.

30

Now, Kristen Tui you know, don't you, is Mr Hadid's partner.---That's correct.

You're also aware, aren't you, that she's a stay-at-home mum?---That's correct.

As far as you're aware, did she have anything to do with Ozcorp Civil? ---No.

40

As you understood it, was it in reality another company that was controlled by both Mr Hadid and Mr Chahine?---That's correct.

Just pausing on the name of Ozcorp Civil.---Yes.

Can I ask that we go to a different search, please. So you'll note that that company was Ozcorp Civil Pty Ltd and it was registered on 8 September, 2015. Can we go, please, to volume 1.1, page 128.---Can you go back to that ASIC search again?

Sorry, the one for - - -?---Yeah, I just want to see the previous name for Ozcorp Civil.

All right, if we could, please, then, back to page, volume 3.1, page 33. Apologies, it might just take a moment.---Okay.

So former name is Northstar Maintenance and Civil Pty Ltd.---Okay, that was opened at the same, relatively same time. Okay.

10 So it would appear that the name for a very short period, you'll see from 21 August to 7 September was Northstar Maintenance and Civil Pty Ltd. ---Mmm.

But then becomes Ozcorp Civil, it would seem, on 7 September, 2015. ---Okay. I remember why that happened, but anyway.

All right, well, perhaps before we move, then. If we could stay on that for the moment, I apologise. Can you recall why there was a change in name?
20 ---I remember at that meeting we, I mentioned earlier at the café, I think from memory because that name rings a bell, I think Barrak had set up that company and he wanted to use his company, and Chahid thought it was a silly name. So - - -

Northstar?---Northstar. For, for, yeah. So I may have suggested the name Ozcorp because, not, not, forgetting that I'd actually registered a company called Ozcorp.

Well, just on that, if we could go, please, to volume 1.1, page 128. Do you see that this is a search now for Ozcorp (Aust) Pty Ltd?---Yes.
30

And that had been registered on 13 March, 2015, and deregistered 6 August, 2017.---Yes.

But if you go over the page, please. You'll see, first of all, the address was your address. That is, the principal place of business.---Yes.

And you are, as it's now deregistered and it's in the past, the previous director and the secretary.---Yes.

40 And if you go over the page you also were the shareholder.---See I set that up five or six months earlier. So I may have suggested the name as a result of the North Star, they weren't agreeing on the name, but then I forgot that I've actually registered a company in that name. But I think as a result he may have registered Ozcorp Civil, which was a different company. Correct.

But you believe you came up with the name because it was name a that you'd had on your mind from a company you'd set up yourself?---Correct.

I mean I thought it was a cool name so I mean as, I mean I actually registered the company so - - -

Well, it's the case that over the years you've had a number of companies that you've set up.---Yes.

What was the purpose of setting up this company?---Which one, sorry?

10 Sorry, Ozcorp (Aust) Pty Ltd.---Ozcorp, I mean during the, the years there, this is what I remember. It's hard to kind of say the motivation behind it at the time but I always wanted to leave and start a, start a civil company of some sort.

THE COMMISSIONER: But what was the purpose in setting it up 13 March, 2015?---There was no purpose linked to the contractors. It was just myself, you know, registering the company. I can't remember exactly the reasons for it, but it may have been that I had the intention of working outside the RMS or leaving the RMS and doing my own thing.

20 MR DOWNING: So you believe that as far back as March 2015 that you were thinking at that point of perhaps leaving and using this company as a vehicle - - -?---Potentially.

- - - to do civil works in your own name?---Potentially, potentially. That's what I was, that's probably my only explanation that I could come up with now. I don't recall the motivation at the time.

THE COMMISSIONER: When was it deregistered? Have you got that date?

30 MR DOWNING: Sorry, it was - - -

THE COMMISSIONER: 6 August.

MR DOWNING: 2017 I think it was, Commissioner. If we go back.

THE COMMISSIONER: It might have been 17.---It was never used that company.

40 Don't worry. We'll come back to it later.

MR DOWNING: So it never traded?---No.

Well, just while we're dealing with the companies, can we go, please, volume 1.1 to page 106. Because in order so far you've indicated the companies that you've had involvement with were Australian Technology Group and Davencorp in your contractor days with the RMS.---Yes.

Now it seems also Ozcorp (Aust) Pty Ltd.---Yes.

You'll see on page 106 there is a search for another company Minea Cuisine Pty Ltd.---Yes.

With a registration date 31 October, 2012 and a date of deregistration of 24 March, 2017.---Yes.

10 And if you go over the page, please. Do you recognise that at least one of the previous registered offices and places of business was your address?---Yes.

That was the [REDACTED] address in [REDACTED].---Yes.

And if we go over the page, please, you'll see that in terms of directorships you were the director from inception on 31 October, 2012 through to 28 February, 2015.---Ah hmm.

20 And Mr Malas, that's Adam Malas, then became the director from 28 February, 2015 through to 24 March, 2017, when it was deregistered.---Yes.

Now, Mr Malas is Hussein Taha and also John Goldberg.---Yes.

First of all, can you recall why this company was set up?---I think he set that, I think he set this company up because we were going to open a bakery, like a Lebanese bakery.

When you say we were going to, it's the case - - -?---Well, we did. Sorry, we did.

30 - - - that you did.---Yeah, we did. Yeah, so we did.

And was this particular company the corporate vehicle through which to operate the bakery?---Correct, yeah.

And was the bakery known as Humphrey's?---Yes, correct.

And where was that located?---In Bankstown.

40 We'll come to more detail about that later. Can we then, please, go to the same volume 1.1, page 119. And do you see this is a search for another company Grendizer Pty Ltd?---Yes.

You'll see registered on 4 July, 2016.---Ah hmm.

And if we go over the page, please, that you were the director, secretary and you'll see there's a shareholding of 100 shares with the value of \$100. If we go over the next page to page 121, that you're the shareholder as well.---Yes.

And do you recall what the purpose of setting up Grendizer was?---This had, this had nothing to do with the RMS work.

Well, what did it have to do with - - -?---A, a, a dealer licence for, dealership for motor vehicle licence.

So, did you obtain a licence in order to be a motor vehicle dealer?---Correct.

10 And was this the company that you used in order to set up a vehicle – and I don't mean that as a pun – corporate vehicle through which to operate some form of motor trading business?---That's correct.

Did you ultimately do anything with it? That is did you buy and sell cars through this business?---Not officially, no.

THE COMMISSIONER: What do you mean not officially?---I mean, I, I, that was the intention but I didn't. So the answer is no.

20 MR DOWNING: You've already confirmed that a number of cars were bought, bought for you by the contractors. Were any of those cars bought in this name or were they bought or sold through this company?---They weren't bought and sold through the company, no.

So did it not trade at all?---No.

No, it did not?---No, it didn't.

30 Can I then ask you to go to page 141 of the same volume? And you'll see that this a search for Coffee Boss Australia Pty Ltd.---Yep.

And it shows it had a registration date of 11 May, 2015. Oh, I'm sorry. I apologise, I'm looking at the wrong page. 4 October, 2012 is the registration date.---Ah hmm.

And you'll see it was deregistered on 6 March, 2015.---Yes.

40 And if we go over the page, you'll see that, as far as the history of the company is concerned with its directors, that Mr Malas, that is Mr Goldberg, was the director from 21 February, 2013, to 6 March, 2015. ---Yep.

But you were the director from 20 May, 2015, to 21 May, 2015, so just the day?---Yep.

Mr Malas again had been the director from 30 April, 2013, until 20 May, 2013?---Yes.

And then prior to that it seems that an Elene Mohammad had been the director from 4 October, 2012, until 30 April, 2013.---Yep.

And if you go to the next page, you'll see there was similar movement with the person who was secretary between you, Mr Malas and Elene Mohammad.---Yep.

10 And with the share structure, you'll see there was 100 shares and if we go over the page, please, to page 5, you'll see that at various times you owned the shares, Mr Goldberg owned the shares and Elene Mohammad owned the shares. Just going back to page 141, please. Do you recall why this company was set up?---Yeah, I remember Mr Goldberg set this up, or did, yeah, for a coffee shop adjacent to the bakery in Bankstown.

And what was the name of the coffee shop?---Coffee Boss.

20 And I'll come to the details of it later, but what was the – did you understand who Elene Mohammad was and what role she had?---I don't know who that is.

No idea?---No.

But was this something that was to be operated between you and Mr Goldberg?---That's correct.

Was that also the position with Humphrey's, the bakery?---Correct.

And were they next door to each other?---Yes.

30 Can I ask that you then go please - - -?---Sorry, there might have been, there may have been a shop in between but, yes.

But on the same street and very close?---Yeah, yeah.

Can I ask that you go then, please, same volume 1.1, page 153? Do you see there's a company Habbouche Co Pty Ltd?---Yeah.

Registered 11 May, 2015.---Yes.

40 And looking down the page, the principal place of business is one of your former addresses?---Yes.

And if we go over the page, you were the director – sorry. You are the director, secretary and shareholder.---Yes.

And are you able to tell us why Habbouche Co Pty Ltd was set up?---Trust company that was set up, for a trust. It's for a, for a trust.

For a family trust?---For a family, family trust, correct.

And what did the family trust do?---I think it was for, for property, for purchasing property.

And did it purchase property?---One property, yes.

Which one?---Racecourse Avenue.

10 Sorry, Racecourse?---Avenue.

THE COMMISSIONER: Where was that located?---[REDACTED].

Sorry?---[REDACTED]. I mean, you know the answer to this, so just, I, I can't remember the name of them the number of the property but it was [REDACTED]. XX I think it was.

I see the time. Is that a convenient time for - - -

20 MR DOWNING: Yes, thank you, Commissioner.

THE COMMISSIONER: We'll take a morning tea adjournment. Yes, I'll adjourn.

SHORT ADJOURNMENT

[11.31am]

30 THE COMMISSIONER: Mr Downing.

MR DOWNING: Thank you, Commissioner. Mr Dubois, just coming back to Mr Barrak Hadid and Chahid Chahine's contractor companies, it's the case, isn't it, that while CBF in effect replaced Complete Building Fitout when it came to doing work, that CBF, Euro Civil and Ozcorp Civil all performed it during either the same period or overlapping periods?---Yes.

And in reality, you knew that all three companies were controlled by the same two men?---Yes.

40 And you've indicated that at least at one meeting, you've described that you had discussions with them about them having multiple companies so that the work could be split between them.---Correct.

And I take it part of your reason for wanting them to have multiple companies that at least on the surface appeared to be controlled by different people, was that you didn't want to have too much work just going to the one company?---That's correct.

Because that could arouse some suspicion perhaps about favouritism in you giving a lot of work to the one company?---That's correct.

But also that it might raise alarm and result in some scrutiny of your relationship with the person behind that company?---That's right.

Now, you've confirmed already that you're aware of the other two companies, the non-contractor companies, that is both Euro Projects and Built Engineering.---Yes.

10

Now, just going back to your awareness of those companies, was it you who suggested they be set up or was it something that was proposed by either Mr Hadid or Mr Chahine?---I think it was proposed by Mr, Mr Barrak Hadid, from memory. That's what I recall. I don't remember having that conversation.

I'm going to suggest to you that before either of those companies were set up, MWK Developments had already been receiving payments from a number of contractors, including Complete Building Fitout and CBF.

20

---Okay.

If you accept from me that that's in order of chronology, do you have any recollection of a discussion perhaps with Mr Hadid or Mr Chahine about a need to set up their own non-contractor companies through which the payments to you could be funnelled?---I, I may have, I, I may not have, but I remember it was something that Barrak spoke about that he had a system or something along those lines.

30

Is your recollection that it was Barrak that proposed it?---That's what I vaguely recall, yeah, it was hard to, it's not something that's solid in my mind, what the conversations were, yeah, yeah.

But is your recollection that he said anything as to why he wanted to have payments coming from non-contractor companies?---Ah, he, I think he was, something along the lines of that he didn't want the companies doing work at the RMS to, to make any transfers or money coming out of there or cash withdrawals as it may draw suspicion to, because there's an obvious link, obvious link there.

40

Just in terms of timing, can I take you, please, to volume 3.1, page 5. You'll see that this is the company search for Euro Projects, and you'll see that it was a company that was registered on 23 November, 2012. Do you see that?---Yes.

And if we go over the page, please, you'll see that it shows that director was Barrak Hadid with Mr Chahine as the previous director, and secretary Barrak Hadid, previous secretary, Mr Chahine.---Okay.

And over the page, in terms of the shares you'll see Mr Hadid, with the previous shareholder being Chahid Chahine.---Okay.

But do you recall discussions with both of those two gentlemen about the fact that this was one of the companies that was going to be set up through which work wouldn't be done by the RMS and moneys would be funnelled back to you?---I don't remember this company, I don't know if it was used or not, to be honest. I do remember the other company, Built.

10 Built. All right. You say you just don't have a recollection now of this one being used at all?---I don't know if it was or wasn't. I don't recall.

Can I then take you, please, to volume 3.1, page 30, and you'll see this is a search now for Built Engineering.---Yes.

And you see that in time it was set up or registered, sorry, 9 June, 2015. ---Yes.

20 And if you go over the page you'll see that the director and secretary was Barrak Hadid.---Yes.

And also if you go to the bottom of the page, he was the shareholder.---Yes.

Now, with this company, is your recollection that this was something that you proposed or that Mr Hadid proposed?---From my recollection, and I can't be certain, but he may have proposed to, to, to, to, I wasn't involved with the name of this. I think I have an assumption that it was Barrak Hadid, yeah, but I don't recall the conversations about this company.

30 But you do have a recollection that this was a company through which substantial moneys were funnelled back to you?---That's correct.

Can I then move to some of the work that Complete Building Fitout and then the other Chahine and Hadid companies did. And can I take you, first of all, to a schedule of works that appears in volume 2.1, page 1. Now, this is a schedule prepared by the Commission staff, but do you see that it's described as a Complete Building Fitout Schedule of Transfers, first of all? ---Sorry, what am I looking at, sorry?

40 Just the heading at the top, Complete Building Fitout Schedule of Transfers. ---Okay, yeah.

And you'll see that it starts with dates, in terms of invoice date, with 18 May, 2010?---18 May, 2010. Okay, yeah.

And you'll see that the initial works there are TIRTL-related works at different locations?---Okay.

You've confirmed in your evidence already that you recall that there were some TIRTL installation works done at the early part of the works done by Complete Building Fitout. Correct?---That's correct.

And do you recall that they were locations, just starting with Bargo, Gundagai and, Bargo, Gundagai, Boggabilla and Albury, where there were TIRTL installations done?---I don't remember that it was Bargo, Gundagai, but I do remember TIRTL works, yes.

10 Now, I'll take you to some of the documents, not all of them, but some of the documents in respect of specific contracts, but you'll see that there are sums listed in this schedule in terms of the amount invoiced. Do you see, starting at \$13,227.50 for the 18 May, 2010 invoice - - -?---Yeah.

- - - in respect of Bargo TIRTL works.---Yes.

Is your recollection that the initial contracts awarded to Complete Building Fitout were on the smaller side? That is, in the 10 to \$20,000 mark?---Mate, I, sorry, can you repeat that question, please?

20

Sure. I'm asking you to think back to the early works that Complete Building Fitout did.---Yes.

What I'm suggesting is that in the early phase of their works, from, say, for about the first year, from May 2010 till about April 2011, they were generally smaller contracts.---That's correct. That's what it looked, yeah, I, we can see that, yep.

30 But do you recall that as well, that they started with smaller works?---Yeah, I, I'm, yeah, I mean, I, I, I definitely they were smaller works, yeah.

You will see, going down the page, that until you get to – well, right to the bottom of the page, that all of them are under \$50,000.---Yep.

And indeed many of them, most of them are under \$20,000.---Yes.

And as far as the TIRTL works were concerned, is your recollection that they typically were smaller jobs?---I'm not sure what this TIRTL work involved, but, yeah, I'm not sure, yep.

40

All right, well, I'll take you to some specifics in a moment. But can I ask whether, when the first works were allocated to Complete Building Fitout, was there any deliberate decision on your part to keep the work at that stage at the lower level? That is, smaller jobs, smaller sums involved?---Sorry, on the right-hand side it's got payment here of 43,000. So is that one invoice for the whole lot or - - -

What you'll see is that there were often payments where multiple invoices were paid in the one EFT.---Oh, okay. Okay.

THE COMMISSIONER: Do you remember what the question was?
---Sorry, can you repeat that, please?

MR DOWNING: When you started allocating the work to Complete Building Fitout, do you recall whether you initially made a deliberate decision to keep the jobs small at that point?---I don't remember. I don't
10 recall.

Thinking back, the TIRTL works were an area that Mr Hadid and Mr Chahine didn't really have any experience in, based on your knowledge of their background?---Yes.

Do you have a recollection that you perhaps might have tried them out doing smaller jobs to see how things went before giving them anything bigger?---That makes sense potentially, yes.

20 All right. But as far as your evidence about receipt of kickbacks, though, you indicated earlier that separate to later contracts where there was a percentage involved, that with the earlier TIRTL works that you were getting a kickback based on perhaps a few thousand dollars per TIRTL, depending on how many were installed.---Yeah, that's what I recall, yeah.

So looking at these initial jobs that are on this schedule, and ultimately there is paperwork in respect of each of the invoices, but do you believe, looking at those, that, really, right from the outset in May 2010, there were
30 kickbacks at a smaller level based on a small sum of a few thousand dollars per TIRTL?---I don't remember, I don't remember. I can't say whether early on there was. Maybe towards later. Maybe for the TIRTLs. I can't remember. I did, I did say I'm definitely certain that I had kickbacks when it comes to TIRTL work, but I can't remember going back that far with the initial – see, I, I thought the first project was the comms room, but it looks like they've done TIRTLs before that, sorry, by a month. I don't remember.

It's the case, though, isn't it, that when the jobs got bigger, you shifted from a small sum per TIRTL to a percentage on the jobs that became your
40 kickback?---No, that's not true. It's, the TIRTLs were per TIRTL, the other jobs were more civil works. So there was a large, there was a, there was a project – so it was a total sum. So it was, it was a little bit different.

Well, then looking down the page, you'll see that the last two entries for February 2011 and March 2011 - - -?---February 2011.

- - - involved some Mount White brake-testing works.---Brake-testing invoice, yep.

And Bell brake-testing works.---Correct.

They're bigger sums. They're in the \$30,000 range.---Correct.

Are they the type of civil works where you say that the kickback that you received was in the nature of a percentage based on what the profit was?
---Potentially, yes.

10 And then if we go over the page, please, to the next page of the schedule. You'll see that works then described in the invoices start to get bigger, so that in 25 May, 2011, there's a \$49,500 invoice in respect of Mount White exit lane widening.---Yep.

And that's a progress payment.---Yep.

And then you'll see the next entry, 20 June, 2011, it's the final payment of \$198,000.---Yep.

20 Now, that was a very much bigger contract.---Yes.

And do you recall that, the works involved?---Yeah. Vaguely, yes.

And it's the case, isn't it, that they are the type of larger civil projects where you were getting a percentage of the profit left over after calculations of cost?---Yeah. These ones are vague to me. I don't remember what the percentages were at that very beginning I had received but, yes, I agree with you.

30 And when we look at the jobs, it's the jobs over \$50,000 where you had to get multiple quotes, correct?---That's, in, in theory, yes.

Did you not always do that?---I don't remember. What do you mean, this one was 54,000 so I'm not sure.

Well, look at the \$198,000 Mount White job. That was certainly one that you needed to get multiple quotes?---Most definitely, yes.

40 And I'm going to take you to some specifics now, but I think you've already agreed with me that the way in which you worked the quoting system when it came to jobs where you needed multiple quotes was to rig it so as to achieve an outcome that would result in the job going to your preferred contractor?---That's right, yeah, dummy quotes to ensure the, the process was met. Correct.

Can I take you then, please, to an example of an early job and if we could go, please, to volume 2. So if we go back to the schedule, please, at page 1. You'll see an entry there with a date of 7 June, 2010, a posting date of 20

July, 2010, an amount, an invoice sum of \$22,462 and it's the Mount White comms room invoice.---Okay.

And you've referred to that job already.---Yes.

You believe that that might have been the earliest you did in time?---That's what I thought, yeah.

10 If we could go, please, to volume 2.1, page 45. And do you recognise that as the purchase order for that particular job?---It was a long time ago but, yeah, I can see it, an order number at the top, yep.

And you'll see the description is, "Built communication room at back of Mount W."---Yeah.

And if we could go, please, to page 46. Do you recognise that as the Complete Building Fitout invoice, number 45, dated 7 June, 2010, in that sum of \$22,462 for that Mount White job?---Yes.

20 Now, you indicated before that you believed you'd helped some contractors with even setting up the templates. Did you have anything to do with the Complete Building Fitout template documents?---I don't recall this template.

But looking at that job, this is an early civil job, so a non-TIRTL job?---Yes.

30 Do you believe that there was some form of kickback paid from that?---I don't recall this one, to be honest. I may have, I may have no, had no kickbacks with this particular job.

THE COMMISSIONER: This does not seem to be a conventional form of invoice, does it? Would you not agree?---No, it's a tax invoice statement.

You've got a whole lot of range of different items, from removal of existing walls, to install suspended ceiling to the comms room. And the only, there's no detail, no specification. All there is is a lump sum of \$20,420. That's not in accordance with accepted practice, is it?---You would be surprised what you will see from the RTA, other contractors - - -

40 No, no, no. Just, please, I used the phrase "accepted practice". It's not an invoice that conforms with conventional practice. Would you not agree? ---No, I don't agree with you, Commissioner. This, I saw many invoices that, that were the same way.

Well, you would agree that an invoice should have particulars and some specificity as to the different items, lines items?---Yeah, sometimes they did, sometimes they didn't.

But you agree that that would be the correct way of dealing, in a job like this, to have some specificity of line items and costs?---Sometimes they included costs. I mean, I'm - - -

You say sometimes they didn't but I'm putting to you good practice would require that, wouldn't it?---Oh, I mean, I assume so. Yes.

10 But you say, do you, that an invoice like this which lacks specificity would actually go through for payment?---Yes, yes.

And that was common?---Yes.

And that opened up the opportunity for corrupt transactions, didn't it?---It made it a little bit easier, yes.

Well, in the sense that it would be impossible looking at the invoice to determine how you get to 20,420.---Ideally you should have a breakdown but there's a lot of invoices that were like the same way.

20 But if you don't follow accepted practice you accept the easier it becomes to give effect to corrupt transactions.---What was, sorry, can I ask what was the accepted practice you're referring to?

Without any specificity, any specificity - - -?---Oh, okay.

- - - at all in an invoice, corrupt dealings are facilitated, are they not?---It makes it a little bit easier, yes.

30 You found that that was the case during your time with RTA and RMS, that is to say, that wherever you could have an invoice which lacked particulars and yet it got paid, the more encouraged you were to adopt that practice of not having detailed line items.---I think a lot of the invoices they sent have detailed line items, but whether the line items had a price against them, potentially not. Most, most, a lot of them had lump sum.

Yes, Mr Downing.

40 MR DOWNING: But is it the case that in the years when you were doing the work that a requirement that there be line item breakdowns wasn't something that was commonly enforced on you?---From?

From anyone within the RTA or RMS.---No. There was - I don't recall. I don't recall, no.

Now, can I take you then to some other Complete Building Fitout quotes and invoices in respect of other of the early jobs. Can I ask you to go, please, to volume 2.1, page 81 and you'll recall that the one I just took you to, the comms room work in the Mount White facility, was in June 2010.

You'll see that this is a 4 May 2010 quote from Complete Building Fitout and you'll see that it relates to "retrofitting of new plates to TIRTL at Safe-T-Cam sites" and it seems that there's, the job involves Albury. Do you see that quote?---Yes.

So 4 May 20 quote, sorry, 2010 quote for 26,220 ex GST. Can I then take you to the invoices. If we could go, please, to page 83. Actually, sorry, before we do that can I go back to 82 which is the purchase order and you'll see that this is the RTA purchase order for that particular job.---Yes.

10

See under Description and the sum that relates to the quote that I've just taken you to and that this is dated 6 May, 2010.---Okay, yeah.

Can we then go, please, to page 83 and do you see that that's the Complete Building Fitout invoice number 40 dated 30 May, 2010 and you'll see that it's a 50 per cent progress payment in respect of that job with the retrofitting of the new plates to the TIRTL at Safe-T-Cam sites. Do you see that? It shows that it's the same job with a total of 26,220 but what's being sought here is a 50 per cent progress payment.---Okay.

20

And if we then go, please, to page 84 you'll see invoice number 50 dated 7 June, 2010 and it's now seeking the 50 per cent balance so that if you add the two together you get the 26,220 that was the original quoted sum.---Yep.

And just pausing there. Are these jobs that now you've seen the actual quote and invoice you can say whether this was one of those TIRTL jobs where you received a per TIRTL kickback or not?---I actually don't remember these jobs.

30

So is it the case you just can't assist us at all as to whether these - - -?
---With this one, no, I can't assist. I don't remember this. I actually don't remember this. I, I just, looking at it now I remember the, just it triggered my memory that there were, the actual enclosure needed to be changed but I completely forgot about that so I don't remember.

40

Now, I took you earlier, and perhaps just to be fair we should go back, to the schedule at volume 2.1, page 2. And you'll see there there are the two Mount White exit lane widening invoices that are referred to. The progress payment of 49,500 and the final payment of \$198,000. So progress payment billed on 19 April, and the final payment billed on 18 May, 2011. You see those?---18 May, 2011. Sorry. Sorry, can we just – what am I looking at? The last couple of columns?

So, sorry, right at the top of the page, first item.---Yes.

19 April, 2011.---Yes.

With a posting date of 25 May, 2011.---Yep.

There's an invoice, 49,500, for a progress payment on the Mount White exit lane widening.---Yep, yep.

And then you'll see down below the next yellow item, 20 June, 2011, with a posting date of the same date. The final invoice of \$198,000 for the Mount White exit lane widening.---Okay.

10 Now, first of all, you know where the Mount White facility is and you've made reference to it already.---Yes.

Indeed, it's the Mount White comms room that Complete Building Fitout had done work on, wasn't it?---This was the other side, from memory.

Do you recall - - ?---This was, I think, northbound.

Do you recall that Complete Building Fitout did multiple jobs up at that location?---Yes.

20 Do you recall the job, though, that involved the Mount White exit lane being widened?---Yeah, I recall this one, yes.

Now, can I ask you, please, first of all, just to indicate this, that given the value of the job, that it seems that there were two progress payments that took it to over \$200,000, that this was one that multiple quotes were required?---Yeah, I, yes.

30 And looking at it now and your recollection of the job, are you able to say whether this was one where you got kickbacks?---I actually don't recall, sir, that one. Yeah. Potentially.

I'm going to suggest that the job involved widening the exit lane from the heavy vehicle checking station back to the freeway and also widening the U-turn bay. Does that assist at all in recalling the job?---The U-turn bay. The U-turn bay. I think that's the, were they two separate projects or the one project?

40 All right, well, I'm going to take you to some documents with which hopefully you'll obtain some assistance. But is it the case that now you can't recall the detail of it?---No, it's not now I can't recall. It's 10 years ago. I don't know if there was one project or both projects, and I, I really - - -

I'm not meaning to be critical, Mr Dubois. I'm just asking can you now recall or not?---I can't recall if it was two projects or one. I definitely remember the widening project, Mount White North. It was northbound.

Can I take you then, in fairness, so that you can see the documents, to volume 2.1, page 205?---Mmm.

And you'll see that on 20 March, 2011, you send an email to Mr Chahine. ---Ah hmm.

And attaching some documents and indicating that it's a request for tender in respect of the Mount White exit lane expansion works.---Okay, yep.

10 And just so that you can see what's involved, if we go to the next page, you'll see there are various attachments. The first part is a contracts, contracts schedule for project contract.---Yes.

And you're familiar with this type of paperwork, aren't you? It was frequently sent out where you were getting people to put in quotes for tenders.---Correct, correct, correct. It changed over time, but I remember this, yes.

20 And you're also aware, aren't you, that part of what was typically sent out is what is described as a job specific requirement.---Yeah, sometimes, yes.

And if we could go, please, same volume, page 210.---Yes, okay, yep.

And you'll see that there was one document, sorry, for this job. That is when the email was sent. This was one of the attachments.---Yep.

30 And if we could go, please, to page 216, you'll see that on that page, and indeed the next couple, there is a description, initially generally and then in a bit more detail, of the works that are involved. And perhaps if you could just read through that page and see if that assists your recollection about what this work involved and which side of the highway it was.---Okay, yeah. Sorry, I'll just read the scope of works. I didn't read the top, sorry.

That's all right. Do you want – the scope of work continues on the next page. Will it assist to see that?---Just give me a moment just to read the general section which I didn't read.

Yes, please do.---Is that okay?

40 No, please do.---Okay, yeah.

Now, does that assist you in recalling this job?---Ah, yes, yes.

And can you recall now that it was in fact Complete Building Fitout that obtained the job?---Yes, yes.

And do you recall whether this was one that actually was put to tender or whether it was a quoting process?---I don't remember receiving other quotes from other people for this one. I don't recall.

You don't?---No.

Do you recall that from time to time when it came to particular jobs that were allocated, you prepared what was described as a tender evaluation report?---Sometimes, yes.

10

Can we go, please, to volume 2.1, page 351. And you'll see from the heading that this is a Mount White North Heavy Vehicle Checking Station Exit Lane Expansion Civil Works Tender Evaluation Report.---Yes.

And if we skip ahead to the end at page 355, you'll see that it shows that it's completed on 6 April, 2011.---Yes.

Bearing in mind that the email that I took you to sending the various documents to Mr Chahine was dated 20 March, 2011.---Okay.

20

So this is the tender evaluation report for this job. Correct?---Yes.

Can we go back, please, to the first page, 351. First of all, you created a number of these reports with jobs over time, didn't you?---I, I didn't do many tender evaluation reports.

Right.---This is probably one of the few.

30

All right. Well, let's just deal with this one specifically. One of the things that is recorded in this is that the RTA's estimate of the job was \$250,000. Now, it's correct, isn't it, you're the author of this report?---Yes.

Are you able to assist us as to how that figure was arrived at, the \$250,000? ---I just don't, I don't remember, to be honest, with this particular job.

How did you typically come to an estimate for a job like this, was it based on your own experience, was it based on some formula being applied?

40

---I mean afterwards I can remember other projects, it was either breaking down the components or based on experience and previous quotations or maybe market value rate of, you know, whatever work was being done you'd kind of calculate.

THE COMMISSIONER: Every job is a tailor-made job, isn't it? It depends on the factual circumstances in each case?---I actually don't remember, sir, this one.

Over all the years you worked in RTA, are you unable to answer that question?---No, we're talking about Mount White North. Is that what you're talking - - -

No, I'm just talking about in practice.---In practice, okay.

Every job is a tailor-made job, because the facts about each job vary somewhat from other jobs.---That's correct.

10 Right. The job in this case was a very limited one, wasn't it?---Ah - - -

Didn't require much work. It's a small project. Agree?---Ah, what do you mean by small project?

I mean small. Would you not agree?---No. It had, there was a lot of civil works that were required to lay this asphalt.

Just answer my question. Would you agree this was a small project?
---How, how do I answer that? In comparison to what?

20

Are you seriously sitting there saying you can't answer that question?---It's not a small project. It's between 50 and \$250,000, so, I mean.

Well, that's the question. How do you get to a lump sum of \$250,000? Can you justify that sum now or explain it?---I mean, if I had the plans in front of me, I can do a breakdown and maybe give you an estimate now with my experience but, yeah, you know - - -

30

You don't suggest here that you used plans and so on. All you say is you used previous project contract prices as a guide. In other words, what I am putting to you is, was the amount of \$250,000 a false evaluation designed to accommodate kickbacks?---I don't, I don't remember. I can't answer that. I don't remember how this, how I came to the \$250,000.

MR DOWNING: Thank you, Commissioner. Well, just dealing with the body of it. You indicate that three contractors responded to the request to tender on 6 April, 2011.---Ah hmm.

40

And down below you say the three tenders, or the three tenderers were issued with the tender documents as (not transcribable), they being Complete Building Fitout, TTS Group and BFW Group.---Ah hmm.

Now, pausing there, Complete Building Fitout we know was Mr Chahine and Mr Hadid's company. TTS Group was Towfik Taha's company?
---That's right.

And do you know who BFW Group, who that is?---I don't remember.

Did it exist at all?---10 years ago, mate. I don't, 11 years ago, I don't remember.

Just dealing with this though, it's correct, isn't it, that for this type of work, Towfik Taha was completely unqualified and incapable of doing it?---Yeah, I've already agreed to this and I've already admitted to all this. Correct.

THE COMMISSIONER: Mr Dubois, just answer the questions, please, without the commentary.---Sorry. Yes.

10

MR DOWNING: What I am asking is, was this report a genuine report reflecting an evaluation of quotes or tenders or was this - - -?---In this particular instance, no.

Was this a fiction to just try and justify the work going to Complete Building Fitout?---The tender evaluation report was something that was required that I have learnt afterwards some time. So this is what, it would just serve the purpose. I've awarded the contract to CBF, yep.

20

If we could over the page, please, you'll that it refers to a pre-tender meeting being held at 10.30 at on 1 April, 2011, at Argyle Street, Parramatta, and it suggests that the people present were you, and CEB is indicating on behalf of the Compliance and Enforcement Branch, correct? ---Yeah.

It's under RTA, the box, Mr Alexandre Dubois, CEB.---Oh, yes, yes, yes, yep, yep.

30

So, Compliance and Enforcement Branch?---Yep.

Then the other said to be present were Terry Taha on behalf of TTS Group Investments, Alan Rifai on behalf of BFW Group and Chahid Chahine on behalf of CBF Pty Ltd.---Yes.

Now, no such meeting ever occurred, did it?---No. Not that I recall, no.

40

And Alan Rifai is someone that you've also already identified in the course of your evidence, he was someone that was associated with UDE Group Pty Ltd?---That's the company that I forgot about, yeah. That's the one, yeah. But I have mentioned him before, yeah.

But he didn't operate a company, BFW Group, did he?---Again, I don't recall it, so yeah, maybe he did. I don't know.

Do you recall that at times you would draft these reports and suggest that quotes had been received from companies that didn't even exist?---I don't know if it existed or not. Definitely most later on they did exist, the ones that I - - -

Well, I'm going to suggest that there was no such company BFW Group and Mr Rifai did not actually submit a quote for the job.---Okay. Well, I just, I just conform that, I said I don't remember receiving other quotes for this.

And you say there was no meeting?---Yes.

And the process then of description of the tenders being received and examined, that didn't really occur?---No.

10

There was no genuine assessment of them?---No.

And if we go ahead, please, to the recommendation on page 355. The recommendation was that the contract be awarded to Complete Building Fitout and if you go back, please, to page 352, you will see that reflects the fact that according to this document its quote was \$225,000, TTS was \$250,000 and BFW was \$260,000.---That's right.

20

They weren't genuine prices from the other companies they were just – well, I'm just going to suggest to you that BFW Group was just no quote at all, but with TTS do you recall whether that was a genuine quote or whether that was a dummy quote?---It would have been a dummy quote, yeah.

So that the recommendation at the end again wasn't a genuine reflection of any assessment, it was just you achieving the outcome of the contract going to Complete Building Fitout?---As I said earlier, yes.

30

But can I ask, you'll see there's two electronic signatures there both said to be on 6 April, 2011, yours and T. Stuart.---Yeah.

And Terry Stuart was the service manager for Northern.---From memory, yes.

He didn't really sign off on this, did he?---No I didn't remember sending, sending this to him. This is what I recall. Again it's a long time ago. He may have. He may have.

40

Well, do you genuinely say that you got him to sign off on this or do you say that you inserted the signature in the same way that you inserted your electronic signature?---I don't recall. I may have sent this to him or maybe sat with him in person and showed him the documents.

Do you ever recall doing that in respect of a tender evaluation report? ---With this one, I remember sitting there with Terry Stuart. Whether it was for this project or not I don't recall.

So you say it may be that you sent him the report?---Maybe or maybe sitting in person. I can't remember. I can't remember.

But what you achieved through this was rigging the outcome as to who it went to.---That's right.

Now - - -

THE COMMISSIONER: So it's likely, isn't it, that it contained a kickback. Is that right?---Potentially, yeah. I don't recall though.

10 You wouldn't have gone to all the trouble of setting up a rigged tendering process unless there was something in it for you, isn't that right, and for the contractors I should add?---Again I don't recall for this one. I've admitted for everything else so the reason why (not transcribable)

But looking at the facts with which you've agreed, these quotes were all rigged. Correct?---I said potentially but I can't be sure.

20 You've already said that there's a number of falsities associated with this particular job, have you not?---Yes.

You wouldn't have gone to all the trouble of having a rigged contract in this particular project unless there was something in it for you. Correct? ---Potentially. I don't recall with this one, sir. I just can't make up an answer.

But it makes sense, doesn't it, that you - - -?---It makes sense - - -

30 - - - wouldn't have gone to all this trouble if it was a genuine price?---I said potentially because I can't recall.

Well, is there anything at all about this transaction that you've been taken through the documents that would suggest it was a genuine contract price? ---Maybe they did the work and I didn't get a - - -

Just answer my question. Is there any feature in anything you've been shown which points in the direction that this was a genuine tender?---No.

40 All the facts that Counsel Assisting has just taken you through all point in the opposite direction, isn't it, that it was a rigged tender in order to disguise unlawful payments?---I can't be certain about this particular project.

I know that. I'm not asking for certainty but all the other factors you've been taken through in relation to this project I'm asking you on your oath point in the direction of it being rigged so as to disguise unlawful margins or kickbacks?---I've already admitted, sir, potentially. I said yes, potentially but I can't be certain whether it was for this project.

Well, leave certainty outside. The probabilities are highly in favour of it being rigged to disguise unlawful payments. Correct?---I've already admitted for all the other contracts. Why would I deny this one?

Yes.---Okay. So (not transcribable)

But I'm putting it to you just to test your credibility now - - -?---Yes.

10 - - - as to whether you, having been taken through in detail in relation to this particular project whether you would accept that all of the facts point in the direction of this being, firstly, an unlawful contract in the sense that it was rigged. Correct?---I've already admitted that, yes.

And would there be any other purpose in rigging it other than to disguise unlawful margins or kickbacks?---It makes sense, Commissioner, but I said to you - - -

20 There's no other reason that you could explain that.---That's why I said potentially, yeah.

Thank you.

MR DOWNING: I don't mean to quibble with you, Mr Dubois, but it's more than potentially, isn't it? In circumstances where the report reflects a rigged tender process - - -?---Sir, there's a 150 contracts - - -

THE COMMISSIONER: No, no, no, don't, don't interrupt Counsel Assisting. I want you to listen, please - - -?---I'm listening.

30 - - - to the questions and answer them directly.---I'm listening.

No statements.

40 MR DOWNING: The likelihood is, isn't it, that this was a rigged tender for the purpose of you ultimately getting a kickback?---I've already said potentially. I cannot be certain. I can't say this again. I can't recall about this one. I cannot recall. There's many other contracts that I've stated before, I can't recall with this one. But potentially, yes, everything leads to that, yes.

It's the likelihood, isn't it?---I said potentially yes. I can't make it more clear than that.

On the screen still is the last page, page 355, and one of the things you signed off on the document was that you and also Mr Stuart were declaring that there was no actual or potential conflict or incompatibility between your personal or corporate interests and the impartial performance of duties in

carrying out this tender assessment. That was false as well, wasn't it?
---Everything with that is false. What else is there? Okay.

Now, afterwards, if we could go – the contract was awarded and I want to take you, please, to volume 2.1, page 358. Do you see on 9 April, 2 011, that is three days after that report was purportedly prepared, a letter of acceptance goes to Mr Chahine - - -?---Yes.

10 - - - confirming that the works – it actually says, “Due to commence on 18 January, 2011,” which is some months after your email. It looks like there might have been an error in that bit. Do you know how that came about, was it a cut and paste from something earlier or perhaps just a typo?---Don't remember, sir.

In any event, if you go, please, to page 366, you'll see that you, on 21 April, 2011, sent a purchase order number to Mr Chahine.---Yes.

20 In respect of Mount White Heavy Vehicle Checking Station Exit Lane works. And then ultimately, if we could go to the invoices, please, volume 2.1, page 367, you'll see on 2 May, 2011, Mr Chahine sends an invoice for a progress payment on those works. Correct?---Yes, okay.

And then if we go to the next page, 368, you'll see the actual invoice itself.
---Yeah.

And you'll see again it's just a lump sum of \$45,000 without any allocation of amounts to the different elements that make it up.---Yeah.

30 But makes up 49,500 plus GST, sorry, inclusive of GST.---Yeah.

And then if we go, please, to page 370, you'll see invoice now for the balance of the works sent by Mr Chahine to you by email on 23 May.
---Yeah.

And if you go to the next page, please, 371, you'll see Complete Building Fitouts invoice. So again line items are listed but no breakdown, but \$225,000 less the partial payment, so showing a balance of 180 ex-GST or 198, 198,000 inclusive of GST. Correct?---Correct.

40 So that when you add those two together, that is the 45 plus 180, you get to the \$225,000 plus GST that had originally been quoted.---Yes.

And looking at the description in the actual invoices, can you take it any further as to whether you received a kickback from this or not?---Can you repeat that question, please?

When I asked you just in general, that is about reference to what was in the invoices, you could take it no higher and saying potentially you received a kickback.---Correct.

Having now seen both the tender evaluation report, but also what's described in the invoices, can you take it any further, that is that it's likely that you received a kickback or you did receive a kickback, or do you just say - - -?
---I actually genuinely don't remember. I've said potentially, yes, everything points to that. This was a very early project, but most likely, yes, I've already said that multiple times.

Okay.---Can I ask a question? Can I please see the attachments to my tender?

To the documents that were actually sent to Mr Chahine?---Yeah, because there was a reference in an email where there was attachments to the tender.

The request for tender that was sent to Mr Chahine?---Correct, yep, yes.

Well, if we go back to that. So that is back at volume 2.1, page 205. So that's the email. Tell me what it is in the attachments you wanted to look at. So there's the contract schedule.---I just want to see if there's any design works.

And then job-specific requirements.---There should be, yeah, 'cause it looks like there's multiple attachments there. Just wanted to see how it may have come to that price, whether the design works - - -

We can go through the pages and you can tell us to stop, if you prefer, when we get to a part of it that's relevant.---Yeah, I mean, that's fine, yeah, keep going.

Are you looking for schematics or diagrams?---There should be some design works or schematics. I just wanted to see if they were attached to, it may have triggered my memory as to why the amount, that's all.

I can tell you that there are some overhead photographs of the areas, and some markings on there as to where it's to occur, if that assists.---Yeah, see, that looks like a design document. (not transcribable) okay, okay, that's all right.

Does that assist at all in answering my questions?---Well, it looks like there's been some design elements that may have assisted or led, kind of given me the, some sort of indicative figure. Okay, that's fine.

All right. Now, I'm going to suggest to you that this was not an unusual occurrence. That is, the use of these evaluation reports.---There weren't many of them.

No?---No.

All right. Can I take you, please, to volume - - -?---In comparison.

Sorry?---In comparison to the, to the overall number of contracts.

So that it wasn't the norm to use them, is that the case?---Yeah, I mean, this is probably very early on.

10 What was it that triggered their use?---I can't remember at the time. I may have read something in the, on the intranet as to what the process requires, is required. I can't remember.

But you say it's your recollection it was something you only did at an early stage, not later on?---Correct, yeah.

Can we go then, please, to volume 2.1, page 432. And you will see that it's at 21 March, 2011, so also early in the piece, email from you to Mr Chahine. This time attaching request for tender documents for Kankool civil works.
20 ---That's right.

And do you see that in this instance it's for exit lane expansion works at the Kankool heavy vehicle checking station?---Yes.

And pausing there, you know where that Kankool facility is?---That's right.

And if we go, please, to page 433, you'll see the beginning of the design. Now, looking at that, is that going to assist you in understanding what the genuine likely price of the works is?---Sometimes it does. Of course, that's
30 what the price should be based on. (not transcribable) okay. Can I see the next few pages, sorry?

Certainly. So we go now to 434.---Yep. Sorry, next one. Okay, yep, next, please. Huh. Cross-section (not transcribable) detail. Okay. Yep. Yep. That's it.

Now, would it assist to see a description of the works in words or have you seen enough through what you've seen in the various drawings and schematics?---Sorry, what was the question, sorry?
40

I can take you, if it would assist, to a description of the works. If we could go briefly just to page 444, please.---I remember the works.

All right. So you don't need to review this? This is part of the attachments as well that was sent to Mr Chahine.---Okay.

And there's a brief description there of what was involved with the works and then, over the next page, the scope of works.---Okay.

Now, do you recall who obtained this job?---I think it was Chahid and Barrak.

And do you recall now whether it was done involving a process of obtaining multiple quotes or tenders?---It would have been for a similar, probably to the one I done at Mount White I'm assuming.

10 Can we go, please, to volume 2.1, page 573? And you'll see that it's another tender evaluation report but this time in respect of the Kankool Heavy Vehicle Checking Station entry lane expansion and site enhancement civil works.---Yep.

Do you see there's an estimate – sorry, I withdraw that. First of all, can we go to the last page, 577?---Yep.

And you'll see that, again, the electronic signatures on this are you and Mr Stuart?---Ah hmm.

20 And this time it's dated 11 October, 2011, so later in the year than the other one.---Okay.

That is the Mount White job I took you to.---Yep.

If we go back, please, to page 573, you'll see that the estimate on this job is \$270,000.---Yep.

And again you're the author of this report.---Yep.

30 Again, is this report just a fiction, consistent with way in which the report for the Mount White job was - - -?---There was not real tender evaluation if that's what you're asking.

Well, I'll break it down.---Yeah, please.

Are you able to explain how you came up with an estimate of \$270,000? ---Again, I can't remember. This is a long time ago but I'm, I'm, I think it may have been discussions with the contractors based on the drawings and how much work would be involved.

40 Do you believe that the 270 was a genuine price or a price that you were estimating in order to allow for the job to be awarded to someone with the margin to you?---I think it was, it's an approximate price. So, you can never, you know, this is, it was just an approximate but, no, I think it may have come about, I think it may have come about from discussions with the contractors about how much work is required from road bays to excavation to all the different stuff that was required to lay pavement.

But do you believe that that estimate had a built in margin to allow for a kickback to you?---What was the awarded amount? Was it, was it 270? This is just an estimate, was it?

Well, your estimate's 270. I'll take you to the next page and to the actual prices from different companies.---265. O.K. 265.

You'll see that this suggests that there were quotes from Areva Corp of 265, CBF of 255,500 and Peregrine Corp of 268.---Yep.

10

But again, try and, as best you can, answer based on the documents you've seen and perhaps your recollection of events, do you believe that the estimate of 270 was a genuine estimate of what it would actually cost to do the work or was it an estimate that allowed for the contract to be awarded to someone with a margin so that you could receive a kickback?---I don't know for this one. I don't know. It may have been an estimate to actually do the work. I don't know, I can't remember.

20

All right. Now, looking back to the first page, please. The three tenders said to have been received were from Areva Corp. That's Mr Alameddine's company, correct?---That's correct, yep.

Complete Building Fitout, which is Mr Chahine and Mr Hadid?---Correct.

Now, Peregrine Corp. Did you know who or what Peregrine Corp was?---I don't think I ever engaged that company but I, as I said in the past, it may have been used as dummy quotes and I think it was related to Chahid's brother.

30

Now, Chahid Chahine had a brother Chahine Chahine?---Correct, yeah.

And do you recall that that was his company?---That's what I just said, yep.

And it was not an RMS contractor at all?---No.

40

Do you know whether in this instance there was actually someone submitting a quote from Peregrine Corp?---It may have been a quote but it wouldn't have been from Chahine Chahine. It would have been maybe, either sent from Chahid Chahine, if it was sent. Again, I can't remember, this is going back a long time. To maybe something that I assisted with, yeah.

Did you sometimes create them from scratch yourself?---Maybe sometimes I assisted with doing that, yeah.

If we go to the next page, please, you'll see that it refers to a meeting on the same date, on 1 April, 2011.---Yep.

And it suggests that you were there, that Mr Harry Alam for Areva Corp was there, Shane Chahine from Peregrine Corp was there and Barrak Hadid was there from CBF.---Okay, yep.

Now, that meeting didn't occur, did it?---No, it didn't.

And - - -?---Not that I recall, yeah.

10 - - - I take it you put Harry Alam in to try and make it a little bit more difficult to ascertain that it was Hassan Alameddine?---Potentially, yep.

Can you think of another reason to name him that way?---I think that's, I think, yeah, I think, I think it was more to kind of give him a different, I mean, an abbreviated name, to disguise his name, yes.

And then Shane Chahine and Peregrine Corp again were put in there just to basically have a dummy quote.---That's what I just said, yeah.

20 And in any event, with the actual quotes, well, they're referred to as tenders down below. Do you recall whether you actually got those quotes from people?---I don't recall. Maybe, maybe not.

And there was no genuine assessment of the, what I'd describe as tenders, correct?---Yeah, I've already said that, yeah, yep.

So that what this report achieved ultimately was allowing your recommendation that the contract be awarded to Complete Building Fitout based on what's said to have been their price of 255,500.---That's right.

30 And are you able to assist us as to whether Terry Stuart met with you or discussed this with you at all?---I, I do recall meeting with him but I don't recall the instance or which project we may have - I don't remember.

It's likely that you inserted his name at the end without, and putting this electronic signature without reference to him, isn't it?---No, I remember meeting with him and showing him these at some point.

40 I take it, though, that you would not have disclosed in any of the jobs that, that these were, in effect, rigged quotes and that you were - - -?---No, of course not.

Yes, all right. As far as quotes are concerned, can I take you please to, same volume, page 580? And do you see that that's an email from Mr Chahine dated 1 November, 2011 to you with the quote for Kankool?---Yep.

Go to the next page, please. And you'll see that it indeed is a Complete Building Fitout quote dated 28 October, 2011 for the Kankool job and in the sum that's referred to in the tender evaluation report, 255,500.---Yep.

Again, it's got a sum with some line items but no attempt to break it down by reference to materials or labour or anything like that. Correct?---Yeah.

Do you, looking at that now, can you assist us as to whether you either created this or assisted in editing it?---I don't remember if I – maybe. I would have assisted maybe with proofreading it, yeah, definitely. Maybe. I often did. And in the template you're talking about, the actual quote or what are you – sorry, what's your question.

10

What I'm asking is whether, looking at this now, whether you can tell us whether you actually drafted this yourself in its entirety or whether you edited it for Mr Chahine.---I don't remember but I may have assisted with drafting it and I may have even given them the template for this quote.

20

All right. Can we go, please, to page 583. And you'll see that this is an email from email address peregrine_corp@optusnet.com.au to you, dated 1 November, 2011. And what it says is, "Hi, Alexandre Dubois. Please find attached quote for Kankool." And it's got an electronic signature, "Barrak Hadid, Director, Peregrine Corp Aus." Just looking at that, do you know whether you actually received this from Mr Hadid or whether this is an email that you had created and sent yourself?---I sent an email from Peregrine Corp to myself?

I'm asking whether you did. Do you believe - - -?---No, I don't remember sending, I don't, I don't, I remember, I don't recall having access to Peregrine Corp email, but it's a long time ago.

30

Can you explain why Mr Hadid would have been sending it on behalf of Peregrine Corp?---Just to, maybe so we can receive the quote so we can award them the work.

Well, Peregrine Corp was always a dummy quoter in this, wasn't it?---I've already said that, yes, sir.

So if you go to the next page, please, 584. You will see there that there is the quote from Peregrine Corp.---Yep. Okay.

40

And looking at that, do you recall whether that's something you created or assisted in creating.---Maybe. Maybe I've given them previous templates that they, they just reused it. I'm sure, not sure. I don't remember. Potentially.

All right. Having seen all of the documents, does that take you any further in being able to assist us as to whether this was a job from which a kickback was paid or not?---Look, all the signs point that it may have been, yes, but you know, I can't be certain with the early jobs. That's all I can say.

THE COMMISSIONER: From what you've seen it's likely, is it?---Yes, yes.

MR DOWNING: Now, it's the case that from these early contracts, 2010, 2011 through Complete Building Fitout you continued to award contracts to Complete Building Fitout for a period, then CBF, then Ozcorp Civil then Euro Civil, right through until 2019. Correct?---Correct.

10 And over the years it's the case, isn't it, that frequently what happened where there were jobs over \$50,000 is that – well, I withdraw that. Almost in every case for over \$50,000 you would rig the quoting system so that the preferred outcome occurred?---Correct.

And that occurred with multiple jobs on multiple locations.---Yes.

And where that occurred, typically that involved then a margin being included in the price and a kickback being paid.---Correct.

20 Now, do you recall that there were some particular works done at the Daroobalgie heavy vehicle checking station in 2017?---Yeah.

So I'm now taking you many years later.---Yeah.

Much more recently.---Yeah, well, four years ago, yeah.

Can I ask you, please, to go to volume 16.1, at page 3. And do you recall Daroobalgie is on the Newell Highway between Parkes and Forbes. Correct?---Yes.

30 And you recall that there was a heavy vehicle checking station there?---Yes.

Do you see that on 4 May, 2017, you send a request for quote to Euro Civil, seeking a quotation in respect of works at Daroobalgie?---7 May, okay.

And you'll see there's a description in the body of your email of the works that are involved?---Yes.

And do you recall that job?---Yes.

40 And can I ask that you go – bearing in mind that's an email to Euro Civil on 4 May – can I ask you to go, please, to page 14, same volume, volume 16.1. Do you see on the same day you also send an email to CBF Projects? So it's the same email, same attachments in respect of the same job.---Yeah.

And if we could go, please, to page 25, and you'll see same day you send an email to Ozcorp Civil with the same attachments, same information in respect of the same job?---Yep.

Now, do you recall that there was some delay in this job being done for some reason?---No, I don't recall.

But can I take you, please, to volume 16.1, page 36. And do you see now on 15 December, 2017, you're sending a request for quote, again in respect of Daroobalgie. Sorry, I have trouble pronouncing that.---Yes, yeah, yep.

And you're asking for a quote by the close of business 21 December, 2017. ---Yep.

10

But on this occasion we can see through the blind copy who it's going to, that it's going to Euro Civil, to CBF Projects.---Yeah.

There's two email addresses there for CBF Projects, to Ozcorp Civil, to EPMD and to Seina Group.---Yeah.

20

Now, just pausing there. So it's going to three different companies controlled by Mr Hadid and Mr Chahine and two different companies controlled by Mr Alameddine.---That's right. Sorry, how long was this after the first email, is this 10 December?

So this is December after an email requesting a quote originally back on 4 May, 2017.---Okay. Cool, mate. Oh, wow. Okay. Sometime after.

Can I then take you, please, same volume, bearing in mind that the later request for quote was on 15 December, 2017.---Yeah.

30

Just bear that date in mind. If we could go, please, to page 126 of volume 16.1 and do you recognise this is a Euro Civil & Maintenance quote for that project?---Yeah.

And if you go down the page you'll see there's quite a deal of detail when it comes to the works involved but ultimately a price of \$218,750 plus GST. ---Yep.

And you'll see it's dated, if we go back up, 19 December, 2017.---Yep.

40

If we could then go, please, to page 128. Do you see this is the CBF Projects quote for the same job?---Yep.

And dated 20 December, 2017. If we go to the bottom of the page you'll see there's again quite a deal of detail in terms of the description of the works.---Yep.

Can we go then, please, to page 130 and you'll see that the total quote on that is 229,500 plus GST.---Yep.

And then finally if we could go to page 132 you'll see this is an Ozcorp Civil quote \$227,500 plus GST with a less extensive but still a description of the works.---Okay, yep.

Now, given that of those three quotes the Euro Civil was the lowest one, do you recall that this was a job that went to Euro Civil?---Yeah. I mean, yeah.

10 If we could go, please, to volume 16.1, page 110 you'll see the contract creation and variation form in respect of this job and it's confirming that it's Euro Civil in their quoted sum of 218,750.---Yes.

If you go over the page you'll see that you are the person that requests it and Mr Soliman approves it both on 21 December, 2017.---Yes.

Now, in this instance the three quotes are all from the same two people. ---Yep.

20 Did you recognise any of the detail in them as to assist you as to whether to you either drafted them or assisted in created them?---I would have maybe proofread them or gone over them with the guys, yeah.

Now, looking at the job, and this one is much more recent, can you assist us as to whether there was a kickback paid from that job?---I've already said yes to all of these, yeah.

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

THE COMMISSIONER: Yes. Yes. I'll adjourn until 2 o'clock.

30 MR DOWNING: Thank you, Commissioner.

LUNCHEON ADJOURNMENT

[1.04pm]