

PARAGONPUB01116
27/05/2021

PARAGON
pp 01116-01158

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION PARAGON

Reference: Operation E18/0736

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 27 MAY, 2021

AT 2.00PM

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

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

THE COMMISSIONER: Just before we proceed, Mr Downing, you've drawn to my attention Mr Dubois, I think at my invitation, took up the Bible when he took the oath and I think that's - - -

10 MR DOWNING: I'm not sure that he did. I think he might have heard the words that you spoke, Commissioner, but in fact took his oath on the Koran on both days.

THE COMMISSIONER: That's the position is it, Mr Dubois?---That's correct, yeah.

Fine. I'm pleased to hear that. Yes, Mr Downing.

20 MR DOWNING: Thank you, Commissioner. Mr Dubois, I want to take you to another job that you were responsible for and it's one in more recent times. Can you recall that in October 2012 that there was a job involving the Safe-T-Cam and gantry and Nyngan where significant works were required?---Nyngan. I, I do recall works being required for Safe-T-Cam but I'm not sure which one the Nyngan one was though.

Well, documents may assist you. Could I ask that you have a look, please, at volume 2.6. I think I said 2018. If I didn't, I apologise. I meant October 2018.---Oh, because I thought 2012. That's fine. Okay.

30 All right Sorry, if I did say 2012, that's my error. I apologise. Do you recall doing - - -?---So you say Nyngan, yep. Okay.

And do you see on the email that's on the screen, 2 October, 2012, you send an email in respect of the Nyngan Safe-T-Cam site?---Yes.

And do you recall that there was a large gantry there with the Safe-T-Cams mounted onto it?---That's correct.

40 And you'll see, if you look at the detail here – I'll take you to the actual supporting documents – but you'll see that amongst the attachments were a cantilever structure site installation checklist, then a scope of works and also I'm going to take you to the actual plans and schematics themselves.---Yes.

Do you recall that job now?---Yes.

And you'll see that in this instance it's blind copied to a number of different contractors, so Mr Chahine at CBF, well it's info@[REDACTED] but that's Euro Civil & Maintenance.---Yes.

And Ozcorp Civil.---Yes.

So it's gone to the three existing companies at the time controlled by Mr Chahine and Mr Hadid.---Yes, yes.

And also you'll see it goes to Mr Alameddine at Seina Group.---Yes.

And simon@[REDACTED].---Yes.

10 So it's then gone to the two companies that you understand were controlled by Mr Alameddine?---That's correct.

Just even pausing there, it's obviously from who you've asked to quote, isn't it, that you were again setting up a rigged tender – sorry – quoting process?---Correct.

This was quite a big job, wasn't it?---It's under 250, I think, this one.

20 Well, do you recall that there were various elements that made up the works in this instance?---Yes. There was various elements that made up the entire work, yes,

And if you have a look, please, in terms of the supporting documents, if we go to the next page, 194. You'll see, this is the first of the documents which are listed as annexures, that is the cantilever structure site installation checklist.---Okay, yeah.

And please familiarise with that.---Yep.

30 And if we go, please, to page 195. You'll see it's a set of drawings of the actual gantry structure.---Yeah.

And if we can go ahead, please, to 196. Tell us if you need to spend time on them.---No, no, it's fine.

197, 198, 199, 200 and 201.---Yep.

And you'll then see, if we can go to 202, you'll see there's a document in respect of the footings for that particular Safe-T-Cam structure.---Yeah, yep.

40 If we go to 203, there's detail of the footings and foundations.---Yep.

Does it assist to see these documents or would it be better to just go - - -?
---Yeah, can I just see the next couple of slides for this one, please?

Thank you.---Okay, just – okay. Yep, yep, yep. Okay.

And you'll see we're now into a scope and requirements of the works.
---Yep.

And can we go ahead, please, to page 215? And I want you to read from 215 onwards, but do you see that it breaks down the scope of works into five elements just under 0.3 Scope of Works?---Yeah.

Or Scope of Work I should say, not plural. So structure fabrication is one element.---Yep.

10 Second element is, "Structure installation and decommissioning of the existing gantry."---That's the next page.

Yes. If we could go to the next page. The third element was, "Trenching works for the TIRTLs and underbore."---Yep.

Fourth element was, "Entry and egress and bunker removal."---Yep.

And the fifth element was, "Safety barrier systems or barrier protection."---Okay.

20 And do you recall that all of those elements were a part of the work?
---Yeah, for the, for the, to complete the whole, the whole works, yes.

And do you recall that in this case that those works were ultimately divided up amongst different contractors?---Yes.

30 Now, having sent out that request for quote, if we could go back, please, to the email at page 193. Do you see that when you send that out to the various contractors on 2 October, 2018 at 12.22, you indicate that you require quotes by the close of business on 12 October, 2018?---Yeah.

Can we then go, please, to page 225 of the same volume. And do you see on 12 October, which is the day on which the quotes were due, you in fact send out an email at 1.31 where you – and you'll see it's again to CBF Projects, Seina Group, EPMD and Ozcorp Civil?---Yeah.

And you then ask them to take note of certain queries in respect of the request for quote and you provide a bit more detail about the works that were going to be required.---Yeah.

40 Now, given that this was the day on which the quotes were due, do you recall whether there had been some request for information or something that led to you to provide some further detail in order to obtain quotes?
---There may have been, there may have been some, like, discussions and maybe I just, yeah, there may have been, yes.

Now, I'm going to suggest to you that in respect of this job, you in fact met with the contractors, told them that it was coming and indeed you were

meeting with them on the day on which you sent that update on 12 October, 2018. Do you recall that?---Sorry, what was that, that was the last - - -

Let me break it down. First of all I'm going to suggest you had some meetings and discussions with the contractors where you told them about this job and the fact that it was coming up.---We mentioned that earlier, they, they knew it was coming, yeah.

10 You accept that they would have in this instance.---Yeah, of course, yeah.

Can I also suggest though that on the day on which you sent that update out, 12 October, you were in fact meeting with each of them on that occasion. Do you have a recollection of that?---No, I don't, to be honest. It's hard to remember.

I want to take you to some photographs, please.---Yeah.

20 And if we could start, please, on same volume, 2.6, page 187. Now, before, actually before we show that, can I just pause for a moment. The documents will show an address, and it may be appropriate in the circumstances to seek that there be some order that there be no publication of the address, because I'm aware that it's a matter of some sensitivity. Oh, I'm sorry, it's already been redacted so I don't need to seek that protection. All right. Thank you. Can we show the photograph, please. So volume 2.6, page 187. Now, just looking, first of all do you recognise that as being outside of your house at your address as it then was?---(No Audible Reply)

As at October 2018?---It's hard to tell from there, to be honest.

30 Can we go then, please, to page 188.---Oh, yes, I do recognise it, I recognise the car, yes.

Well, perhaps just go to 188 and see if that assists at all. Do you recognise that as being in your street?---Yes.

And going back to the car, if we go back, please, to page 187, do you recognise that ute as belonging to Mr Chahine?---(No Audible Reply)

40 The Toyota, the white Toyota.---This one here? I don't remember his number plate, but I remember they did, did have a HiLux of that nature, yes.

I'm going to suggest that on that day there was a period of time when Mr Chahine, Mr Hadid and Mr Alameddine were present at your house.---Okay.

You had such meetings at your house from time to time, didn't you?---I've already said yes. I haven't denied it.

I'll take you to some further photos. If we could go, please, to – well, before I do that, can I take you, please, to page 182. Now, in this instance I will need to seek some protection in respect of the addresses, because they are listed. So I'll just seek a non-publication order in respect of, a non-disclosure order in respect of the addresses, Commissioner.

THE COMMISSIONER: In respect of this - - -

10 MR DOWNING: There's a particular address in the suburb of [REDACTED], which is listed there, and I ask that there be a non-publication order in respect of that.

THE COMMISSIONER: In respect of the address set out in the document that's now on the screen, being document 31 October, 2018, and 182 of volume 2.6, that the particulars of the address as set out in that document is suppressed. There is to be no publication or communication of the address or location of the premises identified.

20 **SUPPRESSION ORDER: IN RESPECT OF THE ADDRESS SET OUT IN THE DOCUMENT THAT'S NOW ON THE SCREEN, BEING DOCUMENT 31 OCTOBER, 2018, AND 182 OF VOLUME 2.6, THAT THE PARTICULARS OF THE ADDRESS AS SET OUT IN THAT DOCUMENT IS SUPPRESSED. THERE IS TO BE NO PUBLICATION OR COMMUNICATION OF THE ADDRESS OR LOCATION OF THE PREMISES IDENTIFIED.**

30 MR DOWNING: Thank you, Commissioner. Do you see that this is a surveillance running sheet? And it indicates that at 1.33 on 12 October, 2018, that you and others – that is, Mr Hadid, Mr Alameddine, Mr Chahine – depart your premises and then get into a vehicle, number plate [REDACTED].---Okay.

And can I take you then, please, to some photographs. If we could go, please, to page 189. I know it's an imperfect photo in that some of the heads are cut off, but you recognise, walking together, don't you, first of all yourself in the back right?---Yep.

40 Mr Alameddine back left.---Yep.

Mr Hadid front left.---Yep.

Mr Chahine front right.---Okay.

And if we go, please, to the next page, 190, do you recognise, starting left to right, Mr Chahine, Mr Alameddine and you?---Yeah.

And go next, please, to page 191. Left to right, Mr Hadid, Mr Chahine, Mr Alameddine and you.---Yes.

And then 192. Left to right, Mr Chahine, you, Mr Alameddine and Mr Hadid.---Sorry, yes.

And I'm going to suggest that on that day, after you departed your residence, you went to a restaurant in Chester Hill, Jasmin's. Do you remember that that was somewhere that you sometimes went to?

10 ---Sometimes went to there, yes.

And I'm also going to suggest that, later that day, you returned to your house. But I want you to bear in mind the time, 1.33, that was shown in the surveillance log as to your departure, and if we could go back, please, to page 225 of the same volume. The email that you send on 12 October with the further information in respect of the Nyngan job, do you see it was sent at 1.31?---Okay.

20 Do you recall that you actually sent that while you were at home with Mr Chahine, Mr Hadid and Mr Alameddine with you?---I actually don't recall when I sent that, but you've shown me photos so I can't dispute it. But I haven't denied it anyway, so.

But it's the case, isn't it, that you met there to discuss the quotes that they were going to put in?---Which I've already said yes to, yes.

30 And can I then take you, please, to volume, same volume, 2.6, page 25. And what you are being shown is a series of messages and notes from Mr Chahine's phone. But do you see there's one created 12 October, 2018, at 3.43pm?---Yeah.

And you'll see it's under the title Decom and Install but do you see then the elements that are recorded in the body of the message?---Yep.

“Decom and install, 77,500. Fab, 250. Trench and under, 69,000. And guardrail, 142,000. Finally, bunker and (not transcribable), 183,000.”
---Who was that to?

40 Well, that's a note he's created to himself on his phone.---Okay.

But first of all, seeing those notes, they describe, don't they, the various elements that make up the Nyngan job?---Yes, yes, correct.

And looking at that, can I take you then, please, bear those sums in mind in the note. So if we deal first of all with – sorry, if we could go back to the note. “Decom and install, \$77,500.” So this is a note saved by Mr Chahine on 12 October, 2018. Can I then take you, please, to the quotes that Mr Chahine ultimately submitted in respect of this job. And if we could go and

start, please, at page 226. You'll see, on 15 October, so the following Monday, Mr Chahine sends you quotes in respect of the RFQ for Nyngan. See that from the email?---On the Monday, the 15th, it was, okay, yep.

And you'll see he indicates, "We thank you for the RFQ. Please find quotes attached."---Yep.

10 Can we go, please, to the next page, which is – thank you. So it's quote on page 228. And do you see there, under the Nyngan decommissioning works, there's an item of \$77,500 in respect of the decommissioning and installation of the structure.---Yes.

Do you accept that the likelihood is that you had discussed with him the prices at which he would quote at the meeting that you had on 12 October? ---Yes, as I've previously said.

Can we then go, please, to page 227. And do you see there's a price there for fabrication of \$251,000?---Yes.

20 Again, it's likely that would have been discussed with him at the meeting? ---Yes.

If we could go then, please, to page 229. You'll see, in respect of trench and underboring, there's two elements. There's a site establishment, sum of 2,500, and then an actual figure for the works themselves of 67,000. So when you add them together, 69,500. Correct?---He's got, he's got, it's incorrect. Anyway, yep.

30 So the sum at the bottom doesn't add up.---Correct, yep.

But in any event, again, you would have discussed that with him in the meeting.---Yep.

Then if we go, please, to page 230. In respect of the removal of the bunker and the installation of the hard stand area, do you see that the sums come to 183,000? There's two elements, but when you add them together, 183,000. ---Yep.

40 And finally, if we go to page 231, guardrail. You'll see that there is a quote there for a wire rope barrier system. And the cost associated with that is 142,143.---Yep.

Can we then go back, please, to the – well, sorry, before I take you back to the, the note in Mr Chahine's phone, I take it you accept that in respect of each of those, you would have discussed the various elements of the job and the quotes.---With the other parties, yes.

With all of the parties present.---Yeah.

Can we go back then, please, to the note from the phone at page 25 of volume 2.6. You'll see that there is not quite to the precise dollar, but very close, a match-up between what Mr Chahine records in his phone and what were recorded in the CBF Project quotes that he sent through for the various aspects of this job?---This was created at 3.43.

So later that day.---Later that day. Okay.

10 You know, don't you, that ultimately the jobs were divided up amongst the different contractors controlled by either Mr Alameddine or Mr Hadid and Mr Chahine?---That's right.

And first of all, in respect of the decommissioning of the gantry and fabrication of the new gantry, can I take you, please, to volume 2.6, page 236.

20 And do you see this is the contract creation variation form in respect of the gantry part of the work, that is the fabrication and structural assembly/disassembly, and it's awarded to Seina for \$322,700?---Yes.

And if you go to the next page, you sign off on the request for the approval and Mr Sarkar approves it on 1 November, 2018.---Yes.

And then if we go to the quotes in respect of that job, please, first of all page 262. So we're dealing just with the gantry part of the works. You'll see the Seina quote is quote number 260, dated 12 October, 2018, so the same day as the footage of your meeting.---Yes. Okay.

30 And if you go ahead, please, you will see that there are quotes in respect of various aspects of the work. So first of all, quote 260, if you go ahead, please, to page 263, you'll see that the scope of services in this job involves the decommissioning of the gantry, the installation of – then to the next page, 264 – installation of two cantilever structures, and there's a figure of 75,700 plus GST.---Yeah.

Then if you go ahead, please, to page 268, you'll see Seina's quote, same date, 12 October, 2018, and this time it's for the fabrication of the STC structures and anchor cages.---Yes.

40

And it's in the sum of \$247,000 plus GST.---Yeah.

Then if you go ahead, please, to page 274, bearing in mind that it was Seina according to your contract creation document who got this job. You'll see there's a quote from EPMD dated 13 October, 2018.---20 October.

Sorry, 13 October.---Yeah.

And it's for the Nyngan fabrication of structures, 261,000 plus GST.
---Yeah.

And then if you go ahead, please, to page 276, you'll see CBF put in a quote for the fabrication part of the works in the sum of 251,000 plus GST.
---Yeah.

10 So what occurred here was, wasn't it, that Seina put in the winning quote and you had dummy quotes from EPMD and CBF.---That's correct.

And all of which you had discussed with Mr Alameddine, Mr Chahine and Mr Hadid.---That's correct.

And then in respect of the trenching and guardrail, can we go, please, to page 280 and 281. So start at 280, please. You'll see that in this instance EPMD obtained the contract.---Okay.

For 203,000 plus GST.---Okay.

20 And in this instance, in terms of the other quoting parties, can I take you, please, to page 308? Do you see a quote, first of all, in respect to trenching and underboring from CBF for 71,500 plus GST?---Ah hmm.

And then if we go ahead, please, to page 310. Do you see it's a quote for the wire rope barrier system?---Yep.

30 And then if we could go ahead, please, to page 312. You'll see Euro Civil & Maintenance put in a quote for the trenching underbore of 83,000 plus GST, correct?---Yep.

And then at 314, also put a quote in in respect of the safety barrier works of 150 plus GST.---Okay.

So again, it was a process where, in this instance, EPMD got the contract and you had dummy quotes from CBF and Euro Civil?---That's right.

40 And then finally, actually in respect of the bunker removal and (not transcribable) works, if we could go, please, to page 316. You'll see this is the contract creation and variation form, this time in respect of the bunker removal and the entry and egress civil works for Nyngan.---Yep.

This time it's CBF that's successful.---Yep.

And the amount is \$183,000.---Okay.

And if you go to the next page, you'll see again that you sign of as the person seeking the approval and Mr Sarkar actually gives the approval.
---Yep.

And whilst CBF gets this contract, can I take you now to volume 2.6, page 342? And do you see Ozcorp Civil have submitted a quote in respect of the bunker and the entry and egress?---Yeah.

Of \$219,000 plus GST.---Yep.

10 And then if we go to page 346, EPMD also put a quote in for the same job, that is the bunker removal and the entry and egress in the sum of \$214,000. ---Correct, correct.

So again, there was a process of two dummy quotes, this time from Ozcorp and Euro Civil.---Yes.

And in this instance, CBF got that aspect of the job?---Yep.

So, in respect of Nyngan, ultimately Mr Alameddine, through Seina and EPMD, got two very significant contracts?---Ah hmm.

20 And Mr Chahine and Mr Hadid, through CBF, got one aspect of it?---Yes.

And I take it all of that was discussed in the course of the meeting you'd had with them where you discussed the job, the prices and who would get what aspect?---That's correct.

Can I take you then to a document which was located, or a ledger that was located in Mr Alameddine's address when the search warrant was executed on him?---Ah hmm.

30 In particular, volume 4.12, page 46. Now, this is a notebook from Mr Alameddine's premises, but it contains various notations in respect of jobs. ---Mmm.

But do you see that in respect of Nyngan there are some references down the bottom? So first of all "Nyngan wire rope", do you see that?---Nyngan wire rope, yep.

40 And that was part of the contract, correct, that I took you to that EPMD ultimately got for the trenching and guardrail installation, which involved a wire rope.---Yep.

And you'll recall that the price for that was 223,300, though there were different elements that made up the wire rope part. But do you see where it indicates Nyngan wire rope, there is a reference there to a cost of \$60,000, invoiced 139,000.---Yep.

And then on the right a profit of 79,000.---Yep.

Can you recall discussing that? That is, the way in which the contract that was ultimately going to be awarded to Mr Alameddine's company would be broken up so that there would be a genuine cost, an amount that would actually be invoiced over the genuine cost and then a profit to be shared?
---Can you just repeat that, sorry?

Sure. Do you recall having a specific discussion with Mr Alameddine about the profit that was to be made on that job? I'll make it simpler.---On the profit. During that meeting, you're talking about?

10

Well, do you recall a discussion either at an earlier meeting or at the meeting on 12 October?---There would have been a discussion most definitely, but I'm not sure if it was at that meeting. Maybe after or – yeah.

But looking at the figures there, does the idea that the job, the Nyngan wire rope element of the safety rail part of the contract, that is, there was trenching, there was a trenching and underbore part and a guardrail part.
---Correct.

20 The trenching and underbore part – I withdraw that. The wire rope part, that is the safety rail, the price was \$139,000.---Yeah.

Does it look right that the actual profit on that over actual cost was about \$79,000?---What's your question, sorry?

Does that look right in terms of what the actual profit was over the genuine cost of the job?---I don't remember. I'm going off what he's written on his notes.

30 I know. But you must have some recollection, this is going back now to late 2018, as to what sort of margin you were getting on these jobs.---Do you know how many projects and contracts I've created? So you're asking me about a specific number, if that's, that profit is actually accurate, how am I supposed to answer that?

Well - -?---I've already said there is profit most definitely. This looks like his handwriting. But how am I supposed to tell you that's how much the profit was?

40 I'm putting to you that it is his handwriting, not your documents. I accept that.---I know it's his handwriting. I can tell.

But do you recall that for larger jobs of the type that Nyngan was in its various parts, that often the margin that would ultimately be paid to you in kickbacks was in the tens of thousands of dollars?---I've already said that, yes. Or admitted that.

You'll see then down below, with the Nyngan install, there's a figure of \$25,700 as the cost, 75,700 invoiced, and \$50,000 was profit.---Mmm.

Again, does that provide any guidance to you as to what that aspect of the job that Seina got for the installation?---Sorry, can you ask that again, please?

I'm asking whether that gives you any guidance as to the amount of the kickback that you got in respect of a job.---Yes.

10

So - - -?---If it was half that, it would have been 25,000, for example, or – but I'm not sure if that includes, he's excluded any other costs, minus taxes and minus any other, anything else. So I don't know. That's probably a document for himself. He may have not shared it with me, I don't know.

But I take it you accept that, in the larger jobs of this type, you were getting benefits in the form of kickbacks well into the tens of thousands of dollars. ---I've given you guys figures so, you know, so - - -

20 But you're agreeing with me?---Yes.

All right, thank you. If it's convenient, Commissioner, I'll tender volume 2.6 at this time. And I understand we should be up to exhibit 171.

THE COMMISSIONER: Yes, very well. Volume 2.6 will be admitted and become Exhibit 171.

#EXH-171 – VOLUME 2.6 CBF PROJECTS CHAHID NOTES

30

MR DOWNING: Do you recall that when you met with the contractors in respect of jobs that were about to be allocated, that you would get down to the specifics of what margin that they believed they would make in profit? ---That usually happened afterwards.

Well, you discussed afterwards though, didn't you, how much you would actually get, but - - -?---After they'd (not transcribable) the job and maybe got paid, yes.

40

But before the job was even sent in the form of a request for quote or request for tender, you've confirmed that you would meet with them and discuss what's coming up.---Yeah.

But would you discuss even at that point roughly what their margins were likely to be and what your - - -?---Sometimes we'd have no idea. On occasions we had to actually break it down, and I think there's, you probably would have confiscated maybe a few of my notebooks, there's a

break-down of costs. So we went through those exercises for jobs that were particularly – like, I this instance with this Nyngan job, there was civil works that were a little bit unfamiliar or new whereas things that were, had been done before, we relatively knew what the costs were, if that makes sense.

So that not only – sorry, I withdraw that. You would discuss then what the costs were likely to be so that you would be able to come up with a rough figure of what the profit would be.---Yes, correct.

10

And would you also then discuss though what would likely then be your kickback out of it, because you would have - - -?---That usually happened afterwards. It was already kind of – already knew. I mean I didn't really have to iterate it every single time.

And is that because there was a standing arrangement with the contractors as to what sort of percentage of the profit would be, so that whatever it ended up being you knew that it would reflect that percentage?---That's correct, yeah, yeah.

20

THE COMMISSIONER: The level of kickbacks as shown in the last exhibit were substantial. Would you not agree?---Yes.

And it must have become apparent to the contractors who you regularly dealt with that this was, this contracting with RTA or later RMS was highly profitable work, given the amount of kickbacks. Is that right?---Correct.

And that must have created enormous keenness and competition amongst the contractors to get as much work as they possibly could. Is that right?

30

---Sometimes with certain contractors.

Did that give rise to particular problems with some contractors trying to, as it were, beat off the others to get such lucrative contracts?---You mean, I mean I remember Hassan Alameddine wanting to explore more civil works. I think, in this example you showed, I think that was maybe the first time, might be the second time, it would have been relatively new that they did, they, they actually did the underbore works and the barrier works.

Previously it was maybe Lancomm that did some underbore works, the barrier works were done by CBF or Euro in the past, so I mean he wanted to learn the footing installation, so yes, there was a little, a little bit of keenness from one contractor for, to acquire more and more work, yes, and more pressure.

40

MR DOWNING: The evidence that you've given indicates that there were fairly frequent meetings over the years involving you, Mr Alameddine, Mr Chahid and Mr, sorry, Mr Hadid and Mr Chahine?---Correct.

So I take it there was a level of friendliness between them?---Between, sorry, between Mr - - -

Between Barrak and Chahid with Mr Alameddine?---To some degree. There, there was a little bit of friction. Those meetings with Mr, between Hassan Alameddine and Barrak didn't happen as often, but they did occur, yes.

10 Did they seem to be respectful of each other's territory, to a degree?---Yeah, they were, but on occasion Hassan would complain that I was maybe giving them too much work and to, to give him more work versus them and that, that often, that happened on occasions, yes.

Did Mr Hadid and Mr Chahine see relatively content with the volume of work they were doing?---Yes.

20 They were obviously seeking it from you, but do you say they weren't asking you to divert work from other contractors to them?---No, they never asked for that.

But Mr Alameddine did.---Yes.

Can I take you back to one last job, please, involving CBF and if we could go, please, to volume 2.2, page 89 and you'll see when it comes up that it's another job involving Mount White. You recall I've taken you to jobs in respect of Mount White already that involve first of all the comms room. ---Yeah.

30 And also the, I think it was, was the entry or the exit lane expansion?---The exit lane expansion.

This is you'll see a quote from CBF Projects on 24 July, 2014 and you'll see that this relates to some different work again. Have a look just for a moment and familiarise yourself with what is involved in this quote. ---Okay.

40 And if you go over the page, please, you'll see that the total for it is 167,500 plus GST. Do you recall that job at all now, this being another Mount White job that - - -?---It's coming back to me slowly. I forgot about this job but it's coming back to me.

You'll actually see that above, if we go back to the page before, page 89. In the job heading right at the top of the page, even above description it actually says "Twelve Mile".---Twelve, Twelve Mile, yeah.

That's a different location, isn't it?---A different location, correct.

Is that up around Newcastle?---That's just, that's, yeah, north of Mount White, correct.

In any event, you'll see that the quote is dated 24 July, 2014 and if we go then, please, to page 91 you'll see that CBF got this job because the purchase order number is created and it confirms that you're the contact and the amount is 167,500.---Okay.

And this is dated 11 August, 2014.---Yep.

10

And if we could go, please, to page 92 you'll see that the actual purchase order detail is there, that it's the Mount White civil works 167,500 plus GST.---Yep.

Now, I want to then – if we could go, please, to page 93 you'll see there is a breakdown there of the items. So there's the actual drainage and civil works making up 143,500 and then some formwork in respect of TIRTL housing 24,000. And just confirming that the date of that purchase order was 11 August, 2014. If you go back, please, to page 92.---Okay.

20

I want to take you to some emails that Mr Chahine seems to have used to save items on his phone and if we could go, please, to page 94. First of all, do you recognise the cbfitout@[REDACTED] email address?---Do I recognise, is that - - -

Yes.---Yeah.

Was the address that Mr Chahine used for CBF. Correct?---He had multiple emails that he was using but that's probably one of them, yeah.

30

But do you see the heading is “50K profit Mount White on top of cost”? ---Yeah.

And that's the detail of the note, when you actually look at the text down below.---Okay.

Can you recall – and I accept that this is going back to September, 2014 – but that with respect to this Mount White work involving both some more work for the TIRTLs and drainage and civil works, any discussion that that was a job where there was going to be a \$50,000 profit that you would get your cut from?---I honestly don't remember the 50K profit number and I don't even remember the project but I'm, I'm sure that there would have been kickbacks provided, most definitely.

40

Is that because of the size of the contract or the time frame?---Just the time frame. I just don't even remember this project.

There were many projects so this is probably one of the ones that I just don't remember but I, I vaguely remember the other project.

Can we go then, please, to page 96? You'll see, same day but at 18.25. We should go back, just so I can show you to compare the times. Page 94, if we go back to page 94, is 18.18.---Yep.

10 And that refers to, "50 K profit, Mount White on top of cost." And at page 96, it again lists that but it then has some further detail below and it reads, "Point-to-point fence removal and line marking, 65K for us, 10K CS, 97,200 H."---Yes.

Now just pausing there. Do you recall whether Mr Steyn was getting some cut from the work that Mr Chahine and Mr Hadid were doing at or around this time?---Oh, yes.

Do you know whether this job was one that you were responsible for or Mr Steyn?---Probably he was assisting in delivering this, yes.

20 The form I took you to in respect of the purchase order did indicate that it was you who was receiving the purchase order.---Yes.

Did Mr Chahine or Mr Hadid ever refer to you by Hassan, the name that you were given at birth?---Yes.

Looking at the reference there to H, do you believe that's a reference to you?---Yes.

30 Thinking about that job – I withdraw that. It would seem to suggest there was \$65,000 out of that job that was going to Mr Hadid and Mr Chahine. ---Yes.

10,000 to Mr Steyn.---Yes.

But 97,200 to you.---Yeah, I don't know how that – that may have been a collection of more than one project. I don't know.

40 But they did aggregate jobs from time to time, didn't they, for the purposes of working out what your kickbacks were?---Correct, yes. Aggregate as in add up, is that what you - - -

Yes, add up from one job to another.---Yep, yep, yep, correct.

THE COMMISSIONER: So this is indicating an email from Hoody. So, who do you understand actually was sending this email?---I don't think it was an email, I think it was a note.

It was a note, was it? Who was the author of the note as you understood it?
---Is this an email sent to me? Is this - - -

MR DOWNING: Commissioner, it's not suggested this was sent to Mr
Dubois.

THE COMMISSIONER: Oh, it's not.

10 MR DOWNING: It's effectively a note to by Mr Chahine to himself.

THE COMMISSIONER: Mr Chahine's note, is it? Well, the note is headed
Mount White so it seems to relate to that project. Is that right?---Yes.

So far as that project is concerned, it records 10, presumably meaning
10,000 for Craig Steyn. Is that how you read it?---Yes, yes.

And 97,200 for you, designated to you, being designated as capital H. Is
that right?---Correct, correct.

20 Well, that was a significantly high amount for you to receive out of this
project.---As I said, I think it was an aggregate of multiple projects, it was -
- -

An aggregate, what do you mean by an aggregate? An aggregate of what?
---Of other projects they had done where I had received benefits.

Well, why would be it be under the heading Mount White?---Sir, I don't
know. It's 2014.

30 It doesn't say – sorry?---It's not my note, so - - -

No, it's not your note but it does suggest it relates to Mount White, doesn't
it?---It doesn't even make sense that it's from one project, doesn't add up.
So that's why I'm assuming that it's an aggregate of others but - - -

So it may be that you did receive 97,200 but it related to more than one
project?---That's correct.

40 Do I understand that over the years, when all this contracting was going on
with kickbacks loaded into it, never once did Mr Soliman step in and say,
"This doesn't look right to me"?---No.

Some of the quoted prices in the invoices show both costs for the work but
also for various materials. You may recall we saw one just a couple, couple
of entries ago. But they were all nicely rounded figures. Wouldn't it be
more than likely, in your experience, that if the contracting involved both
supply of materials and work, that in the nature of things the materials were
always, end up throwing up uneven numbers rather than nice rounded ones,

and that'd be something that would be readily picked up by an efficient supervisor?---That's right.

You would have expected so.---Yes.

So although Mr Soliman was there for how many years when you were there with RTA and RMS?---As my manager?

Mmm.---I can't remember. What date was it?

10

Approximately.---2014, I think it was. 2014.

How many years?---Would have been five years.

Five years. But not once in five years did he ever step in and say, "I don't like the look of this invoice. I'm not going to pay it"?---Not that I recall, no. He, there was maybe on the odd, like, very rarely did he ask for more of an explanation of what the work involved and, and, and we did that, we provided – when I say "we" it's meaning Craig and I. But that, that scenario that you're just saying did not happen from my recollection.

20

And you may be able to assist the Commission in relation to this. Did you ever come across any information which suggested that Mr Soliman might have benefited, in some way or other, over the years from this form of contracting?---Yeah, I became suspicious around the time when the panel was set up or just before. Just before it was set up or just after, around that time.

And what gave rise to that suspicion?---Well, after the meeting we had with Samer and myself and Craig, the scenario I explained yesterday, I started to think about what he had said to us and that maybe either he was either testing us or doing the same thing or, you know, so, you know, I, I, and also some of the contracts that he was looking after and giving out work to, to contractors for testing and, you know, AZH Consulting from memory, and there was others, you know, which we'd never heard of, kind of I had some sort of suspicion, which I actually raised with Craig at the time.

30

I was going to say, there must have been some discussion amongst contractors, perhaps with yourself or with Craig, which raised question marks about Mr Soliman.---I think we, Mr Soliman's name came up with the contractors just maybe, like, very few times. Not many. But they actually, I think, towards the later stages I think, I can't remember who it was, I think it may have been Barrak or maybe Hassan Alameddine had the same sort of suspicion after I had spoke to them about the occurrences that had happened.

40

But do I understand your evidence to be that, although you had a suspicion, there was no hard evidence to suggest that Mr Soliman was party to any

corrupt transactions, at least so far as within your knowledge?---I didn't have any hard evidence. I remember one time, Mr Commissioner, if you allow me to add to that, I actually went to the tender documents for the panel and I looked at one of the contractors, I think it was Novation and AZH, and I looked up their physical address, and it was a residential address. So they kind of – that's, that's where the suspicion kind of came to, to be (not transcribable). So, yeah, but I didn't have any hard physical evidence, no. Notwithstanding, I think there was also, he, he asked me to change some of the wording in the tender documents for the panel contract from, you know, to include supply and maintenance, and there's a few things that kind of started to make me feel like there was something going on.

Just on that last matter, are you referring to a particular instance when he suggested that all these be added?---Correct.

Do you recall what that related to?---Yeah. The planning group B from memory, this is a long, this is going back a few years now, was just for maintenance of IT's equipment, and he specifically wanted it to, to, to be supply and, and maintain so that, for that, so that people, so that whoever basically is involved with in the panel (not transcribable) the panel can actually supply equipment which was not what it was intended for that category.

This related to IT equipment?---Correct, yeah. Scales and the like.

Scales and other equipment in use by RTA or RMS?---Yeah, for that category. I think it was mainly rolled, rolled around scales and weighing equipment from memory. I have to go look at the documents again.

Approximately when was that, what year was that?---That was, when was the panel created, 2016 I think it was from memory (not transcribable) I might be wrong.

In any event, is this the position, that at no stage did you see Mr Soliman as a threat to the contracting that you were allocating and dealing with?---Did I see him as a threat? Sorry, can you repeat that, please.

Yes. I'm saying at no stage did you feel any threat to your activities associated with contract allocation.---Yeah, I was somewhat concerned especially when he raised that point that he had been told by another employee about, you know, his suspicion.

That was the meeting you referred to yesterday.---Correct. Correct, yeah.

Mr Hayes I thought you said - - -?---Mr, Mr - - -

- - - triggered some, a meeting?---Correct. Correct, yeah. So that raised - - -

But aside from that one occasion did you ever feel threatened by him exercising scrutiny or raising challenges to any of the work that was going through your hands?---No.

Thank you.

MR DOWNING: Thank you, Commissioner. Just before I move to a different topic, I took you to one of the notes made by Mr Chahine, and I
10 think you've confirmed that you interpreted the H as a reference to you.
---Correct.

Can I take you to just a couple of other references in that regard. So the same volume 2.6 if we could go, please, to page 15 and again these are various notes that have been extracted from Mr Chahine's iPhone. Do you see number 114 there's a heading Tamworth?---Yeah.

And you'll see at the top "155 plus 1515 C, 30 us, 30 H".---Yeah.

20 Looking at that do you regard the references, first of all to "us" as \$30,000 profit for Mr Chahine and Mr Hadid as you would read it?---Yeah, correct.

Secondly, that the "H 30" meaning \$30,000 for you.---Yep.

And then perhaps a little more cryptic but "155 plus 1515 C", any idea - - - ?---That would have been Craig.

But anyway, it's not your note but you think the C is a reference to Mr Steyn in some form.---The reason I say that is because Tamworth is a
30 point-to-point site.

Which was one of his areas of responsibility and not yours.---Correct, yeah.

Then down below under "fencing" you'll see "Ballina 12,500, Tyndale 12,500".---Yeah.

And there's "10 H 10 C".---Correct.

40 Do you regard that as 10,000 for you and 10,000 for Mr Steyn?---That's what I believe, yes.

Then if we go, please to page 16 you'll see a note "7 February, 2014 number 123" and you'll see that this is a reference to Coolac.---Coolac. Okay.

And you'll see under that there's "\$18,000 Mount White, Freemans Waterhole \$55,000, 20 us, 20 H".---Yeah.

So again do we read that as you would interpret it 20,000 to you?---Yeah.

Under Eastern Creek there are no initials next to it, but there are just various figures. But just pausing there, is Coolac a location of a particular RMS facility?---Yes.

Is it a heavy vehicle checking station or - - -?---It's like an inspection facility, yes.

And Eastern Creek?---Eastern Creek is an inspection bay, a smaller site.

10

If we could then go, please, to page 17, you'll see this is a note, 28 April, 2014, and the heading is, "\$135,000 TIRTL Times Nine." And under "Body," it indicates, "135 TIRTL Times," then it looks like 921,000, but CS.---Yeah, well, CS is Craig Steyn.

But The TIRTLs were your project. Correct?---It had sort of been one of the, one of the sites he looks after, Mount Ousley, not Mount Ousley, I don't know. That could have been for another job, I don't know.

20 Could it have been TIRTLs across multiple locations?---Correct, yeah, I don't know, that's right.

But then down below under "Mount Ousley," just pausing there, Mount Ousley is again a location with an RMS facility.---There's multiple facilities, so there would have been a collection of facilities.

And you'll see there are figures, "60,000 CBF, 50,000 H, 9,000 CS."
---Yep.

30 So do you read that as meaning that for that job, \$60,000 in profit to CBF?
---Yeah.

50,000 to you and 9,000 to Mr Steyn?---Correct.

Is your recollection that typically when it came to jobs that both you and Mr Steyn had some involvement in, that your cut was larger than Mr Steyn's?
---The ones I probably controlled, and then the ones he controlled, it just depends, it varied.

40 Now, can I move then from the contracts and the amount of kickback, to the form in which you received kickbacks from Mr Chahine and Mr Hadid. And going back to the earliest form in time, what's your recollection as to how you first received them from them?---A recollection of transfers.

Transfers to - - -?---Transfers and cash. Again, as I said earlier, I can't remember which company there were transfers to.

Well, I'm going to suggest that MWK Developments was one of the companies that they made transfers to and that you ultimately received funds from. You've indicated earlier that you don't have a clear recollection now.---I said to you there was electronic transfers most definitely, but I can't remember which company.

10 So just before I go to that, I will just come back to one last question and it really arises from something the Commissioner asked before. You gave some evidence about Mr Soliman and whether he ever raised any concerns with you about the sums and the round numbers in the invoices that you were putting up?---I said the only, the only recollection I have is where he basically asked questions about why is it so expensive, or things along that nature, and we would give him a break-down or explain, whether it would be myself and Craig or both of us.

But thinking back to the time before Mr Soliman was your direct supervisor, you've told us about some of the other that supervised you, Mr McCaffery I think was one.---Yes.

20 Mr Pringle?---Yeah, that was at ITSP, yeah.

Right. Did any of those people ever raise with you some concern about the amount in invoice or the roundness of the figure in the invoice?---Not that I recall.

30 So that other than that one occasion when you recall Mr Soliman saying that Mr Sarkar had raised some issue about your relationship with contractors, was there no occasion of any issue about your relationship or your, the invoices for your contractors was ever raised with you?---I might have passing comments about like, you know, "These are your mates," or, you know, something about their nationality or there would be occasions where you might have a passing comment about that, but - - -

Sorry, is that Mr Soliman?---Mr Soliman, yes, yeah.

But did any of the other earlier supervisors ever raise any issue with you about - - -?---Not that I recall, not that I - - -

40 So either about your relationship with the contractors?---Yeah, no, not that I, not – look, it's a long time ago, I don't, I have to sit down and really think about it, but now currently I don't recall.

Or any issue about the size or round numbers in any of the bills?---No, not that I recall, no.

If we could then go back, sorry, to where I was just about to go, which was to the form of received kickbacks from Mr Chahine and Mr Hadid. You've indicated that you can recall that the payments, early payments were

through a company but you're not now clear about which one it was. Correct?---I remember there were some electronic transfers and then there was cash, but yeah, I can't remember which company. I assume that it was Australian Technology Group but you seem to think it was a different company.

10 Well, you did give some evidence yesterday about – and this is at transcript 988.17 – about there being a discussion involving you, Mr Taha and Mr Goldberg about the use of companies to try and avoid payments from being traceable.---Correct.

And what's your best recollection as to where payments were going through at the time of that discussion, you believe it was the Australian Technology Group?---I, I don't remember, sir. That's, that's it, I can't – because I remember I had maybe, there were, I can't remember if they did an electronic transfer or whether they were cheques. I just don't remember. I know there were some cheques from one of the companies but you're talking about Chahid Chahine and Barrak Hadid now?

20 I am.---I, I can't recall to be honest, where they transferred that money initially.

All right. Can I take you just to some details to try and assist your recollection in respect of MWK Developments. First of all, if you go, please, to volume 1.1, page 73. You'll see that the company itself is registered on 30 May, 2011, and then deregistered 20 October, 2013.---Yes.

30 And if we go over the page, please, you'll see that, as far as the director, Mr Towfik Taha was a previous director.---Yep.

And the registered office and principal place of business were Mr Taha and I take it that was his home address?---Yes.

You'll also see that for one day, on 30 May, 2011, there are, it would seem, a Mr and Mrs Howe who were also directors. Do you have any knowledge of who they are?---I have no idea.

40 In any event, you'll see that the secretary, previous secretary from 30 May, 2011, was Mr Taha, and if we go over the page, please, to page 3, you will see that the shares were held by Mr Taha as well.---Okay.

Now, thinking back, do you believe that it was your suggestion or Mr Taha's suggestion that this company be set up?---I can't remember. It could have been, it could have been Towfik, it could have been a combined – I'm not sure, yeah.

Well, between you and Mr Taha who originally came up with the idea that, in effect, payments wouldn't be made directly by contractor companies but

into a third-party company?---Could have been maybe Mr Goldberg's suggestion, I don't know, but Towfik created this company so he may have created this company as a, as a suggestion from him. But I can't recall the exact conversations.

But do you have a recollection as to who between you and Mr Taha wanted a company, that is other than a contractor company, to receive moneys?
---Actually, I don't recall. So if I say myself, you know, or say, say him, I can't recall whether it was maybe both of us connectively, as I said, or if it was him. I, I remember him creating this company. So - - -

But you do recall, don't you, that one the company was set up, it also opened bank accounts?---Yep.

And in that regard, could we go, please, to volume 5.1, page 1? And do you recognise that as an MWK Developments ANZ account authority form?
---Yep.

And you'll see that the account number ends in 4-5-6-9.---Yep.
20 And it was opened on 31 May, 2011.---Yep.

If we could go to the next page, please, and sorry, the next page again. Do you see that on 31 May, when that account is opened for MWK Developments, Mr Taha signs as the director but you are also, but under your - - -?---Under as an authority, yes.

- - - name given at birth, Hassan Habbouche, a third-party signatory on the account.---Yes.
30

So, it's the case, isn't it, that you went to the bank with him and you became a signatory, a co-signatory on the account?---That's right.

So that you could both operate it?---Correct.

Can I then take you – I withdraw that. Before I take you to the next account record, is it the case that you used the name Hassan Habbouche to try and make it not obvious that it was you?---Potentially, yes.

40 Well, you say potentially. Was there another reason?---Yes.

Can we go then, please, to the same volume, 5.1, to page 92. And do you recall that MWK opened up a number of accounts?---I don't remember that, no.

You'll see that there is – this is now another ANZ account opening form, dated the same date, 31 May, 2011. But this time ending in 5, sorry, 4-5-7-7.---Yes.

And if we go ahead, please. To the next page and the next page again, you'll see that again Mr Taha signs as a director signatory on the account and you sign using Hassan Habbouche as the third party.---Okay.

Can you recall why there was more than one account being opened for MWK Development?---Actually, I don't recall, no. We've gone through this. I don't remember.

- 10 Do you recall that separate to the joint accounts that were opened in the sense that you were both signatories, that MWK also opened some accounts where you were the sole account holder and signatory?---Yeah, I, I forgot about that, but I, you showed me previously and I remember it definitely happened, yes.

Can we go, please, to volume 5.1, page 680. And you'll see that this is an MWK Developments account but also in your name, Hassan Habbouche. ---Yep.

- 20 And this is now dated not, sorry, opened not on the same day as the other two accounts with you and Mr Towfik together. That was back in May. This is 28 December, 2011. You see that?---Yep.

And the account number is 5-7-7-7. And if we go ahead, please, to page 686. Sorry, go back, please, to – sorry, go back to 684. 685. You'll see that you sign as the sole account holder on this one.---Okay.

- 30 And can I then take you, please, to volume 5.1, page 685. I'm sorry. I'm sorry, Commissioner, can I just have one moment. Sorry, if we could go, please, to 683. And you'll see this is another MWK Developments account, this time opened 13 May, 2012. And this time in the account number 5011. ---Okay.

And if we go ahead, please, to 684. And then 685. You'll see that again you sign as the sole signatory on this account.---Okay.

So the documents I've taken you to indicate that on 31 May, 2011, MWK Developments opens up two ANZ accounts with you and Mr Taha as signatories.---Yep.

- 40 Then in December 2011 you open up a further account of MWK Developments in your name and then you operate, sorry, you open a further account on 30 May, 2012 with only you as the signatory. So there's two accounts in the name of MWK Developments as, with you as sole signatory, and two with you and Mr Taha.---Okay.

Can you recall why it was there were the four accounts, two operated by you and Mr Taha jointly and two operated by you solely?---I actually don't remember.

All right, well, do you remember, though, that in 2011 and 2012, there were multiple contractors that made payments into the MWK accounts?---Yes, you've kind of said that before, yes.

10 And do you recall that one of - - -?---I don't recall but you've, you've showed me previously that that this happened, yes.

I'm going to suggest to you that both Complete Building Fitout and CBF paid in moneys over that period.---Over the period when?

2011 to 2012.---Okay.

20 And I'm going to suggest that over that period they paid in \$545,928.30 in that period from June 2011 to October 2012. Do you have any recollection of that?---As I said, I, I didn't, I didn't even remember that it was paid into MWK.

Just pausing in respect of MWK, it had been set up with you and Mr Taha, correct?---Correct.

30 Do you remember that there was some arrangement that you had reached with him about what would happen with the moneys once they went into the MWK account?---If I had an arrangement with him about what happened to the moneys? I mean, I had access to the accounts, so I can use the bank card, potentially, if there was a bank card. I don't remember if there was. I think there may have been.

I'm going to suggest there was and that you used that.---Yes.

But was there any agreement that he would receive something for the fact that his name was on the company or was all money to go to you?---I actually don't remember.

40 Can I take you just to some of the examples of the moneys that were paid in by Complete Building Fitout and CBF. If we can go, please, to – it's now CE Exhibit 34, if we can bring that up.

THE WITNESS: You asked the question about – sorry, can I add? Was one of your questions just now if there was an agreement or arrangement with me and Towfik Taha about what would happen with the money?

MR DOWNING: Once they went into the MWK Developments account. ---I think he may have pulled out some money in cash, to be honest, as well from that account, potentially.

Well, was that as part of some agreement with you about the company being set up and how the funds that were being funnelled into it would then be used?---Extracted or, extracted or used, yeah, correct, yeah.

Yes. So do you recall - - -?---‘Cause I remember receiving cash from him, so that’s what I’m just, I’m, I’m assuming now, trying to, trying to remember.

10 Cash in the sense that he went to the bank and withdrew money and gave it to you?---Correct, yeah.

But from which account? From one of the MWK?---This is what I can’t remember. Whether it was from his account, TTS, or whether it was from this account. Maybe he transferred – I’m not sure.

In any event, if we could go, please, to the – so Exhibit 34 from the CEs, page 51. And you’ll see that this is a cheque, \$40,975, written from Complete Building Fitout on 30 March, 2012, to MWK Developments.
20 ---Yes.

And then if we could go, please, to page 46. And if we enlarge that slightly, you’ll see this is the MWK Developments account with the number 4-5-6-9.---Yes.

And you’ll recall that that was the first of the accounts that I took you to where you and Mr Taha were signatories.---Yes.

30 And you’ll see that that cheque that I just took you to, the 30 March cheque in the sum of \$40,975, gets deposited into this MWK Developments account on 2 April, 2012.---Okay.

Now, you’ll see below that there are references to a Visa debit card being used.---Okay.

You see, for instance, there’s a number there, 9-0-1-3.---Yep.

40 And you’ll see that that involved an expenditure at Pickles Auctions in Townsville.---I don’t remember that. That wouldn’t have been me. So Pickles Auctions, \$26,000.

Do you see down below on the same page there is also a reference to a different card, 8-0-2-4?---8-0-2-4.

And, for instance, you will see on 15 April 2012, card 8-0-2-4 used in Riyadh to withdraw some money.---That would have been the card I had potentially, and then the other one would have, he, he, the card he had potentially.

Well, you recall, don't you, and if you look down further you'll see on 17 April, there's actually a purchase made – sorry, effective at 16 April, using card 8-0-2-4, a purchase at Rolex Watches in Jeddah, and it's 35,500, is that Saudi Arabian, is that riyals?---I think so.

And you know that was you, don't you?---That was me. I've already said that was me.

- 10 So that indicates, doesn't it, that card 8-0-2-4 is the card that you used?
---Yeah but I'm asking here about 26,000, so that wouldn't have been me.
So I'm assuming that Towfik would have used this account as well.

Well, that's a transfer, that's not the use of a card.---Oh, sorry, it was transfer, transfer. Okay.

And you'll see that that transfer of \$26,000 is going into the account 5-7-7-7.---Which is the other account.

- 20 No.

THE COMMISSIONER: It's the ANZ account.

MR DOWNING: 5-7-7-7, if we go back, please, and I'm sorry to jump around.

THE COMMISSIONER: 5.8, 680.

- 30 MR DOWNING: Volume 5.1, at page 680. You'll see, 5-7-7-7 is the account for MWK but that you are the sole signatory on.---That, that I opened. Okay. All right.

So going back then, please, to the page in the bank statement that we were on, which was page 46. What we can glean from that, can't we, is that the money comes in, that is the payment is made, in terms of that cheque that I showed you from Complete Building Fitout, on 2 April and within a very short period of time you can see you're making transfers into the MWK account that you are the sole signatory on.---Okay.

- 40 Do you see, first of all, on 3 April, the very next day, there is an \$8,500 transfer? I withdraw that. There is a \$3,295 transfer. Do you see that directly under the deposit? \$3,298.---Oh, yes. Okay.

So it's literally the day after that deposit is made by Complete Building Fitout into the MWK Developments account that you and Mr Taha operate.
---Yeah.

The following day, it seems that there is a transfer into one of the ANZ accounts that you are the sole signatory on.---Okay.

And then you will see the following day, again 4 April, there is a card entry with the a withdrawal of \$9,500 at Parramatta Westfield.---Okay. Okay.

That was the Parramatta Westfield very close to where you worked?---Ah
hmm.

10 And it's likely, isn't it, that it was you who then made that withdrawal?---I don't know if it was me. It wouldn't have been, I can't see myself withdrawing that much money. Maybe, maybe not. Maybe it was Towfik, I can't remember.

Well, we can ask Towfik but I'm suggesting to you that where there were withdrawals at Parramatta, typically that was you?---Maybe it was me, yeah.

20 Mr Taha didn't work in Parramatta, did he?---No, he didn't, I worked in Parramatta. So this is very close to my work but I just, I, I, I don't recall. Maybe, maybe it was me.

Then down below, putting aside the \$1,000 purchase on 10 April, which was with Pickles Auctions in Townsville, that's card 9-0-1-3, and you've indicated that's not you.---Correct, yeah.

But the transfer on the same day of 26,000 is to the account 5-7-7-7, which we know is the account that was opened with ANZ in the name of MWK but it's one where you are the sole signatory on it.---Okay.

30 So you see down below there are actually some credits from that account as well, there is some money coming in on 16 April, transfers to that there are credits to this account of 1,000, 5,000 and 12,600?---I'm not sure that that's money transferred from that account to this account.

It seems to be a credit and it shows from the account 5-7-7-7.---Okay.

40 So it's money coming from the MWK account that you are the sole signatory on into this account, 4-5-6-9, that you and Mr Taha are both signatories on.---Okay.

Can you recall why it was that you were transferring money into this account?---I actually don't remember.

In any event, I think you've confirmed that card 8-0-2-4 was a card that you were using.---That's right.

And it's the case, isn't it, that what would happen over time is that when money was being paid in, in this instance by Complete Building Fitout, that

you would then use that money either in cash withdrawals or purchases?
---That's correct.

Can we go, please, to page 60. And you'll see now on 5 May, 2012 there is a further cheque, 66,000 this time, from Complete Building Fitout.---Ah
hmm.

10 And if we go, please, to page 53 you'll see on the 9th of May, that is four days later, that is a card entry deposit, credit, at the Parramatta Westfield. So it's the cheque from Complete Building Fitout being deposited at the branch in Parramatta on 9 May.---Yep, no worries.

That would have been you. Correct?---Yeah, well, assuming, yeah.

And it's the case, isn't it, that the cheques that you were getting from Complete Building Fitout were being given by Mr Chahine to you.---I've already said that.

20 And you will then see there are, almost immediately afterwards, card entry withdrawals and also use of the card 8-0-2-4.---Yep.

So same day as that deposit there's actually a cash withdrawal of 5,000 at the same branch.---Yep.

And that would have been you.---Yeah, potentially, I mean, I don't remember but there's a highly likely chance it may have been me, yes, 'cause I worked in Parramatta.

30 Well, also it's literally the same time the cheque is deposited.---Yeah, well, okay. Fair point.

THE COMMISSIONER: Just going back to that previous bank statement, there is a debit there for 9,000. Can we go back to the previous one. Sorry, just a moment. Sorry.

MR DOWNING: Sorry, is it the bottom of the page that you're referring to, Commissioner.

40 THE COMMISSIONER: There's one there where - - -

MR DOWNING: I'm sorry, 24 May.

THE COMMISSIONER: Something for watches and so on. That was the - - -

MR DOWNING: There was the purchase at the Rolex - - -

THE COMMISSIONER: Yes, that one.

MR DOWNING: That's not on this page, Commissioner. That was - - -

THE COMMISSIONER: No. No, it's the previous page.

MR DOWNING: It's page 53.

THE COMMISSIONER: 53, thank you. Do you recall there was a purchase there shown on the account, 9,000-odd dollars - - -?---Yes.

10

- - - for a number of Rolex watches?---Yes.

MR DOWNING: I'm sorry. Sorry, it's page 46, I apologise, Commissioner.

THE COMMISSIONER: 46.

MR DOWNING: If we could go back to that.

20 THE COMMISSIONER: Doesn't say how many Rolex watches. The entry there is a debit purchase card, 9,127. I take it that you bought those as gifts, presents, do you recall?---When I was overseas. Yeah, I, I recall I was overseas and I bought, I went to a few watch stores, correct.

(not transcribable) did you buy multiple watches for yourself or did you buy multiple watches to give to people?---Not, not to the contractors. For me and I think I gave, for my brother, and, and I think, yeah, when I was overseas, yes.

30 Well, who were the beneficiaries of the Rolex watches?---Myself. Myself.

You?---I didn't buy for anybody, any contractors, if that's what you're saying.

So they weren't watches purchased as gifts to, to give to people associated with the contracting or at RMS?---No. No.

Okay. Thank you. Yes, I've diverted you, Mr Downing.

40 MR DOWNING: No, not at all, Commissioner. Perhaps just before I move on to the next page, I will just ask – all right. Actually, could we please just go back to page 46. And you'll see that whereas card 8-0-2-4, which you've confirmed you were using, was, it would seem, withdrawing cash and then also making the purchase at Rolex Watches Jeddah on 17 April, the following day card 9-0-1-3 was spending \$50.13 at Grissini Restaurant, Menai.---Okay, yep.

That wasn't a restaurant that you went to, was it?---No.

Do you recall if that was something that Mr Taha - - -?---Was using, yes.

- - - went to?---Yeah.

And just so that we're clear as to the – thank you. Document at volume 5.1, page 247. And you'll see that this is a DFAT movements record for you, although under the name you were given at birth, not under the name that you changed your name to in 2006.---Yeah, to confirm I was overseas, yes.

10

Yes. And just given that I was asking you some questions there about purchases in April 2012 - - -?---17 April.

- - - if we go, please, to the next page, and do you see that what it shows in red is there's a departure from Sydney on 7 April, 2012 on EK415 to, that is an Emirates flight to Dubai?---Yeah.

And then an arrival back in Australia on 18 April, 2012, on an Emirates flight from Dubai?---Yes.

20

So it confirms, doesn't it, that you were in the Middle East at the time of those purchases.---Yes, correct.

Thank you. If we could go back then, please, to page 67 of volume – sorry, of the Exhibit 34. You'll see this time it's a CBF Projects cheque for \$75,900, dated 26 September, 2012.---Okay.

To MWK Developments. And if we go, please, to page 62, you'll see on 2 October, 2012, that sum is deposited at Sydney Airport branch - - -?---Yeah.

30

- - - into the MWK Developments account ending in 4-5-6-9. So the account that you and Mr Taha were both signatories on.---Yeah.

And you will see that on 2 October that deposit is made, and there are then a series of uses in the days following of card 8-0-2-4. Do you see that? So on 4 October there's a purchase of \$6,013.58 at Porsche Centre Parramatta? ---Yeah.

40 And then similarly on the same day, another debit, 9,500 at the Porsche Centre Parramatta?---Okay.

Was Porsche Centre Parramatta somewhere where you had work done on your cars?---Correct. I think I think after you mentioned this last time, I remembered it was the – I raised it afterwards that it would have been for a vehicle, the white 996 GT2 that I referenced earlier.

So either work or parts or something of that nature?---Would have been parts or work on the car, correct.

And if we could go, please, to same exhibit, page 75, you'll see now instead of Complete Building Fitout, CBF Projects, there's a cheque dated 9 October, 2012 for \$44,000 - - -?---Yeah.

- - - to MWK Developments, and if we go, please, to page 74, you'll see that there is actually a cheque as well, not this time from CBF Projects or Complete Building Fitout, but from TTS Group to MWK Developments of \$77,000.---Okay.

10

Now, just quickly, please, do the maths. 44,000 from the CBF cheque and the 77,000 from TTS comes to \$121,000.---Yeah.

And if we could go, please, to same exhibit, I was going to say page 74, but that must be wrong. I'm sorry, I'll just confirm the reference. I'm sorry, it's page 62. I apologise for the delay. And do you see that on 10 October there is that deposit there of \$121,000?---Yes.

20

So having seen the cheques and the statements, does that refresh your recollection that CBF and Complete Building Fitout were making a number of payments to MWK?---Yes.

And you were using – well, sorry, I'll pause there. There's at least one cheque I've shown you from TTS as well.---Correct.

And do you recall that you then used that account to make purchases and withdraw cash, I'm going to suggest from mid-2011 until about October 2012?---Yes.

30

And is your recollection – or I withdraw that. You've accepted that based on the statements that there was a debit card, 8-0-2-4, that you were using. ---Yes.

Do you have a recollection that Mr Taha would also go to the bank sometimes and withdraw cash and give it to you?---Yes, that's what I believe.

40

Was there any hard and fast arrangement with you and Mr Taha about how much of the funds in the MWK accounts you were joint signatories on that he was allowed to keep?---No.

But most went to you?---Yeah, I think so, yes, yes.

Was it the case that you allowed him to keep some small sums from it or to spend money from it because he was in effect assisting you to have this company set up and run?---Correct, yeah.

Now, separate to payments that Complete Building Fitout and CBF made through MWK, you've already confirmed that you also are aware that moneys were funnelled through Built Engineering.---Yes.

Now, you indicated that you couldn't recall Euro Projects. That's the case, isn't it, that is that it was one of the mechanisms, or, sorry, one of the corporate vehicles through which you received kickbacks?---I don't know if it was used or not, so yeah.

10 Now, can you recall though whether it was based on your suggestion or a suggestion by either Mr Hadid or Mr Chahine that these non-contractor companies were set up?---It was, I remember vaguely that it was a suggestion by Mr Barrak Hadid as a mechanism that he would use to provide me with the kickbacks.

And was that – the evidence indicates that you had already used a similar mechanism with Mr Taha and MWK.---Yeah, yes.

20 Do you think though, thinking back, that you may have been the person that raised it with Mr Hadid as a way that you might try and do it, that is receive payments through companies he controlled rather than a company that Mr Taha controlled?---I may, I may, but I remember that he, he, he ah, he was happy with this arrangement and this, he set up the company for that purpose, so I'm assuming that it was something that he potentially came up with. There was no cash being pulled out of Built Engineering, so he had a different mechanism that he was, that he, that he was happy and they were happy with to facilitate those.

30 And what did Mr Hadid say to you as to what the mechanism would be then - - -?---I think when he put money into it, he'll put, he'll put the money into the company through cheques that he would deposit himself.

Right, but then with what to then happen with the money once it went into Built Engineering?---That he will give me potentially cheques that I would use to purchase vehicles.

And it was that company, wasn't it, that ultimately was used to purchase a number of vehicles?---Correct. In addition to cash that was used.

40 So cash to purchase vehicles?---Correct.

And cheques?---Cheques, correct.

Now - - -?---Because the, they had – sorry, go on.

No, no, please.---No, you keep going.

What I wanted to ask you was, was there any discussion with any of the other contractors about the use of Built Engineering?---What do you mean, sorry?

Well, you've told us Mr Hadid and you had some discussion about it being used.---Yes.

10 And your best recollection is that it was he who suggested that it could be set up and moneys could be put in in the form of cheques, and then cheques taken out.---Correct.

At the time – I've already taken you to searches for Euro Projects and Built Engineering, and just to refresh your memory, Euro Projects was registered in November 2012, and Built Engineering was registered in June 2015. ---Yep.

Certainly in 2012 that was at a time when you were also doing work with Mr Taha.---Yes.

20 And also Mr Alameddine.---Yes.

And in 2015 you were still doing work with Mr Alameddine.---Euro Projects was set up in 2012, you said?

Euro Projects was November 2012.---2012, okay.

30 What I'm asking is, do you recall there being any discussion with anyone besides either Mr Hadid or Mr Chahine about those non-contractor companies being set up?---Outside them and Towfik Taha and maybe John Goldberg.

Well, that's what I'm really asking. Do you think that they, Mr Goldberg or Mr Taha or Mr Alameddine, were involved in discussions about, let's start with Built Engineering, about it being set up?---Mr Goldberg and Barrak and, Barrak Hadid and Chahid didn't really get along. So there, there wouldn't have been a discussion. But most definitely between John Goldberg and Towfik Taha and maybe Hassan Alameddine, yes.

40 Sorry, but who didn't get on? Who were the personalities that didn't gel? ---So, so John Goldberg, Mr Goldberg and Mr Hadid and Mr Chahine weren't really, they, they, I don't remember them sitting down (not transcribable) and having those sort of discussions.

So you think it's unlikely Mr Goldberg would have been involved?---No, not, not with, not with, I don't, I don't recall, no.

What about Mr Alameddine? Is it likely that he was involved in discussions about these non-contractor companies that were being set up by Mr Hadid

and Mr Chahine?---No. He was more of an advocate for using cash, pulling out cash.

Now, I want to take you back to some of the slides that were shown in the opening, which demonstrate something in terms of the sums of moneys involved, and I'll see if you can recall as to the use of particular companies. You've told me you don't recall Euro Projects being used as a mechanism for funnelling kickbacks at all.---It may have, I don't, just don't recall. Because I know there was Euro Civil & Maintenance so I got confused between the two.

Well, yes, and just to recap, Euro Civil & Maintenance was an actual contractor company.---Correct.

Whereas Euro Projects was not.---Correct, yeah. Which I completely, yeah, that's why it confused me a little bit.

Can we please bring up slide 14 from the opening. Now, there are bank records that demonstrate these things, but first of all you're aware that CBF Projects received substantial work over the years from the RMS.---Ah hmm.

You'll see there's a sum there that covers the period 2010 to 2019. That covers, I ask you to assume, both CBF Projects and Complete Building Fitout.---Ah hmm.

But do you see that in the flowchart below it, it indicates that sums were ultimately paid from either CBF Projects or Complete Building Fitout to the Euro Projects account.---Yep.

It's listed there.---Oh, it's an ANZ account. That's the one I've mentioned.

To an ANZ account.---That's the one I've mentioned previously, yeah.

The total, \$1,458,109.66.---Is this the account that got closed by the ANZ?

Well, it shows that it was active from 15 April, 2013 to 6 July, 2015. So it was only open for a relatively short period.---This is the account that was closed by the ANZ for large amounts of cash being pulled out.

Do you recall that occurring?---Yes.

And was that something that Mr Chahine reported to you?---Mr Hadid, yeah. But I don't remember that this account, this ANZ account was a Euro Projects account. That's why it was a little bit vague to me.

But now having had your memory refreshed that there was an ANZ account that was, you say, closed by the bank because of some concern about large amounts of cash being taken out - - -?---That's what I was told.

Do you recall that you had cards, that is debit cards, on that account?---Yes.

And you used them?---But again, I don't remember if it was Euro Projects. But I remember that it was an ANZ card that I had.

You later had a St George card for Built engineering, correct?---That's, that's right, yep.

10 But you remember that you did hold, so separate to the cards that I've taken you to, card 8-0-2-4 for MWK, do you recall that there was an ANZ card that you had through one of the contractor – sorry?---Which would have been under Chahid Chahine, which I've mentioned previously. And this was probably the ANZ, the ANZ card that I had probably under Euro Projects.

20 But what I'm suggesting – and I can take you if need be to the individual statements – is that CBF Projects ultimately transferred almost \$1.46 million over that period from April 2013 to July 2015 into Euro Projects.---At the time, I agree with you, this probably was the vessel. I just don't remember, I just couldn't remember the name, yeah.

And you will see that there, in terms of the cards, I'm suggesting that you held two cards with the numbers 9-0-4-5 and 5-0-4-0 with which you made some cash withdrawals of about \$177,000, or precisely \$177,042.---I didn't pull out the money.

Did you not?---No.

30 Didn't you have the cards so that you could go to the bank and make withdrawals?---How am I supposed to pull out \$177,000 via the ATM. That's, that's just, that's – I remember probably Barrak Hadid pulling out this money.

40 But you had cards where you could either make cash withdrawals from the branch or from ATMs. I'm not suggesting in one go.---No, you can only pull out a maximum of \$1,000 I think back then, maybe now it's \$2,000 from an ATM but I, I, I specifically remember that through this period that I was given a, a, a, a, a, an amount of cash. Yeah, correct.

And do you have a recollection that from time to time was it Mr Hadid would come to you with cash that was taken from the account?---That's right. That's why I think the, the, the, this, this is my recollection and I could be wrong, but the, the, the ANZ account, you can verify this. One of the accounts was closed due to – and this is what I was told so – there was cash withdrawn, not from myself, from Barrak Hadid.

But cash that you were receiving from him?---Correct, yeah.

And was it taking home and putting it in the safe?---That's correct, yeah.

And you do recall though, don't you, using the card to make some purchases?---Not the card, they would have transferred it electronically to his particular gentleman for, for this vehicle, yes.

10 Well, no, I'm not suggesting any purchase of vehicles. I'm suggesting that you had cards that on the Euro Projects ANZ account, prior to its closure, that you made some purchases from and you'll see that over that period of about 15 April, 2013 - - -?---Oh, I, I would assume so, yes, yes. I would have used the cards for purchases, yeah.

All right, thank you. Now, beyond that, I'm suggesting that Euro Projects put some money towards one of the cars.---Correct.

And you'll see that it's \$353,056 with the purchase of a Porsche 997 from J&J Johnston.---Yes.

20 And just pausing there. Can I take you, please, to slide 57? That's the car, isn't it?---Yes.

And that's a car that in fact you owned twice, correct?---That's right.

And when I say you owned, it wasn't in your name, was it?---No.

But it was bought by the contractors for you?---Correct.

30 And for your use?---Correct.

So, you'll see that there are two purchase prices listed there. The first is \$353,028 and I'm suggesting that when that first purchased that was bought through funds from Euro Projects.---That's right.

And it was bought from someone privately initially?---Yes.

Did you then sell it?---Back to Porsche, yes.

40 And when it was sold, I take it you retained the funds?---No. They went back into this ANZ account or whatever it was, yeah.

Do you recall, was it sold for a profit?---No, for a loss.

But later it was repurchased, correct?---For, for a large loss. Yes.

So, well let's pause there. Do you recall how much you sold it for when you sold it after – sorry. Let me go back a step. It was purchased initially

for \$353,028, I'm suggesting.---No, it was purchased for more than that. I think it was 380,000.

You say it was 380. What do you - - -?---I think, thereabouts. Like, yeah.

What do you recall it being sold for when you sold it to the Porsche dealership?---I think it was 350, I think from memory.

10 So, not a large loss?---Once you include, there was a few other items that needed to be paid for, I think it was like a \$50,000 loss.

And which Porsche dealership was it?---South Sydney.

Porsche Centre Sydney South in Alexandria?---Yes.

And later was it purchased back from that dealership or from someone else?---From a different dealer, from a different car dealer.

20 Was that some years down the track?---Yeah, it would have been. I can't remember now, maybe two or three years down the track, yeah.

And do you recall that when you went to buy it again, the price had then gone up to \$735,000?---That's right, yeah.

And I'm suggesting that when the car was bought for you the second time around, that the purchase price was contributed to in part by funds from Built Engineering and in part from Euro Civil & Maintenance.---That's right.

30 Now, if we go back, please, to slide 14. Do you recall that separately to the car that was being bought for you from Euro Projects, there was actually also a Porsche 993 RS that was bought not by Euro Projects at all, but directly by CBF Projects?---No. It couldn't have been bought by them directly.

Well, if there are records that suggest that that occurred, would that be a surprise to you?---Yes.

40 And do you recall what the colour was of the Porsche 993 RS?---Black. They wouldn't have purchased that car direct, they would have given me a cheque to purchase that car.

Can we go, please, to slide 62.

THE COMMISSIONER: Just while I'm waiting, going back to the original purchase of the Porsche for \$353,056, you said it was bought by contractors. Just to confirm that you're referring to by Euro Projects?---That's correct.

Anyone else or just them?---Just them.

And do you know whether they had purchased it on your behalf, paying the full amount in cash to the dealership?---It was purchased through, purchased from a private individual via, from memory it was an electronic transfer on my behalf.

That was a sizeable gift, was it not?---Well, it's a kickback. They didn't, they weren't - - -

10

Well, yes, call it a kickback, it would be more accurate, wouldn't it?---Yeah, well, they weren't comfortable, after they – this is what I remember. Actually that's probably down the track. I will stop there.

How long did you own that vehicle before it was sold, resold, sold at a loss? ---Not very long, not very long. I mean the records would, would, would show, but not very long. Maybe – I can't remember now, maybe, maybe six months, one year. Not very long.

20

I take it you had a particular interest in what might be referred to as exotic motor vehicles.---Car, car enthusiast, like every - - -

I'm sorry?---Car enthusiast, like most men.

Car enthusiast. We're still waiting on slide 62, are we?

MR DOWNING: No, we've got it. But perhaps just before I take the witness to it, I might just ask this. You've indicated that when the car, that is the 99 - - -?---3.

30

No, not the 993, the 997- - -?---7.

- - - GT2 RS, when it was sold, the moneys, did they go back into one of the non-contractor company bank accounts?---That's what I recall, yeah. I might be wrong but that's what I recall.

40

And was that because what you asked Mr Hadid or Mr Chahine to do, is in effect use that account as somewhere to hold the money until the next car was purchased?---Correct, yeah. Well, at one point, when I mentioned this earlier with, when the Commissioner was asking the question, but they, when the accounts were closed for – this is what they were telling me, that the account was closed because of large amounts of cash that were withdrawn, this is where Barrak Hadid came to the suggestion and he just kind of said basically, “We can't give you cash anymore, you know, we recommended to, we know you like cars, we'll basically help you buy the cars.”

So is your recollection, just in terms of sequence of events, there was that issue with the ANZ account that you understood had been opened and had been used for money being funnelled, but there'd been some issue with the bank raising a concern about the sums?---That's what I was told.

It was closed.---Yep, yep.

10 So it was then a case of Mr Hadid suggesting that one means of then providing funds to you that didn't involve cash and didn't involve having to go to the branch was to transfer money into one of these non-contracted companies and then buy cars with that money?---That's what they suggested, correct.

Then just the final thing. If we could go back, please, to slide 62. And is that the 993 RS?---Yep.

And you would have seen from the slide I took you to, 14 before, that the suggestion is that that was purchased from Dutton's in Melbourne.---Yeah.

20 And you will see that, according to the record there, the purchase price was \$549,210. Does that sound right for that car?---Yeah, I'll, yeah, that's right.

And you'll see that, as far as the contributions, I'm suggesting that that was actually paid by two companies that were both contractor companies, CBF put in 76,360 and Euro Civil – so not Euro Projects but Euro Civil – put 255,500.

THE COMMISSIONER: Sorry, second figure?

30 MR DOWNING: 255,500.

THE COMMISSIONER: Thank you.

THE WITNESS: That's directly from them to the dealership?

MR DOWNING: To the dealership.---Okay. I don't recall that but anyway. That could have happened. Usually they use the third party – sorry.

40 I was going to ask, do you recall there ever being any instance where you became aware that contractor companies were paying directly?---The whole purpose of – from my understanding – from when Barrak told me to set up, he wanted to set up the Built Engineering company, was to avoid this where they would transfer directly from one, from their contractor company to a facility, in this case a dealership, yeah.

Did you have any knowledge as to whose name these cars were being put in?---Over a period of time sometimes they would be put into Barrak, Barrak Hadid's name. Sometimes they were put into, I think they may have

been changed. Some, some of them may had been changed into my name or my dealership licence name.

That's Grendizer?---Correct, yep.

Do you know if some of them were in the name of the companies, either Built Engineering or Euro Projects?---I don't recall that to be honest.

10 THE COMMISSIONER: Did you specify purchasing these vehicles for you in lieu of being paid in cash?---Did I, sorry, could you - - -

Did you come to some arrangement with, take the last vehicle that's on the screen, slide 62, whereby you proposed that they purchase the vehicle rather than pay you money, cash?---It wasn't my initial suggestion. I remember there, there was something that Barrak said it was too hard to pull out cash and as a result their bank got closed. So it was an easier mechanism for them to provide these sort of kickbacks through this method.

20 MR DOWNING: Is that a convenient time, Commissioner?

THE COMMISSIONER: Yes, it is.

MR DOWNING: Thank you.

THE COMMISSIONER: Very well. Yes, all right. I'll adjourn. 10 o'clock tomorrow.

30 **THE WITNESS STOOD DOWN** [4.03pm]

AT 4.03PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.03pm]