

PARAGONPUB01159
28/05/2021

PARAGON
pp 01159-01223

PUBLIC
HEARING

COPYRIGHT

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 FRIDAY 28 MAY, 2021

AT 10.00AM

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

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

THE COMMISSIONER: Yes. Ready to proceed?

MR DOWNING: Thank you, Commissioner.

THE COMMISSIONER: Thank you, Mr Dubois. Good morning, Mr Dubois. Again I'll have you – do you wish to take an oath or an affirmation?

MR DUBOIS: Yes.

10

THE COMMISSIONER: You wish to take an oath, is it?

MR DUBOIS: Yes, please.

THE COMMISSIONER: Yes, thank you. Take a seat. Mr Downing.

MR DOWNING: Commissioner, just one practical matter before we start.

THE COMMISSIONER: Yes.

10 MR DOWNING: Late yesterday and again early this morning I understand Mr Dubois raised with Mr Ishak a desire to go to prayers at lunchtime today. It seems we can accommodate that, subject to obviously your convenience, if we were to perhaps break a little later for lunch at about 1.15, which would then allow Mr Dubois time to get to prayers and to get back in time so that there would only need to be an hour break.

THE COMMISSIONER: So instead of adjourning at 1 o'clock, you said it's 1.15.

20 MR DOWNING: 1.15.

THE COMMISSIONER: Very well.

MR DOWNING: And then resuming at 2.15.

THE COMMISSIONER: Yes. All right. Well, we'll do that. Luncheon adjournment will be between 1.15 and 2.15.

MR DOWNING: Thank you, Commissioner.

30

THE COMMISSIONER: Thank you.

THE WITNESS: Thank you.

MR DOWNING: Mr Dubois, I asked you some questions yesterday about Mr Soliman and indeed the Commissioner did as well, about whether he'd ever raised any issues with you et cetera, but one matter I don't think I asked you about that I just want to briefly ask you about now, and that is, did you ever have discussions with Mr Soliman where he suggested to you that you should keep contract sizes under \$250,000?---Yeah, that, that occurred. I remember him saying that on more than one occasion.

40

Did he ever explain why it was he wanted you to do that or was it simply requested in those bare terms?---I think that's when, I can't remember who, who the general manager was, but could have been, could have happened – it happened multiple times, but I remember there was one instance where Mr Weeks was the general manager.

Weeks, is it?---Weeks, yeah.

Right.---I think Roger Weeks. And he, he said that he didn't want the paperwork. Like anything up 250 would then have to go, according to the delegation manuals, this is what I remember, would have to go to a, to a grade higher than him to approve, so then it would automatically - - -

Higher than Mr Soliman or higher than Mr Weeks?---Mr, Mr Soliman.

10 Right.---Yeah, and it depends on the – I mean I'm not sure how they set it up at the time but it may even go higher than Mr Weeks and he didn't want a, he said he didn't want to stir the pot or bring any attention, words to that effect, to the, to the, to the contracts and he said, "We don't need the headache. Just keep it under 250 if you can."

20 And was that something that you could achieve in the way in which you would allocate work?---It was more difficult to do that because it means you have to try and give out more contracts. You know, some things made sense to combine, some things didn't make sense to combine. I mean there was an instance where later on he asked to combine the whole lot, and I said, "Well, that doesn't make sense either because certain works don't correlate with other works." But initially there were, there were, there were multiple times where he actually asked for the contracts to be under 250 to avoid the contracts escalating in terms of the approval process.

30 Just in terms of the way in which you understood, absent any request that you keep it under 250, the way in which you would naturally have gone about allocating contracts to jobs, how would you work out in which circumstances one contract would involve perhaps multiple tasks of the same nature across different sites and in which circumstances the contract might just be specific to one site?---I mean every site is obviously a different site, but maybe on the, on that particular specific site you may combine structural or steel works together and then you might combine other civil works of similar nature together, an that's how I would have potentially done it.

Well, just going back to one example from yesterday, I took you to the works allocated in respect of Nyngan.---Yes.

40 That was one site, but ultimately it seemed to be divided up so that there were, the work was allocated to three different contractors.---Correct.

And I take it that meant then under different contracts and different purchase orders?---Correct.

Just using that as the example, I mean, is that something that naturally you would have combined into one. Or did that - - -?---No, I mean, one, I, in, in theory, hypothetically, if you were to give everything to one contractor, they

would do everything. They would have to get subcontractors and charge a percentage on top of the subcontractor. So in theory it would make things more expensive. Hence why it would make sense to break some things up that weren't related, but, but there were different things that potentially can be combined, which would have raised the amount above 250.

10 Could you give an example of a job where the natural process, absent any pressure to split it would have been to combine jobs so that you would get to more than 250?---I mean, like, for example, if you're building a parking bay, depending on the size of the bay, some of them were small, some of them were large. But in instances if the bay was quite large, which meant a higher value, you could potentially combine that with, say, a TIRTL work, which included also excavation and concreting and, and similar works, and that may take the value above 250. As a, as a small example.

But you could then split it, so perhaps divide it up with the TIRTL-related works and just the parking bay works.---Correct.

20 So you ended up with two contracts that were both under 250?---Correct, yeah, correct.

You say that Mr Soliman raised it with you on multiple occasions. Did you actually make an effort to do what he asked you to do?---Yes. I mean, he was the one signing off on the purchase orders so, you know, if he said, you know, keep them under 250, then I kept them under 250.

30 Can I then go back, please, to the questions I was asking you at the end of yesterday. You might recall that in respect of Mr Chahine and Mr Hadid, I was asking you about, first of all, Euro Projects and the moneys that were funnelled into it and the way in which the moneys were received.---Yes.

And you might recall that later I asked you about a particular car – a Porsche 993 RS, that I suggested that the records indicated had been bought not by Euro Projects but through funds directly from CBF Projects.---Okay.

And the evidence also suggested that was a car bought from Dutton Garage.---That's right.

40 Now, you're aware, aren't you, and I'll come to Built Engineering in a moment, but Built Engineering bought a number of cars.---That's right.

And not all of them, but many of them were from Dutton Garage.---Correct.

Now, you're a person who is a car enthusiast.---That's right.

Had you established a relationship with Dutton Garage in Melbourne?---(not transcribable) I went there many times. They were the premium, they were one of the places to go to, yep.

Did you ever buy a car there yourself out of your own funds?---From there, no.

So with each of the cars, that they were bought with funds from different contractors but most typically Built Engineering.---Correct, yeah.

10 Can I ask, then, when it came to you actually organising the purchase of cars, how did you go about it? Would it be you would travel to Melbourne and look at the car and inspect it? Did you have a contact there that you dealt with?---Just maybe, maybe I seen a car online or when I'd go there I saw a car and then, I mean, I kind of sort of knew what was in the account or what was, those were the finances in that Built Engineering account. So and - - -

If we can just stop there, I just want to break that down a bit.---Yes.

20 So from time to time I take it you would keep an eye on whatever stock was in with Dutton's?---Yeah, I'd just look on the internet. I'm always kind of on, on, on the internet looking at cars and things like that.

And did you have particular cars or makes of cars or models of cars that you were passionate about?---Yeah, to some degree, yes.

And what was it that you'd typically look for?---Oh, look, it's just more of the classic cars and the Porsches were the more desirable, more of a better brand to, to, to put money in.

30 So you would see what stock might be there through the internet.---Yes.

Did you have someone in Melbourne at Dutton's that you typically dealt with?---Like anything, you just develop a relationship when you go to a place so many times.

40 And who did you develop a relationship with?---Oh, just with the staff there, you know. Multiple staff. I don't want to name them by name. They've got nothing to do with this, so, you know, I don't want to name them and just shame them, so it's not, it's not, they have nothing to do with what I was doing.

All right.---Okay? So - - -

Well, can I just explore this a bit further, though?---Yes.

You say you would keep an eye on what money was available in the Built Engineering account.---Yes.

And in order to do that, did you have access to the internet banking for it?
---Through the, through the bank card that I had, I could, like, when I, if I
was to pull money out and you get a receipt from the ATM machine, it
would tell you what - - -

The balance was.---How much money, balance, correct.

10 So that, in a sense, you knew how much was in there, so you knew how
much was available to spend on cars.---Correct. And when Barrak – sorry,
you haven't got to that point yet.

Oh, no, please go on.---No, no, you were going to probably get to that point
with the cheques.

Well, please, if there's something - - -?---No, sorry, it was write a cheque
out for a, say, amount, then he would, he would, he would write on the
receipt side, oh, how much the amount was, so he kept track of.

20 On the cheque butt?---Correct, yep.

But you're right, we have jumped ahead perhaps a couple of steps. So you
would look at what was available online, you might see a car that you're
interested in. Would you then call the dealership and organise to come in
and see it?---No, I wouldn't call. I would just go there. I would just, for
me, it was more of a, a trip to, to – I mean, I like, I like, I like Melbourne as
a city, so yeah.

So you would fly down, go to the dealership.---Correct, yeah.

30 And I take it that often that involved you using the card that you had from
Built to fund the travel?---I, I don't recall. I don't know, maybe, maybe not,
you know, to be honest.

But in any event, you go to the dealership and decide if you're interested in
a car?---Yes.

Would you test drive them?---Ah, sometimes. Sometimes I didn't, yeah.

40 But when you made a decision to buy, what would then happen?---I would
just basically put a deposit down through the, a cheque that Barrak had
given me prior.

So before heading to Melbourne, what, you would have him - - -?
---Sometimes I would have a cheque where basically the amount wasn't
written. So - - -

So you could fill in the details?---Correct, yeah.

But he would address it to, what, the garage, Dutton garage?---Correct, correct.

And sign it and you would fill in the words, the sum and the figures?
---Correct. That's correct. That's correct, yeah.

So, you would then pay a deposit?---Correct.

10 Would you give instructions at the time about in which company name or personal name the car was to be bought?---That, that happened towards maybe – yeah, sometimes. I would say, “Can you please put this car in,” you know, “Barrak’s name,” after consulting Barrak. And he would say, “Just put it in my name,” or, you know, this happened over multiple purchases, so I can’t really specify but yeah.

But I take it each time you made sure it wasn’t going to be in your name?
---That’s right, yeah.

20 Were any ever bought in the Grendizer name?---Correct, yeah. There were some that were, like invoiced or, or – because the paperwork was incorrect, I would just, correct.

Because I take it you would have had to provide them with some detail for the purposes of the contract and registration as to who the owner was?
---That’s correct, yep.

30 So, you provided the deposit, you give them details as to who is going to be purchasing it. Did you ever sign any paperwork?---I don’t remember if I – maybe, maybe, maybe not, to be honest, yeah.

40 But then how would you then organise for the balance of the funds to be paid? You’ve paid the deposit via a pre-signed cheque.---So only what the purchase amount was, sorry, and then I would basically, whatever the remaining amount was, then I would tell Barrak, “This is what,” you know, and then maybe the entire balance was available, maybe it wasn’t, and over time I would just basically, maybe I would come down two or three trips or two trips and, ah, give them the same sort of thing, cheques. Other times there were, like, whatever the outstanding balance was, Hassan Alameddine or Barrak Hadid did some trips when they took cash that they would give me through the kickbacks to pay the remaining, the, or the balance of the car.

THE COMMISSIONER: Sorry, just on that. So, depending on the situation, the balance after the deposit was paid would be paid under arrangements made by Barrak. Is that right?---Sorry, can you just repeat that?

We're talking about the payment of the balance of the purchase price after the deposit.---Yes.

You said you would tell Barrak - - -?---Correct.

- - - what the price was and therefore what the balance payable was.---
That's, that's right.

10 And leave it to him to organise the payment of that balance. Is that right?
---Well, there was works probably. There was probably moneys in the
account already or there was potentially future works that were coming up
and it used to vary to be honest.

And the account to which you just referred was the account with?---With
Built Engineering.

Built Engineering?---Yes.

20 And so the balance would be paid, what, usually by electronic transfer or
cheque or - - -?---Well, the cheques that I would receive from that particular
company.

But payable to the dealership?---To the dealership, correct.

Can I just ask you, how many of these vehicles did you acquire and over
what period of time, what years?---I think it was give vehicles from memory
but I would have to count them.

30 And over what period of time, what years are we talking about?---You guys
would know better, I don't know.

MR DOWNING: Commissioner, I am going to take Mr Dubois to the
specifics.

THE COMMISSIONER: You'll go through the details, all right.

MR DOWNING: Yes.

40 THE COMMISSIONER: But all of these vehicles acquired through the
dealership were what might be said to be high-level expensive cars. Is that
Right?---I guess so, yeah.

Sorry?---Yes, they were.

They were. And there was, as it were, a pool of moneys which was within
the control of those in Built Engineering, is that right, for the purchase of
the cars?---Correct.

So that the contractors whose money it was went towards the purchase of these vehicles, plainly were receiving margins of sufficiently large amounts to be able to keep that pool for the purchase of cars at certain levels. Is that right?---It's a pretty broad statement. It was over a period of time, over many contracts.

10 In other words, a pool of money available to purchase cars involved a considerable amount of money, to be able to afford the purchase of these vehicles.---Yeah, over a period, over a long period of time, yes. That's where the majority of the money went anyway.

So to some extent at least, what was in the pool available for the purchase of cars reflected, to some extent, the level of margins that the contractors were receiving.---Yes.

20 In other words, margins of considerable amounts to ensure that there would be a pool sufficient to effect the purchase of at least five of those vehicles. ---They did a lot of work, Commissioner, so, over a long time. It added up, yes.

Sure. Yes.

MR DOWNING: You've indicated that as far as Built Engineering was concerned, you were aware of the funds in the account because you had a card and you would see the balance when you went to the ATM and got a receipt.---Yes.

30 And that a lot of the money came from Built Engineering, but you also mentioned Mr Alameddine, so that he contributed to some of the cost of the funds, sorry, of the cars.---Yeah. I remember there was, he would mainly provide me with cash. I remember there was one instance or two instances where he had, I think it was a cheque, or it was a cheque I think from, not his, not the company that he worked with under for the RMS, it would have been a third-party company.

So obviously with Mr Alameddine when it came to how much was available, he didn't have the same access to an ATM to see how much was in the bank.---No.

40 Would you speak to him from time to time and say, "I've got a car that I want to pay for, you owe me this much, can you," - - -?---Yeah, it was in a discussion, we'll meet, you know, yeah.

Were those discussions just between you and him or were they effectively involving Mr Chahine and Mr Hadid as well?---Generally just me and him, to be honest, yeah.

THE COMMISSIONER: Do you know how many cars were purchased through Mr Alameddine's involvement?---No, it's hard to say, Commissioner.

It was more than one?---It's hard to say because – how can I explain it? It's hard to say. I mean you know what I'm talking about, it's like I may have put – maybe one car was CBF or say Built Engineering contributed 100,000 for example and then he, the remaining balance was 100,000 and Hassan Alameddine would have contributed to that, so it's hard to say.

10

I see. And were any of these vehicles over time brought to Sydney?
---No, they all just remained in Melbourne.

And why was that?---I don't know, just I couldn't get cash from Mr Hadid anymore and the preferred option was to purchase cars, I never drove the cars, they were assets that potentially one day I could actually sell and retrieve some money, hence the selection of certain models, but that's, that's about it. I never drove these things. They weren't even registered.

20 So where were the vehicles stored, in Melbourne?---In, stored in Melbourne, correct.

At some particular location or different locations?---Yes, a secure location at the dealership, yeah.

And do I understand you saw the purchase of these vehicles as, because of the style of vehicle and nature of the vehicle, that these were seen to be investments - - -?---Potentially.

30 - - - that could increase in value over time?---But they didn't, they actually dropped in value, but that's another story.

I see.

MR DOWNING: So just going back to the way in which the purchase price be made up, is it the case you'd go down and find a particular car you wanted, you paid a cheque that had been pre-drawn to pay the deposit. Would you then, depending on where the funds might be in the Built Engineering account, go to them for part of the money and perhaps Mr Alameddine for part of it, and get typically cheques to make it up?---That's correct. Or cash.

40

Or cash.---Yeah.

Now, you referred to the fact that sometimes Mr Hadid or Mr Alameddine would go to Melbourne.---I think Mr Hadid went once with cash, and Mr Alameddine maybe once, maybe two or three times.

Did Mr Chahine ever go down and have anything to do with the Dutton's purchases?---Not that I recall, no.

But on the occasions when Mr Hadid or Mr Alameddine went to Dutton's, were you with them?---No.

You never travelled together with them?---No.

10 All right.---Oh, sorry, can you just repeat that? When they delivered the cash, you mean?

Well, you've described a process where you went down initially - - -?
---Yeah.

- - - to at least look at the car and decide if you were interested.---Yeah.

And a deposit would be paid if you were.---Yeah, no, I wasn't with them during the process.

20 So they wouldn't be with you for that part?---No, no.

You've described a process, then, that the balance of the cars after the deposit's paid were then paid. That is, the balance.---Yes.

And your evidence, as I understand it, is that while there may have been some transfers, that typically it was cheque or cash.---Mmm.

30 And what I'm interested in is whether, when the balance was paid, you would ever go down with either Mr Hadid or Mr Alameddine for that.---No.

But I take it you'd speak to them beforehand to confirm that they were going to travel and that the money was going to be paid.---That's correct, yeah.

And did you understand from those discussions that, on some occasions, they were going to pay the balance via cheque and on other occasions there was cash?---Correct.

40 And what sort of sums of cash are we talking about, given that we are talking about classic cars, some of which were quite expensive?---200,000.

In cash?---Yeah.

And did they tell you - - -?---It might be a little bit less, I don't know.

All right. But literally into the tens of thousands and the hundreds of thousands of dollars?---What they did, they went in there with cash and gave it to the dealership. It's pretty simple, okay?

That's what they told you that they were doing in order to finalise the purchase?---That's right.

And I take it you would then have some communication with the dealership and you'd be told that the car had now been purchased and it was yours?
---I'd probably see them again when I went down there, correct.

10 So you say that the cars never travelled to Sydney? Not any of them?---No, not that I recall, no.

Wasn't there at least one Porsche, perhaps the particular - - -?---That was the 997. That, that was always in Sydney.

GT2?---That was always in Sydney.

So that didn't come from Dutton's?---No.

20 So that was in Sydney. But all of the Dutton's purchased cars literally stayed in Dutton's?---That's right.

They never left the dealership?---No.

Did anyone from Dutton's ever raise with you that something - - -?---No. No. You've asked me this before. No.

All right.---No.

30 But part of what was involved was, first of all, they know that it's their cars ultimately that are for you, because you're the one who goes down and picks them out.---That's right.

They know that none of them are put in your name.---That's right.

They know that, in some instances, large amounts of cash are being paid, paid for those cars.---That's right.

40 And they know that the cars never actually leave the dealership.---That's right. Well, they had other customers that were doing the same.

So that, in effect, they would accept a deposit, and then the car would be held for you until the balance had been paid off.---That's right.

And would sometimes that take some months?---Correct.

And you've described, obviously, looking into the Built Engineering bank balance to see what was there.---That's right.

I take it, from time to time, even if there was enough money there, you would know, based on work coming up, what was about to be allocated to the – I'll call them the Hadid and Chahine companies or Mr Alameddine's companies.---That's right. That's what I said, yeah, correct.

So that you would have a good idea that perhaps in two months, three months, there would be sufficient funds there through the payment of kickbacks to meet the cost.---That's right, correct.

10 THE COMMISSIONER: Would Dutton's from time to time resell these cars for you?---Not these particular examples, the ones, those, the ones that I mentioned, no.

Well, did they resell any of the cars?---I had a car from Sydney, it was a BMW, that I sold from there. But that's another – a Cadillac. But that's, that's, the ones that I purchased through that, those means you're talking about, they weren't resold, no.

20 So, sorry, you said a BMW and a Cadillac?---Sorry, I think it was a Chevrolet, sorry. Pardon.

So they were bought through Dutton's?---No, they weren't.

Oh, I see. They were bought through another dealership?---One private, one – actually, both private.

In Sydney or Melbourne?---In Sydney, yeah.

30 I see.---Yeah.

And those vehicles were purchased and registered in the names of who? --- (not transcribable) provided details for this with Barrak Hadid, and the other one was in my name.

And were those two cars acquired through particular contractors?---I think, I'm pretty sure one of them was, the BMW. The other one, I'm not too sure. It was a small amount, it was like, I think the purchase amount was 20
- - -

40 What was the BMW worth?---I think it was 90,000 or 100,000, something. I can't remember now the exact figure.

And who did you deal with?---Barrak.

Barrak. Thank you.

MR DOWNING: Thank you, Commissioner. You've indicated that deposits would be paid and the cars would then be held until the balance

was paid off. Can you recall, were there ever instances where Dutton's was in effect in credit for you as regards to cars that were being purchased?

---Yeah, yeah. Sounds correct, yes. Sometimes, yeah, correct.

So that they would have a - - -?---I think through maybe the sale of some of these, maybe the BMW or – that's correct, yeah.

So that there were at least some sales that went through with cars that they were holding for you?---Correct, yeah.

10

So that they would then hold the money in the account and, I take it, you would discuss with them that you would then apply it to the next purchase? ---Correct.

And I'll take you to the specific cars in a moment, but in terms of period, does the period of about 2014 to 2019 sound right for when these cars were being bought through Dutton's?---That sounds about right, yeah.

20

Now, just going to Built Engineering specifically, now moving on from Euro Projects. Can I take you, please, to slide 17, and this was a slide shown during the opening. You're obviously more aware of what was going on with Built Engineering than you are with Euro Projects, based on the evidence you gave yesterday?---As I, as I have mentioned previously, I remember an ANZ account, I just don't remember that it was linked to Euro Projects, yeah.

Sure. You'll see that, according to the graphic on slide 17, that the funds that were ultimately paid into Built Engineering are shown as coming from the three different companies controlled by Mr Hadid and Mr Chahine.

30

---Yep.

Although I'm amalgamating Complete Building Fitout and CBF into one for these purposes.---Yep.

And you'll see that what that suggests is that over a period from about 2010 to 2019, all up, funds went into the Built Engineering St George bank account that came to \$2,917,858.25.---Okay.

40

Over that period, does that surprise you or does that sound roughly consistent with the volume of work?---I've given you numbers before, my friend, so no, surprising or not, I, I haven't done a flowchart like this.

And it's the case, isn't it, that – you'll see that there is a reference there to Built Engineering had a St George account and the last four digits of the account number are 9-5-2-1. You've confirmed in your evidence already that you remembered that there was a St George account.---That's right.

And you were given a debit card on that account.---That's right.

Which you then used for cash withdrawals and purchases.---That's right.

Now, I'm going to show you a document but I'm going to suggest that that St George account was opened in June 2015 with Mr Hadid opening it and being the signatory. Does that accord with your recollection?---Sounds about right, when Built Engineering was set up. Is that when it was set up, June 2015?

10 Built Engineering, in terms of the registration, I think was 2015. I can confirm that. It was. Can I take you, please, to volume 17.1, page 4? And you'll see it's a St George request for account form. And if we go – and dated 12 June, 2015, at Macarthur Square. And if we go to the next page, please, to page 5, you'll see at the bottom, it's the Built Engineering account.---Yep, yep.

And if we go to the next page, please, to page 6, signed by Barrak Hadid as director on 12 June, 2015.---Okay.

20 And I'm going to suggest to you that on that account there were three debit cards that existed. Can you recall, first of all, whether Mr Hadid had one himself?---I, I didn't know that. I just thought there was just one. I, I don't remember.

Do you know whether Mr Chahine had one?---I, I actually don't recall, no. I don't, didn't know that.

30 Can we go, please, to volume 17.1, page 54? You'll see this is a document from the bank. You'll see that it's – there's a table of cards linked to account 9-5-2-1.---Yep.

And it indicates that there are three cards, one active and two closed, but with the active card do you see that that card ends in the numbers 4-2-1-4? ---Yep.

All cards in the name of Barrak Hadid, but that card is shown as active. ---Okay.

40 I'm going to suggest that that card, number 4-2-1-4, is the card you had. Do you recall whether you can assist us as to the number of the card?---How am I supposed to remember the number?

All right. I'm going to suggest that that was a card that you still had as at 18 June, 109, when the search warrant was executed.---Yeah, which you guys didn't find, yes.

You did something with it that day, didn't you?---Yeah, I got rid of it, of course.

And do you recall what you did with it?---I threw it out.

Do you recall where you threw it out?---I think it was in a drain somewhere.

Can we go, please, to volume 17.1, page 140. And just before you see it, you cut it up and threw it in a drain, correct?---Oh, yes, so there's my credibility. I was honest, I did, there you go.

10 THE COMMISSIONER: Why exactly did you do that?---Oh, obviously I was in shock, so wanted to get rid of anything that linked me to Barrak Hadid.

Anything incriminating?---Yeah, correct, yeah.

MR DOWNING: Do you recall that you drove to Fuller Street in Chester Hill?---That's right, yeah.

20 And is that an address where someone you know lives?---That's the, yeah, that's one of the people that Hassan Alameddine introduced me to.

Is it one of the sheikhs that - - -?---Correct, yeah, correct.

And which sheikh was that?---Ghassan, I think his name is.

Ghassan - - -?---Hawcher.

Hawcher.---That's right, yeah.

30 If we could go, please, to page 140. And you'll see from the detail there that that was on 18 June, 2019, at 2.27, and it shows, doesn't it, you standing next to the - was it your car?---Me standing next to my car. Oh, yeah, okay, yep.

On the phone.---Oh, yeah.

And it appears still on the same road that you'd been in that morning with the photograph that you were shown before of the safe.---Yep.

40 Now, you called a few people.---Yeah. I may have. I don't remember.

But do you recall - if we go, please, to page 142 - that that was the location where you threw the cut-up card into the drain?---Let's see. I was actually honest about it, which I've always been honest, but anyway, show me. Oh, yeah, okay, that's good. I can't remember the street name, but Chester Hill, yep.

Well, if we go, please, to the next page, to page 143. I'm going to suggest the drain is at the corner of Jocelyn Street and O'Hagon Street in Chester Hill.---Okay, yeah, that's right (not transcribable)

If we go, please, to page 144. And if we could try and close in a little closer. Do you see that that is the St George debit card, and it's unsigned on the back, but in the name of Barrak Hadid, Built Engineering.---That's right, yeah.

10 And if we go, please, to page 145. It's a little easier to see.---That's right. I've even told you the PIN code for this card, haven't I? Yep.

If we could just close in a little, you'll see that it ends with the numbers 4-2-1-4.---That's right, yes.

And that's the card you'd held and used for some years.---Okay, yeah, great. That is the card, yes.

20 You'd used over the period 2015 when the account was open, and 2019. ---Ah, is that when the cards were issued? Potentially, yeah, when they were issued, yes.

Just in respect of the use of it, can I take you, please, to volume 17.1, page 148. And again this is the travel movements document showing your arrivals and departures from Australia.---Ah hmm.

30 Can we go, please, page 148. You see the red entries. And if we go to the top, just so again you can be comfortable that I'm showing you the documents for you. It's the movement details for you.---Yep.

Do you see 29 March, 2016, it shows that you depart on a JAL flight to Tokyo at 9.15?---Correct, yeah.

And then on 5 April, 2016, you return from Tokyo.---Okay.

So what that indicates is that you had a departure from the airport, that is Kingsford Smith Airport in Sydney, at about 9.15.---Yeah, I remember, I remember the trip, I remember the trip, yeah.

40 Can I take you, please, to a statement from St George Bank in respect of this account. You see that this is the statement on the Built Engineering account and the account number ending in 9-5-2-1.---Okay.

And if you look down the page for 29 March, 2016, you'll see that this is a statement for 12 March, 2016 to 11 April, 2016. At the bottom of the page the highlighted entry shows that there's an ATM withdrawal at Sydney International Departures at 8.09 that day, \$1,127.82.---Okay, yeah.

And if you go over the page, please, you'll see that there are further entries at 8.09, 8.10 and 8.10, which again indicate someone is using an ATM at Sydney Airport.---Okay.

Ultimately a sum of about \$1,954 withdrawn. Given the sums – first of all, you accept that that was you using the card before?---I've already told you I've used the card, I was using the card.

10 All right. This is an instance though, isn't it, where you're just about to depart Australia and you've used the card to get money?---That's right. I've already said that, yes.

And is it likely looking at the sums that you were getting out perhaps Japanese yen in order to use, given the odd numbers that are involved? ---Maybe I pulled it out and then exchanged it. I'm not sure. Maybe potentially, yes. That sounds about right because the figures don't add up (not transcribable) okay, yeah.

20 Commissioner, I don't believe that these pages are currently in evidence. There are some of them in a volume that relates to the cars, but I don't believe these pages.

THE COMMISSIONER: They can be tendered separately.

MR DOWNING: If they could.

30 THE COMMISSIONER: The St George Bank account statement for the period 12 March, 2016 to 11 April, 2016, showing withdrawals on a debit card utilised by Mr Dubois will be admitted and become Exhibit 172.

MR DOWNING: And just for the record, the statement all-up apparently is 140 pages. It's simply pages 32 and 33 from that, that are the two pages that I've taken Mr Dubois to.

THE COMMISSIONER: Pages 32?

MR DOWNING: And 33.

40 THE COMMISSIONER: That exhibit will be then pages 32 and 33 in respect of the St George account statement, last four number 9-5-2-1.

**#EXH-172 – ST GEORGE BANK ACCOUNTS STATEMENT
UTILISED BY MR DUBOIS PAGES 32, 33 ACCOUNT ENDING IN
9521**

MR DOWNING: Thank you, Commissioner. Mr Dubois, if I could then take you back, please, to slide 17, being the same slide I took you to earlier. I'm going to suggest to you that over the period of you using that card that there were cash withdrawals on it of about \$182,604.89, and that there were purchases on it of \$71,096.09. Do you recall how often you used it or what things you used it - - -?---No, no, it's hard to say over, it was a period of time, wasn't it?

10 It was. It was some years. It was '05 to '09.---Okay, yeah.

Sorry, 2015 - - -?---'15 to '19.

2019. But do you recall that there were also cheques cashed on that account from time to time?---Cheques cashed on – that's how I think Barrak Hadid would put money into those accounts, as I've said previously.

20 But did he ever come to you with cash that you understood that he had taken out from that account, separate to you utilising the card?---Not that I recall, to be honest. I think it was, most of the money was used for the purchasing of the cars. 'Cause - - -

Well, let's go to the cars, then, please. If we could go to page 19 of the slides. Now, there are a number of cars listed there, showing that purchases were made through Built Engineering.---Yes.

Some from, a number of them from Dutton Garage and some from other sources.---Correct.

30 Can I start with the BMW M3, and you'll see that wasn't a purchase from Dutton Garage, that was from a Ron Laura.---Private person.

And a price of \$90,000.---Yep.

And was that the car that you were referring to earlier?---That's right, yep.

Just in respect of that car, could I take you, please, to page – sorry, slide number 55. And that's the car, isn't it?---No, it's not the actual car but the same model, yeah.

40 And in that instance, can you recall how it was you came to know about the car and purchase it?---I, I had seen a similar car at a workshop, a mechanical workshop in Sydney. And when I, I inquired about the, the particular car, they gave me the gentleman, the owner's number. When I spoke to the gentleman, he had multiple of these that were for sale. So I met with the gentleman at, at another mechanical workshop. I'm not sure if I met with him initially on my own or maybe with Barrak. And then he - - -

Just pausing there, Barrak had an interest in cars as well, didn't he?
---Correct, yes. Yeah, so he maybe potentially came with me. We liked the car, 'cause he brought it down, and then we agreed on a price, and I remember the, Barrak transferred some money to the gentleman.

So I'm going to suggest through Built Engineering it was \$90,000 that was contributed by - - -?---Through the Built Engineering, yeah. I can't remember which company it was but, yeah.

10 Do you recall how the \$40,000 balance was made up? Was that in cash from you or - - -?---\$40,000?

Well, there's a \$90,000 contribution according to - - -?---The purchase price, is that what the purchase price is? No, the purchase price wasn't 130,000.

You don't believe that's right?---No, it was sold for 130 or 135 to Dutton's later on.

20 What do you believe was paid for it?---I think it was, I think it was 100,000. So maybe, maybe \$10,000 deposit to the gentleman at the time, and then some time later, could be, could have been a few weeks, the deposit, the remaining balance was paid by, by cheque.

Can you assist us as to who paid the deposit in this instance?---Would have been myself. With, with Barrak, yeah.

30 THE COMMISSIONER: You said the purchase price was 100,000 you think.---From memory it was 100,000, yeah. It wasn't 130. That's what I remember.

MR DOWNING: But if you had contributed the deposit, presumably that would have been through funds that you'd obtained through Built Engineering at the time?---Of course, potentially, yes, yeah, yeah.

Can we then go back, please, to slide 19. And can I then move from the BMW to the Ferrari F40.---Yep.

40 And that was a car acquired through Dutton Garage, correct?---Correct.

But is it correct that that wasn't acquired from Dutton in Melbourne, that was actually acquired in New Zealand?---Correct, yep.

Can you explain the process by which you came to acquire that car?---I was there just visiting.

That's New Zealand?---Correct, yeah, and I went to the - - -

And what was the purpose of the visit?---A holiday, it was just a nice place, if, if you've ever been to New Zealand. Good place to go to.

Right.---Visiting there and I knew they had a dealership there so I went there and - - -

Which city?---In Christchurch. And I saw the car there and then we spoke about – I, I thought at the time that the car was actually very well priced. So there was, you know, it, it was potentially a, a good purchase.

10

Just pause there. If we could go to, please, slide 56.---Yeah, sure, the car.

Is that the car?---Yeah, that's the car.

So, you do to New Zealand, it's in the Dutton Garage in Christchurch?
---Yep.

20

You think it's well priced?---Correct, yeah. I mean, this was probably the largest amount for – I mean, that was far exceeding anything I had paid for any vehicle previously but it was, it was, I think they, they were selling it for maybe more than that at the time. So, they, they fluctuate.

THE COMMISSIONER: So, was it advertised at the price shown on the slide there?---I don't remember how much it was advertised for. I don't know.

Well, that's 1.58.---That was something that was discussed with the guys.

30

1.5 million. That was discussed?---That was the price that I was told that it, that they were willing to let, let the car go for.

MR DOWNING: That is the dealer in Christchurch?---Correct, correct. Yeah.

And I take it you had some knowledge of this particular car, there must have been some rarity about the car?---Oh, I mean, if, if you're, everyone knows, (not transcribable) car.

40

So, tell us then, you had gone on this trip not with the intention that you were going to be buying a car presumably.---No, I didn't know that the car was there.

So what was the process then by which it was bought?---This is obviously a large amount. So then whatever money that I, that come to me, whatever it was in the account or cash that I had or over time - - -

Well, just go back a step. I take it you didn't pay any deposit at the time because you hadn't gone expecting to buy a car?---No, that's right. Correct, yeah.

10 So, did you then organise for Built Engineering to pay either the whole sum or a part of the sum?---No, no. It was over a period of time, so I, I had a note that, that you guys have, potentially, if you found it, basically of sums that were paid over – I don't, I didn't write dates but it was amounts, smaller amounts, 70,000, 100,000, 150,000, over a period of time and it, yeah, I think the accumulated amount was the figure you've got here in red, 1.2. But, so the entire amount wasn't paid off.

THE COMMISSIONER: Where did all the funds come from?---From the, from the proceeds of the work that the guys were doing, from Built Engineering and the likes. And Hassan - - -

It all came through Built Engineering?---And, well, sorry, my, my mistake. It was, it was the same process that was followed.

20 So where did the money come from or funnel through what, what entities? ---Built Engineering. It's hard to say, Commissioner, because it may have, maybe, maybe some amounts came, are able to have come from maybe Hassan Alameddine's companies. I'm not too sure,

Could have been a combination of contractors?---Correct, yeah.

I see. But what did you do with the car? Did you take delivery of it?---No. It was, I, I, didn't see I for, I didn't see it, it was, it remained, it remained overseas.

30 I'm sorry, what happened to it? What happened to the- - -?---I organised the sale of the car and provided the cheque to ICAC, which they couldn't do anything with it at the time.

So, when did you sell it?---Would have been a few months after the, after - - -

Search warrant?---Search warrant, correct.

40 MR DOWNING: And in terms of the time when this was bought, does 2018 sound right?---Sounds about right. It was the last vehicle.

And was it, in effect, bought on a type of lay-by arrangement where they accepted down payments along the way?---As, as I said to you, there was payments made over a period of time, yes. Could be, could have been six/seven/eight payments. I can't remember now. You would have the details, I'm assuming. There was a little small paper that I had all the amounts written on. I think an envelope maybe.

Can I ask that we go, please, to volume 20.2, page 172? And you'll see this is an invoice from Dutton Garage, but in Melbourne.---Mmm.

But it does indicate that it's for a Ferrari F40.---Yeah.

It's a used 1990 model.---Yeah.

And with a price of \$1,586,500.---Okay.

10

Indicating that the total price was that sum and at that point, that is at 29 June, 2018, that that was the whole amount owing.---Yes.

Does that accord with your recollection as to when you were in New Zealand, June 2018?---Yeah.

And did you ask for the invoice to be put in the name of Grendizer?---Yeah. I mean I may have at the time or maybe afterwards, yeah.

20

If we could then go, please, to page 173, and you'll see that Dutton Garage then got the agreement for sale of the used vehicle, showing same price, but also that was the total amount paid for the vehicle and it shows, I'm sorry, it does still show that the balance payable at the time was 1,586,500. Did you get those documents, that is the invoice and the agreement for sale, at the time?---I may have had them. You guys confiscated some documents, some of them could have been, yeah, maybe.

And as best you can recall, how long did it take for that to be paid off?
---It wasn't paid off.

30

Sorry?---It wasn't completely paid off.

So do you believe that it was only part of it that was paid?---Yeah, maybe three-quarters or 80 per cent. You've just had it on the screen.

Yes. If we go back, please, to the slide, which is slide 56. That shows that ultimately what Built Engineering paid to Dutton's in respect of that car was 1,209,500.---That's right.

40

So that it was the case that by the time the search warrant was executed, the full price had still not been paid off.---Correct. I mean it was the intention to sell some of the cars to, to cover the balance, but anyway, that's correct.

Sell some of the other cars that you - - -?---That's right.

But for whatever reason, that didn't happen by the time of the search warrant being executed.---That's right.

THE COMMISSIONER: Were those moneys – sorry, I withdraw that. You said you sold the vehicle in 2019 and I think the documents we’ve seen, that occurred shortly after the, not long after the search warrant. Is that right?
---The - - -

The Ferrari was sold after the search warrants were executed?---That’s right, yeah.

10 And - - -?---With the intention of giving the money back to ICAC. That was the intention of selling the cars.

Were the sale proceeds subsequently the subject of restraining orders?
---No, I’d provided the cheque before that.

You provided the cheque to?---To ICAC before that.

The Commission, yeah.---Yeah.

20 Thank you.

MR DOWNING: And do you recall what it sold for?---I think just over a million or can’t remember now, I’d have to check.

How was it sold, was it sold through Dutton’s?---Dutton’s sold it, yeah. Or Dutton’s bought it, sorry.

So they bought it back from you?---Correct, yeah.

30 Can we then go, please, to – so first of all back to slide 19, and you’ll see that there is a Porsche 997 with the VIN 7-6-0-9-5, showing that that was purchased through Italia Motori, \$300,000.---Yeah, yeah.

And if we could go, please, back to the slides, this time to page 57. And that’s the car, isn’t it? That’s the 997 GT2 RS?---That’s right, yeah.

And is that the one that was held, kept in Sydney?---That’s correct.

And that’s also the car that was owned twice?---Correct.

40 And regards that, you’ll see that there are two purchase prices there. Do you recall that the first time around it was bought for \$353,028?---I think it’s more than that but, yeah, that’s right, that’s fine, yep.

And I suggested to you that that initial purchase price was funded through - - -?---Ah - - -

Sorry, I withdraw that. Could it have been that it was purchased once for \$415,000?---No.

What's your recollection of price?---That doesn't sound right. I think it's just under 400. But it's close to that anyway. That's the first Euro Projects. Yep.

In terms of the first purchase. And then that, was that purchased through - - -?---Euro Projects.

10 Sorry, but in terms of the person it was bought from, was that Italia Motori, do you recall that?---No, that was a private, private person the first time.

And was it then repurchased later on from Italia Motori?---Correct, yeah.

But I take it you accept that ultimately the purchase price for that car, the first time and the second time was made up through Euro Projects, Built Engineering, and I'm going to suggest a contribution from Euro Civil & Maintenance as well.---Correct, yep.

20 And thinking about the first purchase, you say it was from a private person. Again, did you identify it just through your interest in cars?---I think I'd seen the car at a dealership and inquired who owned the car, and they, they gave me the owner's number.

And did you - - -?---'Cause I was always visiting dealerships, just as an enthusiast again.

So they put you in contact with the actual owner?---Correct, yeah.

30 And did you negotiate a price?---That's right, yeah.

And did you take Mr Hadid with you?---I can't remember. It's going back a while now. If I, if I took him with me the first time, I don't, I don't remember.

But you organised for the funds to come from him in one form or another. ---He definitely came with me the second time to, to the other dealership when it was purchased the second time.

40 Is that Italia Motori?---Correct, yep.

Which is located where?---In Sydney, in Darlinghurst. Yep. And that's where he signed the papers and took his ID.

And just in that regard, do you recall timing-wise when you first acquired it, how long you held it, and then when you sold it?---That's, I think the period in between, maybe one or two years in between.

So, what, 20, could it be about 2014 you acquire it, then sell it, then 2016 acquire it again?---Something, maybe, potentially. Yeah, sounds about right.

And can I take you, please, to volume 20.3, page 12. Do you see that's a cheque for \$415,000?---Yep.

10 And on a St George – well, sorry, it's a St George bank cheque. Do you recall that's a cheque you obtained from Mr Hadid in order to buy the car?
---He came with me, yep.

And if I could take you, please, to page 13 of the same volume. Do you see a St George record there indicating, first of all, a cash withdrawal of \$300,000 from Built Engineering?---Yep.

And then, secondly, a cash withdrawal from Euro Civil & Maintenance for \$115,000.---Sorry?

20 It was ultimately a bank cheque of \$415,000 being drawn for Italia Motori.
---Cash withdrawal for 300,000.

Do you see at the top of that document, the branch record, it shows a cash withdrawal of \$300,000 from an account under the name of Built Engineering?---Okay.

And then a little lower down a cash withdrawal of \$115,000 from an account named Euro Civil and Maintenance.---But that money wasn't paid for in cash.

30 No, but then if you see down below, then a bank cheque of \$115,000 is drawn.---Okay.

Were you with Mr Hadid when he went to the branch in order to get the funds?---No.

But he was with you when you went to actually purchase the car from Italia Motori?---That's right.

40 So you were there when he handed over the cheque, I take it?---From memory, yes, yeah.

Can I then – can I take you back then, please, to page 19 – sorry – slide 19? And do you see that one of the vehicles there is a Porsche GT2 with a VIN 9-4-2-7-1?---Yep.

And that was a car bought not from Dutton's but from Queensland Prestige Cars.---Okay, yeah.

And you'll see it shows that a contribution of \$298,000 coming from Built Engineering.---Yep.

If we could go, please, to page – sorry – slide 59. Now, I'm not suggesting that's the precise car but that's the year and model, isn't it?---Correct.

10 And in that instance can you assist us as to how you located the car and how it was purchased from Queensland Prestige?---I don't remember the, I don't remember the name of the, name of the company but it was actually purchased from a dealership in Sydney.

Was it?---Yeah. In Kingsgrove.

Do you remember the name of the dealership?---Actually I don't remember the name of the dealership, no.

In any event, did you go to the dealership and identify the car?---Yeah, I think I may have seen this online and I went there to see the car.

20 Did you, in that instance, did you organise for Mr Hadid to come with you? ---I don't remember him coming with me. Maybe later, later, at later stage because I visited the place multiple times.

Before ultimately deciding to purchase it?---Yep.

And can you recall that there were payments made via cheque?---It would have been cheque. It wouldn't have been cash.

30 And did you obtain those cheques from Mr Hadid or did he come with you to the dealership in order to pay for them?---I can't remember him, I don't recall him coming with me for that one.

If we could go back, please, to page 19. Do you see one of the cars second from the right is a Ferrari 599 GTB?---Yep.

And that indicates, on the chart - - -?---Can I say, add something, sorry?

40 Sure.---This was the car that was traded in at Italia Motori. I'm not sure if you got that detail correct. And the remaining of the balance was the 415,000 that you've just - - -

Sorry, this Ferrari was traded in?---Sorry, this Porsche, black one, was traded into Italia Motori and the remainder of the balance was 415,000. The second time, it was the purchase of the white, white, white car.

Sorry, break that down for me. So, the - - -?---So the black one that you've just referred to from Queensland Prestige Cars, was traded on or, or given to

Italia Motori and then the remaining balance to pay for the, the, the car that was purchased twice - - -

The GT2 RS, when it was repurchased?---Correct, correct. So that was kind of the difference of, of that would have been the cheque that you just mentioned.

The 415,000- - -?---Correct, yeah. Correct.

10 - - - as supplemented by the trade-in of that car?---Correct, yeah.

Thank you. And if we could then just come back, please, to the Ferrari 599 GTB, with VIN 9-1-6-4-4.---Yeah.

The chart indicates a contribution from Built Engineering of \$250,000. ---Yep.

20 But if I could take you, please, to page 61. And you would also notice that was a Dutton Garage purchase.---That was, remained in Melbourne, yep.

And that's the car, isn't it?---Yep.

Showing a purchase price of \$697,500.---Okay, yep.

And you'll see that, according to the slide, the purchase price was contributed to partly from Built Engineering, partly from Efficient Project Management. That is Mr Alameddine's company.---Yep.

30 And partly from Euro Civil. That is one of the contractor companies of Mr Hadid and Mr Chahine.---Okay. I think there was also another cheque from Hassan through another third party company.

But you gave some evidence earlier that Mr Alameddine had contributed to some of the cars.---Yes.

And so this would have been one of those instances, wouldn't it - - -?
---Correct, yeah.

40 - - - where you would have seen how much was available in Built and seen how much you could get through Mr Hadid and Mr Chahine - - -?---Correct.

- - - through whatever form, realised there was a shortfall, and gone to Mr Alameddine for him to pay the balance?---That's right.

And if I could then, please, take you back to page – sorry, to slide 19. You'll see the last car on the right, the bottom of the chart, is a Ferrari 360 from Dutton Garage.---Yep.

And you'll see that it indicates the Built Engineering contribution of \$32,000.---Yep.

And then if we could go back, please, to slide 63.

THE WITNESS: Sorry, Commissioner, can I add something. No, it's okay, sorry.

10 MR DOWNING: If it's relevant to the cars that I've just taken you to, please do.---No, 'cause I remember telling the Commissioner that the, the F40 was sold, but all the cars were sold.

That is, after the search warrants were executed?---Correct. And, and the cheque provided to the Commission prior to any freezing orders. I just want to add to that. Because it wasn't just the F40 that was sold.

So all of the cars that we've been through?---Were sold and the money provided to the Commission.

20 Is that the - - -?---That's, that's the car, yes.

Now, the purchase price shown is \$500,000.---Yep.

And the contribution here is only a relatively small one, compared to some of the other purchases, of 32,000 from Built Engineering. Can you recall how the balance was made up?---As I said, there was a combination of probably cheques and there was also cash that was contributed to the remainder.

30 And the way you've described that is that you would speak to either Hassan or to Barrak and they would take cash to the dealership.---Yep. That's why I said the majority of the moneys that I received were, were put into the cars. So if I had cash at home, there was some cash remaining, the remainder at home in the safe that you guys obviously spoke about two days, or yesterday, and then the remainder of the cash was then the, the contractors – whether it be Hassan Alameddine or Barrak at one point – delivered cash to the dealership.

40 But did any of the cash that was used to top up the cheques that were being paid ever come from you? That is, you took it out of the safe and it was then taken down to buy the cars?---It may have. It may have, yes, yeah.

And just while we're on that cash in the safe, I'm going to ask that you be shown an image.---Yes.

Because it's the case, isn't it, that when the search warrant was executed on you, there was some cash that was in one of the safes.---100,000. 100,000 in, in the safe that was on the right-hand side.

So - - -?---On the image.

Just pausing there. With the image we showed you before, there was a larger, higher safe on the left.---Correct.

Then a cupboard of some sort.---Correct.

And then a smaller safe on the right.---Correct.

10

And I'll just have you shown an image in a moment.---Yeah.

Is that the safe with a, looks like a box at the top.---That's the one, yep. There was 100,000 in that safe.

And if we go to the next photo, please. So it's an Adidas shoebox.---Yep.

And that's the cash that was in it at the time.---That's right.

20

But that was in the safe that was above ground, and you've described that there was also money in the safe below ground at the time.---Yeah, which, correct.

All right, thank you.---And that was given to me by Hassan Alameddine.

That box itself?---Correct, yeah.

30

Are you able to say how soon or how close in time to when the search warrant was executed it was given to you?---Probably, I don't know, it was hard, it's hard to say, maybe a few, maybe one or two – I can't remember. I can't, I don't recall that, sorry. It's hard to say.

Did you sometimes keep safe, sorry, cash in that smaller safe before accumulating a bit of it and then moving - - -?---Sometimes the cash - - -

- - - the large - - -?---Some - - -

Just wait for the question.---Sorry.

40

Before then moving the above-ground safe to put money in the larger – I withdraw that – to the, into the below-ground safe?---No. That was rare that there was money in that safe. That's why, as I said earlier, sometimes the money wouldn't come to me, it would just go, they would just deliver the cash to pay for the cars.

But in this instance you've told – I withdraw that. You said that typically when you got cash in large amounts you would put it in that safe below the

ground that involved moving the big safe to get access to it.---I very rarely accessed that, it was very rare.

But here there was the sum of \$100,000 in the smaller safe above ground. ---That's right.

Were you in effect just keeping a smaller sum available for more ready access to use it?---The intention was to also pay for the remainder of the car or to use it for something along those lines.

10

When you say the remainder of the car, that is the Porsche – sorry, I withdraw that – the Ferrari F40 that still had some moneys owing on it? ---Correct, and the intention was to sell other cars to, to pay for it, correct.

Well, just pausing there, you say, don't you, that at the time of the search warrant there was something in the order of \$1,000,000 in the safe below the ground?---Correct, yes.

20

If you had that sort of money lying around and you'd been waiting for some time to pay off the entire price of the F40, given that the records suggest that it was a year before that you'd gone to New Zealand, why would you not have taken some of that cash to pay for it?---I was going to.

Well, I mean - - -?---I don't know, you asked me about how I was thinking two or three years ago. It's hard to answer that question.

30

Well, presumably you wanted to actually own the car, I mean putting aside the fact not in your name, but you wanted to complete the purchase of it so that it was a car that was available to you?---There wasn't I think much remaining and I knew, the intention was, Dutton's had advertised one of the cars so that would have paid off the – but they, they couldn't sell it at the time, the market had dipped, so, so, so I didn't think I needed to use those moneys to complete the transaction.

But in effect you've had, you say that over the course of whatever time it was after you to go New Zealand in June 2018, you have Mr Hadid and Mr Chahine, through their companies, make payments?---That's right.

40

And ultimately they get to about, it was just over \$1.2 million on a \$1.5 million car.---Yeah.

So there's still a \$300,000 balance to be paid.---Yes.

And you're committed to it by that point, in the sense that there's already been \$1.2 million paid towards it, presumably you wouldn't just say, "I've changed my mind."---Yes.

Well, if you've got over \$1 million in a safe sitting in your garage, why would you not use that money to complete the purchase?---As I said to you earlier, I had a car that was advertised for sale through Dutton's which would have aided in the completion of that.

Which car was that?---It was a, one of the Porsches.

10 Which one?---It was one of the grey ones, a GT3 RS, yeah, and they couldn't sell it or it didn't sell and I don't know, you're asking about how I was thinking at the time, it's hard to answer.

Well, could it be that in fact what you're saying about the \$1 million or so being in the safe is not actually right?---What do you mean?

Well, what I mean is what I said. Could it be what you're telling us about there being \$1 million in the safe at the time of the search warrant being executed is not correct?---Oh, really? Okay. [REDACTED]

20 [REDACTED] You maintain that it is correct [REDACTED] there was \$1 million in cash at the time?---Just over \$1 million, yeah.

Right.---I didn't count it, so that's why I'm saying, but one million per cent, yes.

And over what period of time had that money built up?---That's hard to say as well, because once the money was in there, it was over a couple of years.

30 Perhaps before I forget I should tender the photographs of the safe and the money, and I think given that the Built Engineering bank statements were 172, that would take us to 173.

THE COMMISSIONER: The image of the safe from which \$100,000 was seized, will become an exhibit and be marked as Exhibit 173.

#EXH-173 – IMAGE OF THE SAFE FROM WHICH \$100,000 WAS SEIZED

40

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10 [REDACTED]

20 [REDACTED]

30 [REDACTED]

40 [REDACTED]

[REDACTED]

SHORT ADJOURNMENT

[11.22am]

THE COMMISSIONER: Mr Downing.

10 MR DOWNING: Thank you, Commissioner. Mr Dubois, I've taken you through the various vehicles that I'm suggesting that Built Engineering bought which were vehicles for you, and I want to now just take you, last of all, to slide 60, if I could, please.

THE COMMISSIONER: Just before you go there, slide 63 which is the Ferrari 360, apparently had a price of 500,000, 32,000 shown as coming from Built Engineering. I thought your evidence was that the balance was probably made up by cheque and cash, and I thought you said that had come from Hussein and Barrak. Do you recall the evidence?---Yes.

20 And what is the position as to, apart from the 32,000 that came from Built Engineering, where did the balance come from?---Balance for that probably would have come from cash as well.

From what source or through what entity?---From those contractors, from those contractors.

Which ones?---Barrak and Chahid and Hassan Alameddine.

30 Barrak, Chahid and?---And Hassan, Hassan Alameddine.

Sorry?---And Hassan, Mr Alameddine.

Right. Thank you. Yes, sorry, Mr Downing.

MR DOWNING: Thank you. If we could then just go, please, to slide 60. And just to confirm, you've given some evidence about this already. This was the car obtained not for you, this is the Mercedes C63 that you assisted Mr Steyn to obtain.---That's correct.

40 And you were aware that it was ultimately Built Engineering that were providing the funding for it.---Yes.

Do you recall that you actually made some phone inquiries with dealers using a pseudonym name about the car with a view to ultimately identifying one?---I don't recall that, to be honest.

But you were the one who Mr Steyn initially spoke to about trying to find the appropriate car for him?---He, he showed me this car online.

Right. And you did contact some dealer contacts you had at the time, trying to find it?---That's right.

And do you recall also perhaps doing some searching through Carsales online to try and source - - -?---I remember he showed me this car. This is the one he wanted.

Okay.---Potentially, yeah.

10

Thank you. Now, just returning or moving away from cars and just back to the way in which kickbacks were paid by CBF, are you aware that in addition to CBF making payments into the MWK Developments account and also into the Euro Projects account and the Built Engineering account, that it actually paid some money into various bank accounts held by a company known as Wilkins Corp?---Wilkins Corp. Okay. I don't remember that.

20

Now, I'll come to that in due course, but I'm going to suggest that Wilkins Corp was a company that was set up, again as a vehicle to receive kickbacks but set up by Mr Goldberg at a time when he had set up, through a friend of his, but set up a company that was doing contract work for the RMS and that was MJ Wilsons-- sorry MJ Wilsons Projects Pty Ltd to be more correct. Now, first of all, do you remember that Mr Goldberg did have that company that was actually doing contract work?---I do remember that, yeah.

30

And do you recall that, as part of his arrangement, he also had a non-contractor company which was receiving moneys into it in order to funnel kickbacks?---Of course, yes. But I don't remember, I, I, as I said earlier, I don't remember the names of -- yeah.

But do you have any recollection of learning through Mr Hadid or Mr Chahine that they were actually making some payments through CBF into the company vehicle that Mr Goldberg had set up to receive kickbacks?---I don't remember that to be honest. I don't know why but I don't remember that. I have to think about it.

40

You indicated yesterday that you didn't believe that Mr Goldberg and Mr Chahine and Mr Hadid got on particular well?---That's what I said yesterday, yes.

Did they ever have any, to your knowledge, any involvement in the work that MJ Wilsons was actually doing? That is, were they assisting Mr Goldberg in doing any works or were they involved in any projects?---I mean, that's, that's a potential, I, I just don't remember to be honest.

For instance, did you ever ask them perhaps to help him learn on the job to a degree or to assist him in doing works or finding contractors or

subcontractors to do works?---It's a possibility. I just, I, I, as I said, I'm thinking about it now, I'm trying to remember. I, I don't recall to be honest, the details.

And so you can't assist us now as to whether there was some incident or some issue to do with them being involved in works that might have led to there being a strain on the relationship with Mr Goldberg?---Maybe, I, I just don't recall. I'd have to, I actually don't even, I didn't even remember that they may have, may have made that payment. I, I wanted to see the amounts to see if maybe – I'm not sure. I don't remember.

Well, just as to amounts, can I take you, please, to the slides, and in particular to slide 25? What I'm going to suggest is, separate to any moneys that MJ Wilsons was paying into the Wilkins Corp accounts, that CBF Projects actually made quite substantial transfers to three different Wilkins Corp accounts, two in Suncorp, that is Suncorp bank accounts, and one a CBA account. Were you aware of that at all? You'll see the sums that are listed there, that there is - - -?---I actually don't remember. I, I, I don't remember Wilkins but that now rings a bell, that sounds familiar and so does MJ Wilson, which I have mentioned previously. But, yeah, I, that's, I, I don't recall this, so, but I'm not denying it. So - - -

Just in terms of the arrangement, you'll see that from the references on the slide to the Wilkins Corp accounts, you'll see two of them, one in Suncorp, ending in 0-7-4-7 and one with CBA ending in 4-1-0-8 had not Mr Goldberg as a signatory but his then wife, Mariam Abdelkarim.---I don't know her.

You know nothing of her?---No.

Did you ever have any dealings with her at all?---Oh, I may have seen her once. I don't remember to be honest. No, I didn't have any dealings with her.

I take it she never gave you any cash?---No.

That whatever cash you got, when it came to the contracts that Mr Goldberg - - -?---I didn't have any dealings with Mariam, no.

I take it you had no knowledge of who was the signatory on the accounts? ---No.

But looking at that now, it doesn't assist you – you'll see that across the three accounts it suggests CBF made transfers of in excess of \$600,000 into various Wilkins Corp accounts but you say you were unaware of that?---I don't remember it, I said I don't recall, yeah.

Now, finally in relation to Mr Chahine and Mr Hadid, I take it you became aware, either on the day of 18 June, 2019 or soon afterwards that, in

addition to the search warrant being executed on you, that they'd had search warrants executed on them?---I assume so, yes. Yes, I think there was, Chahid was on the paperwork or one of the, yeah, I think it was – I can't remember. I think he was on the paperwork, yeah.

Well, irrespective of what's on the paperwork, you'd learnt from communicating with them soon after, didn't you - - -?---Correct, that's right, yes.

10 - - - that they had also search warrants executed, so computers and storage devices seized, and documents?---That's right, yeah.

And you also learnt that Mr Alameddine had as well, I take it?---That's right. That's right.

Have you spoken at any point after, well, on or after 18 June, 2019 to Mr Hadid and Mr Chahine about what they should say in respect of the relationship they had with you and the work they were doing?---Yeah, I mean, probably for, very shortly after the, the, the - - -

20

Search warrants?---Search warrants, sorry. There was those conversations that occurred with Hassan Alameddine, Barrak Hadid and Chahid Chahine.

Including about what they should say in the event that there was ever any question raised?---I think about what they should say in the event was we knew it was a fair bit down the track. It was more about what had been taken and what could be done and conversations along those lines.

30

Taken as in what documents and devices?---That's correct, yeah.

Right.---Not, not so much about what should, what should we, what we should say, and it was kind of, we knew they would have, that was coming down, down, down the track. So it, the conversations about that would have been premature.

Well, surely at the time, with documents and devices seized even from you, you knew first of all that for a number of years your arrangement had involved receiving kickbacks and giving out contract work.---Mmm.

40

You knew that you had material on your computer and devices that were relevant to that.---Yes.

I take it you knew that it was likely that the search warrant having been executed, there would be some further investigation of some sort?---Yes.

Do you say there was any discussion in the short term after 18 - - -?---I, I remember talking, talking to Barrak. On one, one of the evenings, he asked me if they had found the, he told me they had, they hadn't, they hadn't, the

search warrant (not transcribable) they didn't locate the chequebook for Built Engineering, from memory. I had said to him that they, they couldn't, they didn't find the card, which I disposed of, which I said clearly before I had. We spoke about the cars and what names they were in, suggesting that changing the name that was against the cars on the paperwork.

Well, is this very soon after 18 June, 2019?---It would have been within that, within a couple of days, yeah.

10 And as far as the cars, sorry, was there a concern about the name that certain of the cars were in?---Yeah, he asked if I could change the name to reflect his name. That, that way it would remove the link with me on the cars.

Well, what cars – I withdraw that. You've told us that none of the cars were in your name personally.---No, there were, some of them were in my dealership name.

20 Grendizer.---I wasn't sure which ones were in my name because there have been a collection of cars in Melbourne. So he asked if we could, if we could, he asked me what, what references there were to the cars and what names and if, if the cars being in his name would alleviate the link with me and him. Which, so that, that was a discussion that occurred.

And that resulted in, didn't it, a trip to Melbourne?---That's correct, yeah.

How soon after 18 June, 2019?---Would have been, would have been two or three days after that, yeah.

30 And what happened? Who went?---So myself and Barrak drove to Melbourne, and then I went into the dealership alone, asked, asked for some information, like, which they couldn't provide at the time on hand. They had to provide it, they had to get, get it, had to, you know, compile it. And then we drove back to Sydney the same day.

So Mr Hadid didn't go in with you?---No.

And did you ultimately make some changes to records or for the ownership of the cars?---No, we didn't.

40 Right. All right, well - - -?---Soon after that I decided not to proceed with any of this. I decided to basically just tell the truth and, and that was a decision that I made, okay?

Did you communicate that to any of them?---No.

Not to Mr – I withdraw that. To Mr Chahine or Mr Hadid?---No, I hadn't seen them. That's it. I, I, I stopped my communication with them and I

made a decision to, to basically then assist whatever way I could and just, just do the right thing.

THE COMMISSIONER: When you said you went to Melbourne, you asked for information. What information did you seek from the dealer?

---Just on what names were, were against the cars.

You didn't have your own records then?---They had been – I did, so I did have some records but I didn't have any at the time, no.

10

Yes.

MR DOWNING: Thank you, Commissioner. Well, having told me what discussions you had with Mr Hadid and Mr Chahine in that period after 18 June, 2019, I take it you also wanted to speak to Mr Alameddine, given that he had been a significant contractor and a significant provider of kickbacks over many years.---That's right, yeah.

Did you organise in some way to speak to him in that period shortly after 18 June, 2019?---Yeah, I think it was the same day I went to his house in Auburn.

20

And how did that come about?---I drove to his house.

Right.---I think it was - - -

Did you telephone him to let him know you needed to speak to him?---I didn't have a telephone. It was taken.

Did you learn prior to going to his house that he had also been the subject of a search warrant?---I knew because when I went to Fuller Street, the, the, the person that lives there - - -

30

The Chester Hill address?---Correct, yeah, yeah. He had told me that, from memory, that Hassan Alameddine's brother, I was told his brother visited there and told the sheikh that they had a similar search warrant, so that why I knew that he had also gone through the same thing.

So just pausing there.---Yeah.

40

You go and see the sheikh, Mr Hawcher, in - - -?---Chester Hill.

Chester Hill.---Yeah.

He tells you that he'd had a visit from Mr Alameddine's brother.---That's what I remember, yeah.

Did he indicate which brother?---Ahmed.

Right.---Yeah.

That's Mr Alameddine's younger brother.---Correct, yeah.

And that he had conveyed that Mr Alameddine had been the subject of a search warrant as well.---Correct.

I take it then you felt that there was some urgency about speaking to him?
10 ---Well, yeah, after the search warrant I drove to Hassan Alameddine's parents' property.

And was he there?---Yes, with his cousin, yeah.

Which cousin?---[REDACTED].

[REDACTED], Alameddine as well?---[REDACTED].

[REDACTED], I'm sorry. And did you have some discussion with Mr Alameddine
20 then about what might be said in the course of any questioning about the nature of the relationship and any kickbacks?---Not immediately then. We, we decided to have a, like, to go to the property at Chester Hill and to discuss, to discuss it further there.

With the sheikh?---With the sheikh, and his brother was there, and - - -

So that's Hassan's brother, Ahmed?---Yeah, and so was Hassan, so I think his cousin was there as well maybe, potentially. I can't remember if he was there or not. But that's where we actually ended up meeting shortly after.
30

And in the course of that meeting that night at the address in Chester Hill, did you discuss with Mr Alameddine what might be said, what might be said for instance to try and explain the nature of the relationship or something of that nature?---I had, see, I had met with Hassan Alameddine multiple times, so that was one of the times, and I think I'd seen him multiple times after that, so, and I even requested to see him one time, which I did, I saw his father at, and I requested to see his, to see his son.

THE COMMISSIONER: Just dealing with the point of the question - - -?
40 ---Yeah, I'm trying to remember.

- - - as to any discussion about what should be said.

MR DOWNING: So we're on the night of 18 June.---Oh, the night of 18 June, okay.

THE COMMISSIONER: I understand you said there's a series of meetings at which you discussed with Mr Alameddine matters such as what should be

said by way of trying to explain relationships. Is that right?---That's right, yeah.

Okay, now your attention is being focussed on perhaps the first of those discussions, that is - - -?---There was several discussions.

10 Just as at the time just immediately after the search warrants were executed, what was discussed with him on that occasion?---What I remember was he asked me that I need to move my vehicle or the vehicle, the white Porsche GT2 RS, from where it resided and to place it as his brother-in-law's house. He also asked me to remove the money that was - - -

MR DOWNING: So just pausing there, that's Ahmed's in-laws?---Correct, yeah.

And then at the time the car that you're referring to is the 997 GT2 RS. ---That's correct.

20 And did you then move it that night?---I think we moved it that night, yes.

Did he give you any other advice – starting first of all whether he said anything as to, in effect, whether you should lie if you were asked about the nature of what your dealings with Mr Alameddine had been?---I have to take into chronological order, otherwise I will get messed up a little bit.

All right, please do.---So, he also asked me to, to move the money that was in my safe and give it to his cousin.

30 Was that [REDACTED]?---Correct, yeah.

And did that happen that night?---That's right.

So who went with you to the house?---To the, my house to remove the money, it was is cousin and then we went to the property that had the, the, the 997 GT2 RS.

40 That's Ahmed Alameddine's in-law's property?---No, no, that was the property I had the car at, it was a different property. It was a rental, a property that I owned and we moved the car from there to Ahmed Alameddine's in-law's, which is in Granville, I think, at the time, yeah. So that was, was occurring, we didn't really sit down and talk about what we're going to say. It was more about, he said, "Look, you need to do this now," and we didn't, we, we actually acted on that that same night.

So the car gets moved?---Yep.

And the cash gets moved?---Correct, yeah.

And the cash gets taken out of the safe and given to [REDACTED]?---Correct.

THE COMMISSIONER: Which safe are you talking about now?---The one that's underground.

MR DOWNING: And was there some discussion with Mr Alameddine about who would then look after the cash or - - -?---(not transcribable)

Well, did you have any indication then as to who was going to have it or
10 not?---It was going to stay with his cousin, yeah.

So the car gets moved but do you then have any further meeting with Mr Alameddine that night or not?---I, I may have. I, I may have had. I'm not, I'm not trying – I'm trying to remember if I saw him again that night, to be honest.

But was there any discussion about, in effect, trying to get your story straight as to what you and he might say if you were asked about the nature of your dealings?---He did say we – yeah, sorry. I cut you off, sorry.
20

No, that's all right. As to the nature of your dealings.---He, he did say that there was some paperwork that was confiscated from him and that he had to, we wasn't going to say that he gave me – there was two things. He didn't, he said to me that he wasn't, he had to, he had to say that he was giving me some money because he, there was documents that was confiscated during the search warrant.

Did he indicate what they were, what was the nature of them?---I think it was an, an A4 book that he, he had written some, some, some notes on and
30 he was also concerned about whether he should say that he gave me cash because he didn't withdraw cash from his bank accounts. He was receiving the cash from another means, yeah, transferring money to other companies and then receiving cash from those individuals. So it was, he was a bit torn and, and worried about what he should say, but he said to me that he is, he is going to have to say that he gave me some cash because that was what was discovered or potentially from an investigation.

Something that he believed was recorded in a notebook that had been taken?---That's right, yeah.
40

But did he ask you to give a similar account? That is that if you were asked to say that you received some cash but nothing more.---I asked him, "What am I going to say?" I can't remember exactly his exact answer but he, he said, "Look," you know, "I have to say that you have, I have given you some cash." But that was, that was probably – I'm trying to remember the conversation. I think at that, I think that was about it. We didn't really talk about – I asked him where the money was afterwards but the, the

conversation about, about what we're going to say, that was pretty much, pretty much it.

But did you have subsequent meetings with him the days to weeks afterwards where this topic again came up of what's been taken, what's revealed in the documents or on computers and what you should say?---I think the conversations I had with him afterwards was more relating to where the money was and questioning him about certain events that had taken place after that.

10

THE COMMISSIONER: You became aware sometime after the search warrants were executed that this Commission was undertaking investigations into the whole matter?---That's right.

And you became aware that you would be required to present yourself to the Commission as part of that investigation. You became aware that you were going to be required - - -?---Yes.

- - - to assist the investigation?---Yes.

20

You became aware that others also were going to be, were likely to be the subject of the investigation?---Correct.

And was there a discussion that you now recall about what should be said to the Commission if you and/or any of the others were questioned by the ICAC in the course of the investigation?---I mean, I do recall talking to them about that we have to get our stories straight at the beginning, but there wasn't much detail because it was very early on. That's what I remember.

30

And who did you say that to?---To Hassan, Barrak and to Chahid.

Well, then in order to embark on that, that is to get your stories straight, no doubt you met and discussed with them how that would proceed.---Yeah.

What you would say, for example.---Yes.

And how many such discussions took place before you were actually called into the Commission to answer questions?---Shortly after, shortly after that I stopped talking to them, mmm.

40

Well, during the period that you were discussing with them how to get the stories straight, what matters in particular did you address to ensure that you were all on the same page?---As I've just said to the, I've just, I just said earlier, we didn't talk into great detail. It was more about, with Barrak, about talking about the cars, going to Melbourne. With Hassan Alameddine, about what he was going to say that he gave me in terms of how much money and what was confiscated from his property. We spoke about lining up our stories, but we knew that was going to happen later on

as, as further down the track, when we were, maybe when we were briefed, we were given a brief from the Commission or something along those lines. And, and then shortly afterwards I ceased communication with these individuals. That's what I recall.

10 Before you decided to cease your discussions with them, what was said about lining up your stories in relation to the contracting system?---What was said about lining up the stories with the contracting system? This is, this is a very hazy period for me. It was a very stressful time due to certain events. I don't recall the exact conversations.

Well, I'm not pressing this point as to exact detail, but what were the sort of things discussed in terms of getting your story in line on the RTA/RMS contract system and how it worked?---I, I don't, I don't know we spoke in detail about that, Commissioner.

20 But that was the central issue, wasn't it?---We knew that we, that discussion had to be had at a later point when we came closer to giving evidence, that's what we discussed, but at that moment we were talking, more talking about alleviating some of the risks such as names on cars and cash given and things like this, and then I was more chasing about where my money was I was giving to his cousin. So that's, you know, a few events happened before that, which I don't want to talk about, but I was in a state of - I, I wasn't in the best psychological state, to say the least.

30 I presume as it became appreciated by you and the others that the Commission was moving to explore the contract relation, contract administration issues and the awarding of contracts, that others who had been involved no doubt approached you to discuss how you'd get your stories straight on that subject. Do you recall being approached, even if you decided that you didn't want any part of those discussions, to join in getting your stories straight?---Sorry, I don't understand the question.

You said you reached a point where you decided you wouldn't go on with discussions with others involved - - -?---Correct.

- - - in the contracting system.---Correct.

40 But after that point of time, were you approached by others to discuss, seeking to discuss with you how you'd get your stories straight? And if so, who?---I may have had a conversation with Hassan's brother, Ahmed Alameddine, at one point, where he said, "My brother's overseas" or "He's gone overseas and he wants to talk to you," or something along those lines, but I, I don't recall any other conversation, to be honest.

Yes, Mr Downing.

MR DOWNING: Thank you, Commissioner. Just in relation to that period after the search warrant was executed, besides Hassan, Mr Chahine and Mr Hadid, did you speak to any of the other contractors that had provided kickbacks to you as to what they might say or what you wanted them to say?---No.

It's the case, isn't it, that by June 2019, when the search warrant was executed, the people that you were still dealing with on that contractor kickback basis were those three people?---Yes.

10

Mr Hadid, Mr Chahine and Mr Alameddine.---That's correct.

Did you learn at some point later in 2019 that Mr Alameddine had left the country?---Yeah, that's why, as I just said, when I spoke to his brother, I can't remember how, I think I may have spoken to him – again, this is an issue that was, I can't really reveal (not transcribable) spoke about this, but I'd spoken to his brother Ahmed Alameddine about certain events, and he mentioned his brother was overseas, and that's how I learnt of it, yes.

20

And have you had any communication with Hassan Alameddine since then?---No, no.

Can I move then, please, from Mr Chahine and Mr Hadid and their companies? I now want to move to Mr Taha, if I could.---Okay.

Now, you've already confirmed earlier in your evidence that Mr Taha was, you believe, one of the contractors or one of the – sorry, I withdraw that. One of the people who approached you very early on in your period of work seeking RMS work.---That's right.

30

And - - -?---From what I recall, yes.

And you've confirmed that you gave him some, that there were some issues with – well, first of all I should break it down so you can respond. That you did give him that work for a period?---Correct.

There were some issues with the quality of it.---Yes.

40

That there was a period when Hassan Alameddine, in effect, introduced himself into the relationship to either assist or supervise in some way? ---That's what I remember, yes.

Then, in effect, Mr Taha was pushed out and didn't receive any more work?---That's correct.

And I'm going to suggest to you that with Mr Taha the company that he did it through was TTS, which I think you've already confirmed.---Correct.

And I'm going to suggest that TTS did work spanning the period of about 2011 – that is, April 2011 to about June 2013. So a period of just on two years.---Okay.

Does that sound right to you?---Yeah.

Now, do you recall the initial jobs that Mr Taha obtained through TTS?
---Do I recall the initial jobs?

- 10 Where they were.---So there was the TIRTL (not transcribable) the TIRTL installation works, which we've mentioned earlier. And I think you've maybe mentioned some locations. I think there was a project at Kankool, a checking station, and there was also some work at Galston Gorge.

Just focusing on Galston Gorge for the moment.---Yep.

And you've given some evidence about the way in which that project came up.---Yep.

- 20 Do you recall that he was one of the contractors that did the work there?
---Correct.

And do you recall that you were the person that sent him the paperwork in order to allow him to be established as an RMS vendor?---Correct.

Can we go, please, to volume 18.5, page 47. And do you recognise that as the form that was used at the RTA at the time? That is, the IMS vendor details form?---Okay, as – it's a long time ago.

- 30 It is some years ago now, it's a decade, but do you recall that there was that, there was a standard form that had to be completed for someone to be created as a vendor?---Yep, I agree, yep.

And you'll see that this is the form for TTS Group - - -?---Yep.

- - - showing the address in Greenacre, an email, a mobile phone and an email address.---Yep.

- 40 And you'll see that it's signed on 9 March, 2011.---Yep.

With a request that this company be created as a new vendor.---All right.

And if we go, please, to the next page, page 48, you'll see it's an EFT authorisation form and you'll see again that it relates to the TTS Group.
---Yep.

And it provides a bank account detail with an account in ANZ at Bankstown.---Yeah.

And it's signed by Zac Malas as director on 2 March, 2011.---Okay.

Can I ask, was the process of having someone established as a new vendor really as simple as having these two forms completed?---Yes.

So - - ?---From what I recall.

10 When you wanted to have someone created as a vendor so that they could then be allocated contract work, you had them complete these two forms and you would submit them.---Correct.

Were you aware of whether there was any vetting process or any sort of due diligence that was done about the company that had been raised as a new vendor through these forms?---No.

Had you ever had the forms rejected, have you ever had someone come back and say that there's a problem?---Not that I recall.

20 Now, you'll see that in this instance, both the forms, the EFT form and the IMS vendor form, show that the email address was toff_959@[REDACTED].
---Okay.

30 Did you have any concern that it might look a bit unprofessional that the email address wasn't based on any domain name that actually reflected the TTS Group, it seemed to be a personal email?---Maybe that was something I raised with them initially. This is 10, over 10 years ago, so 10 years ago, so I may have, maybe it's something I raised with him to, which also included his documentation and things like this maybe. Definitely afterwards, but yeah.

Because you were concerned that they look professional for the purposes of them getting contract work, I take it?---Sorry?

40 You were concerned that they look professional for - - ?---Yeah, that's why I, so I mentioned previously that I, that I, that I wanted him to, to, they needed to, to do the work he needed to carry out certain things with his documentation and be up to speed.

And in fairness, as far as the email address is concerned, whilst that is the email address on the two forms that were submitted for the purpose of him being made a vendor, if we could go, please, in the same volume, but to page 34, which you'll see is a TTS Group quote for, dated 24 February, 2011, for landscaping at Galston Gorge. You'll see that it does show a different email address, that's info@ttsgroup.com.au.---Okay.

And thinking back, do you believe that you may have said to him, “You need to get something like that set up?”---Potentially, yes.

Now, also, did you have any concern that as far as the paperwork was concerned, that the address was a residential address in Greenacre and if anyone were to look the company up, that it didn’t seem to have an office, it was literally operating out of a house?---I think he used a PO box for the mail. I’m not sure. I think he used - - -

10 Well, if we go back, please, to the IMS vendor details form, sorry, page 47, I apologise – you’ll see that the form does list the residential address in Greenacre.---Mmm.

And if we go then to the EFT form, the next page, page 48, it shows both the residential address and a PO box.---Okay.

But did you have any concerns about the look of the organisation, given that it seemed to be operating out of a house at - - -?---I don’t, I don’t remember what I was thinking 10 years ago about that, to be honest.

20

Now, also you would have seen from that form, that the name that Mr Taha signs for the purposes of the bank account form is Zac Malas.---Yes.

But in your correspondence with him you refer to him as Towfik or Toufik. It’s sometimes spelt with a U, sometimes with a W.---Yes.

But again did you have any concerns that there was a discrepancy in names that might create any problem?---I can’t remember what I thought about that. Maybe I may have, may have asked the question, satisfied with the answer.

30

All right. Because if you go please to that volume, 18.5, but to page 3. You’ll see that when you send him on 23 February, 2011, a request for quote for landscaping at Galston Gorge, you do refer to him by the name Towfik, not Zac Malas.---Okay.

Now, you’ve given some evidence before to the effect that you do recall trying to assist him in getting his paperwork in order.---Ah hmm.

40 Now, going back if we could to the quote at page 34. Do you see, just looking at the document itself as far as the quote is concerned, do you believe this was one where you created the template for him?---I actually don’t remember. May have.

Just in respect of - - -

THE COMMISSIONER: Sorry, just on that. In calling for a quote, what documentation would be sent to a potential contractor so that a sound basis

existed for the quotation that would then come in?---Well, you would have to go the other email, Commissioner. I think it shows maybe an RFQ was sent, is that right?

It's a request, is it, a request for quotation?---Request for quotation.

And the request for, do we know whether we – perhaps, Mr Downing, is there a request for this quotation?---There, there is usually either an attachment or detail.

10

MR DOWNING: Yes, there is. And the email that I took Mr Dubois to earlier at page 3 attaches the request for quote.

THE COMMISSIONER: I see. Okay.

MR DOWNING: If we go back to that. And if you go, please, to page 4, you'll see the actual request for quote document, which sets out the contract number. And if you then go ahead, please, to page 5, you'll see there's a description there of the scope of work of what was involved in that project at Galston Gorge. And do you recall that job now? I know it's some years ago, but that that was the landscaping that needed to be done as part of those works on the road in Galston Gorge so that you could have appropriate signage and lanes for lengthy vehicles to pull up.---Correct, correct, yeah.

20

Now, you know, don't you, that ultimately it was TTS that got this contract?---Yeah.

30

But do you recall that in the course of the process of submitting the quote and seeking that it be approved that someone within the RMS actually queried with you whether there might need to be a need for an additional quote?---I can't remember.

Can we go, please, to volume 18.5, page 41? And can I ask you that you – you'll see that at the bottom of the page there's an email from Simon Brodie to Mr Hayes, copied to you and to also Christopher Evans and Christiana Richmond, in relation to the Galston Gorge TTS Group quote. And just read that email to yourself for a moment, please, and tell me when you have.---Okay. Can I see the next page.

40

Before we – oh sorry. The next page, you'll see it just ends with a signature, if we go to page 42, please.---So, is he, he was Acting Manager Business Development. So that wasn't his role and he wasn't aware of the, probably, the delegation manual where under \$50,000 only, only one quote was required.

And indeed if we go back, please, and we're now on it, to page 41. Do you see that what happens is Christiana Richmond follows you up about it and you then send an email on 3 March where you indicate that you actually had

another quote for 56,000 and you also point out to Mr Brodie that under the delegations manual that for construction works up to 50,000, a single written quote is sufficient, and you actually provide an attachment of the delegations manual with the relevant section scanned.---Okay.

And you confirmed that you sought two written quotes and you verified this with a number of technical PMs in PDI.---Okay.

10 I'm sorry, what's "technical PMs"?---Technical project managers.

In PDI?---Project Deliveries and Installation.

And if we then go ahead, please, in terms of what you actually scanned and attached. Go, please, to page 43.---Ah hmm.

And this is the relevant part of the delegations manual that you were operating under, correct?---Yeah, I guess so, yes.

20 Well, this is what you attached at the time to help educate Mr Brodie.
---Okay.

And you've made reference in your email to the relevant section, being row G on page 63, seems to be – oh, you'll see G is the last of the notes on that first page when you're dealing with contracts, and that deals with procuring contracts for infrastructure works.---Okay.

30 And if you go over the page. Consistent with what you had indicated in your email that the requirement under the delegations manual as it existed at the time, so this is the one approved 8 November, 2010. For up to \$50,000 you only needed one, or could be more, written tenders.---Yes.

And then from \$50,001 to 250, three or more written tenders.---I think that may have changed. I remember I mentioned yesterday two or more, so maybe I was mistaken. But I remember at one point this was, this manual changed.

All right.---There was other – anyway.

40 But this is quite early in your period of work? This is November - - -?
---2011.

2011, correct?---March, yeah.

And then for 250 - - -?---No, sorry, when was the date, what was the date?

Sorry, the date of your email is 3 March, 2011.---Okay, yeah.

But then going back, so for over \$250,000 then there's a formal public advertising and invitation for tenders.---Yep.

Now, in this instance you indicated that you had in fact sought two.---Mmm.

That wasn't the truth, was it?---I don't remember, actually. I think I may have just got one, yeah.

10 Can we go, please, to page 36 of the same volume. And that's the alternative quote in the sum of – sorry, \$56,000 that you were referring to in that email exchange with Mr Brodie.---Okay (not transcribable) from Barrak Hadid. Okay, so, yeah, so it was his dummy quote, as they call it.

Yes. Looking at it, it's the case, isn't it, that this is something you made up yourself?---Potentially I may have written this, yes. I don't remember if it was emailed to me or not, but, yeah.

20 Do you believe it was Barrak Hadid who was putting together this for you at your request or that you created it yourself?---I probably helped create it, yes.

In any event, he wasn't the director of Complete Landscaping Solutions? ---No.

And just pause and look at the layout of the document and the logo, et cetera.---Mmm.

30 Can I get you to go, please, same volume, to page 83. You'll see that this is a quote that you purportedly received in respect of a later job, that's the Kankool civil works and exit lane, and it's dated 1 April, 2011, so not very much later. And you'll see that this is said to be from Radwan Civil Pty Ltd but it's using exactly the same logo and the same layout. Do you see that? ---I see that.

And if you go to the next page, you'll see that's said to be from a Michael Radwan, Director.---Okay.

Does Michael Radwan exist?---I think he does, yes.

40 Was he someone that ever gave you an actual quote or did you just create this for the purposes of coming up with this?---I think that is his company, actually, Radwan.

You believe it is?---Yeah, I think so.

But you - - ?---But this is probably something I probably helped create, correct.

Well, when you say “help”, it’s likely, isn’t it, that you created it in both instances.---Yes, yes.

You just used the same template.---Yes, correct.

So that this is likely, isn’t it, that when that query was raised by Mr Brodie, whether it was right or wrong in terms of his understanding of what was required, you produced this to satisfy the requirement?---Covered my backside by creating that quote, yeah, that’s what you’re saying.

10

Now, if we go, please, to page 50 of the sale volume, just staying with the Galston Gorge landscaping job. You’ll see that on the 28th of February, 2011, you provide the letter of acceptance to Mr Taha at the TTS Group indicating that he had been successful and that his company had obtained the job, correct?---Yes.

Now, can you recall that there were some issues that arose when Mr Taha put his invites in?---No, I don’t recall. Remind me, please.

20

First of all, could be go, please, to volume 18.5, page 73? And do you see, this is tax invoice number 1 from the TTS Group, dated 11 February, 2011, and it’s in the sum of \$17,000 for that job?---Yep.

So \$17,000 plus GST and it’s described as a progress payment, so a part payment on the contract for the Galston Gorge works.---Yep.

Can I get you then to go to page 74, please? And do you see on 15 March, 2011, there was an email from the TTS Group to the Contract section and copied to you with that invoice for the progress payment?---Yep.

30

Now, you may to may not recall but I’m going to suggest that the submission of that invoice caused some issues to be raised within the RMS. Do you not recall that at all?---Sorry, say that again, please?

I’m going to suggest that that invoice, that initial invoice from TTS for the progress payment in respect of the Galston Gorge job, created some problems and caused some queries to be raised about TTS. Do you remember that?---No, I don’t remember.

40

Can we go, please, to the same volume but to page 71? And do you see on 14 March, I’m going to suggest after the initial invoice was submitted, that you got this email from – it was Theresa Jabson was the person in the Finance section, wasn’t it?---Yep.

Asking you to forward the email to the vendor and note that they couldn’t claim this invoice and it might need to be reissued because the vendor wasn’t registered for GST and was claiming it and also the ABN was different on the ABN website?---Yep.

And if you have a look to the next page, you'll see that what was attached was a printout of the ABN website showing that despite the fact that this was invoice from the TTS Group, the ABN that had been provided was actually one used by Mr Taha but through the business name Pro Tech Tree Services.---Okay.

10 And if you go back, please, to page 71, do you see that you, on the same day, you forward that query from Ms Jabson onto Mr Taha but using his private email address, not the TTS Group one?---Private email address?

See the toff_959@[REDACTED]?---Oh, okay. Yeah.

Not the info@ttsgroup.---Oh, yes. Okay. But I also sent it to his other work one. Okay.

Do you recall having some discussion with him at the time saying, "You need to sort this query out"?---I, I would have had to, wouldn't I?

20 Can you then go, please, to page 74. And I'm sorry, I took you to this before but out of order so that this is now on 15 March, this is actually after that query from Ms Jackson about the initial invoice and raising that query about the ABN. On the 15th do you recall that Mr Taha actually then resubmitted an invoice and copied it to you, as is shown in that email on the 15th?---Um - - -

So I'm suggesting that initially there's an invoice submitted from the TTS Group, but with an ABN that actually relates to Pro Tech Tree Services. ---Okay.

30 You knew that Mr Taha, prior to him doing any work through TTS, had been operating a tree-logging and landscaping business?---Which I've said previously.

Yes. Were you aware that it was Pro Tech Tree Services?---I couldn't remember that.

40 But you recall that after you sent on to him this query from Ms Jackson and the note that he's using the wrong ABN and it seems to relate to Pro Tech Tree Services, he then submits again, has another go at submitting the paperwork for this first Galston Gorge contract that TTS got.---That's what it shows here.

But if you go then to the next page, you'll see what was actually submitted, page 75, and you'll see the way he seemed to correct it was that instead of getting the right ABN for TTS, he's actually submitted not just, well, to the contracts, the finance section and copied to you, now an invoice for that

work, but in the name of Pro Tech Tree Services.---I actually don't remember this, to be honest, 'cause it was sent to - - -

AUTOMATED VOICE: Sorry, I'm having trouble with - - -

MR DOWNING: Ignore that.

THE WITNESS: Because it was sent to cb_contracts, from memory.

10 MR DOWNING: Yes.---So maybe I didn't, I thought (not transcribable) was done, but, yeah, I don't remember this.

Well, if you go back, please, you'll see that - - -?---It was sent to me as well.

- - - it was - - -?---I forwarded it to Christiana, yes.

So it's sent by, it's not only sent by Mr Taha using the actual TTS Group email to the, sorry, to the finance section and copied to you.---Yeah.

20 You then on-send it.---Yeah, because that was a team of people that, that get like a, it was a group email.

But would you have looked at it? Do you believe you opened it at the time? ---Look, honestly I don't remember the invoice, so - - -

If you then go back, please, to the actual invoice, I take it if you'd looked at it, you would have been probably a little bit frustrated.---I was, I was, would have been unhappy because, yeah, because I registered the company under TTS Group, not Pro Tech.

30

So that now he's submitting an invoice for work, instead of fixing up the ABN on the TTS invoice, he's now put an invoice in under Pro Tech, which was the company that wasn't a vendor - - -?---And at the very bottom he's got TTSgroup.com.au.

I mean it's a mess, frankly, the paperwork.---It is a mess, yeah.

40 Do you recall that there were then further issues in respect of the issuing of the invoice from, or by Mr Taha?---I don't actually. You'll have to refresh my memory.

If we then go, please, to page 80.---All in all, I remember, I remember that the, the paperwork was a mess, and I mentioned that earlier. I had to hold their hand.

You'll see on page 80, Ms Jackson actually sends an email to info@ttsgroup, so that's the - it would seem by that point, even though the form had been completed with a private email address, that is the toff_959,

by now the RTA finance section was using the actual company email address. You'll see she sends an email on 24 March indicating that, "We've received your invoice 001. Please note the link on the ABN website shows that you can't claim GST. Please amend your invoice. Once we've received it, it will be processed accordingly." And that's copied to you. And do you recall then contacting Mr Taha - - -?---I would have, I would have.

- - - and getting him to fix it up?---I would have had to, yes.

10

Now, ultimately, despite those issues, it's correct, isn't it, that a purchase order was issued?---Ah, I don't know.

Can we go ahead, please, to page 86 in the same volume.---It would have probably, from the, I think he would have had to register for GST. That's probably the issue there.

And also presumably use the right ABN.---Correct.

20

Now, do you see now that there is a purchase order that's issued for the Galston Gorge works for the TTS Group and it's in the sum of \$47,000? ---Yep.

And this is on 6 April, 2011.---Okay.

And if you go to the next page, please, to page 87. You'll see the detail of it, it's \$47,000 for the landscaping contractor TTS had at Galston Gorge. ---Yep.

30

And ultimately you're aware, once the purchase order had been processed, that the contract was paid out, the invoice was paid.---The progress payment, potentially. I don't know when the other one came through.

Well, just on that, you recall that there was a \$17,000 program payment? ---Yeah.

Which would indicate, therefore, that 17,000 plus GST, so that there's a balance of \$30,000 left under the approved purchase order.---Correct.

40

Now, can I ask you then to go, please, to volume 18.5, page 89. And do you see now RTA invoice number 1 having been issued, which is for the \$17,000 progress payment, on 13 April, 2011, you forward on to Ms Richmond the invoice that you've received from Mr Taha using the TTS Group email.---Yep.

And if you go, please, to the next page, to page 90. Do you see that the actual invoice, so it's listed as number 2, relates to the Galston Gorge landscaping, dated 8 April. And if you go ahead, please, to page 91, you'll

see that the total on it is \$29,000, so that when you add up the 29,000 ex-GST and the 17,000 ex-GST, you get to 46, not the \$47,000 (not transcribable) the purchase order.---What can I say?

Well, he wasn't really covering himself in glory when it came to the paperwork, was he?---No.

10 So do you remember identifying that issue or perhaps finance, and then seeking that invoice number 2 be revised?---Potentially, yes. I would have picked up on it.

Can you go, please, to page 92. And you'll see that on 13 April, at 3.29, there's an invoice sent from – sorry, I should in fairness go back, please. If we could go back, please, to page 89, just to when the first of the invoices was sent. So the first version of invoice number 2, you'll see from the email was sent on 13 April, the email below from Mr Taha to you, at 3.23pm. ---Ah hmm.

20 And then if we go ahead, please, to page 92. That now there's a further email at 3.29pm with invoice number 2.---Ah hmm.

And if you go, please, to page 93 and then to 94.---Fixed the issue.

You'll see that now it's in the correct amount.---Okay.

So that the two invoices, when you add them together, come to the \$47,000 as per the purchase order.---Yes.

30 Do you recall anyone within the RMS coming to you about any issues after that?---No.

All right.---Not that I recall, sorry.

And indeed, sorry, I should go back to invoice number 1 at page 75. You'll note that with invoice number 1, that is the progress payment in the sum of \$17,000, the date's 11 February, 2011.---Yeah.

40 And if you go back, please, to the request for quote, which is at page 3. It's actually a couple of weeks, roughly, before you even sent the request for quote out.---It's got the date wrong as well.

But again you say that no one picked up and raised any issues with you? ---No. I don't recall that. I don't recall, no.

And you may recall that when I took you to the quote before, the quote's actually dated 24 February, 2011, which again is actually a later date than the invoice.---Yeah, so they got the date wrong on, on the invoice.

But you say no one, other than those queries in respect of the ABN and the ability to claim GST that ultimately seemed to have been addressed, nothing further was asked?---Not that I recall about this one, no. It was a long time ago.

Now, you indicated I think that – sorry – I recall in your earlier evidence that with some of the work that Mr Taha did that there was some problem or some complaint about dumped material.---I think the material that they excavated wasn't put back.

10

Was that in the Galston Gorge?---No. That was at the, the TIRTL projects.

Now, despite those issues with the paperwork in the first contract, you ultimately continued to award work to Mr Taha through TTS through 2011/2012/2013, correct?---Yes.

And I'm going to suggest that it included works at the Kankool Heavy Vehicle Checking Station?---Yes.

20

Do you remember also some works at the Marulan Heavy Vehicle Checking Station?---Marulan, Marulan. I've got to see that one, I don't remember the detail on that one, yeah.

Signage perhaps down at that heavy vehicle checking station.---Maybe, potentially, okay.

Works at the Bell Heavy Vehicle Checking Station?---Bell. I have to check on those ones. I have to check with - - -

30

It was suggested that involved TIRTL installation.---Potentially, yeah. Okay. If that involved TIRTLs, yep.

Then also TIRTL installations at Goulburn.---Yep.

Singleton.---Singleton, yeah, I remember that one.

Muswellbrook.---Muswellbrook, yeah.

Aberdeen.---They were point-to-point sites I think, yep.

40

But do you recall him doing some work there through TTS?---Yeah, I remember several TIRTL projects, yeah.

And I'm going to suggest he did more than one job at the Galston Gorge location, that he came back and did other works there?---Correct, correct, yeah.

And also that he did work at the Picton point-to-point site involving TIRTLs.---Picton point-to-point. I don't remember that one but okay.

And do you recall him doing some work, Moree Heavy Vehicle Checking Station?---Okay, we're going to go all, through all the contracts with them. Okay.

10 Now, I took you earlier to the landscaping invoice and compared it to the Radwan Civil invoice, the quote, sorry, that had been submitted. Can I also ask that you have a look at a different invoice? Page 3. Do you recognise now this is a quote for Kankool works in April 2011?---Okay.

And do you see that this time it's using the same - - -?---Template.

- - - template?---Yeah.

This time as Galaxy Trading Pty Ltd.---Yeah, I've mentioned that company before.

20 Do you remember whose company that was?---I've mentioned it, but I couldn't remember, I think I've said before. I, I mentioned Galaxy Trading. Could have been Hussein, I'm not sure.

I'm going to suggest it was Mr Goldberg's.---Oh, as, as I said, Hussein, which is Mr Goldberg, yeah.

30 Oh, I'm sorry, you're right. And if we go to the next page, please, you'll see that it relates to works in April 2011 at the Kankool Heavy Vehicle Checking Station, which is what I was just taking you to in respect of Towfik Taha.---Correct, yeah.

Do you re have a recollection that you were actually getting both Taha brothers to quote or dummy quote in respect of the same job?---Yeah, I remember mentioning this.

If we could then go, please – before I move on, Commissioner, can I tender that quote document? Because I don't believe it's in one of the existing volumes.

40 THE COMMISSIONER: Which quote document?

MR DOWNING: Perhaps if we just bring it up so I can give the date on it. So it's a Galaxy Trading - - -

THE COMMISSIONER: This is for Galaxy Trading?

MR DOWNING: Yes.

THE COMMISSIONER: I took it to be part of 18.5. It's not?

MR DOWNING: No, it's not part of 18.5. For now I'm just going to tender this document, Commissioner. So it's the Galaxy Trading Pty Ltd.

THE COMMISSIONER: Yes, very well.

MR DOWNING: 1 April 2011 quote for Kankool civil works exit lane.

10 THE COMMISSIONER: Yes, the Galaxy Trading Pty Ltd quote, 1 April, 2011, re Kankool civil works exit lane, becomes Exhibit 174.

#EXH-174 – GALAXY TRADING PTY LTD QUOTE DATED 1 APRIL 2011 RE KANKOOL CIVIL WORKS

MR DOWNING: Thank you, Commissioner. Now, coming back to the works that TTS were ultimately awarded, can I get you to go, please, to
20 volume 5.1, page 67. So now out of volume 18.5. Sorry, volume five point – sorry, I apologise, volume 5, page 67. You'll see that this is the TTS Group, 7 June, 2011 quote for the works at Kankool.---So that other quote, Galaxy Trading, wasn't probably relating to this.

So this is a different job at Kankool.---Correct.

There were a number of jobs going on at Kankool at the time, weren't there?---Yes, so this is a different job altogether.

30 But with this job you'll see that it involves renovation works, as it says, demolition. Do you recall that this was to the actual building on the site? ---This is the actual, inside the office.

But in this instance do you recall that you assisted Mr Taha when it came to the preparation of the quote or not?---Potentially, yes.

If you go, please, to the properties. I'm going to suggest this was a document found on one of the storage devices at your home when the search warrant was issued.---I had these templates, so as I said, you know - - -
40

Well, it's one thing to have the templates, but this is a populated document with details in respect of a particular job.---Okay, well, I didn't deny it. I said potentially yes (not transcribable)

If you have a look, please. If we go to page 68. You'll see that there's a document date on there of 14 June, 2011. And down at the bottom it indicates that the filename is Quote RTA Kankool Reno Doc and the author is Andre.---(not transcribable)

It's you, isn't it, that created this?---Andre. Is this off my computer?

I'm going to suggest it was on a storage device at your home.---Storage device, okay.

You had a number of USBs, hard drives and a computer, didn't you?
---Okay, yeah.

10 And, sorry, I should be correct, I'm going to suggest this was found on both a computer and a hard drive found at your home.---Okay.

Looking at it now, the document, do you believe you drafted it in terms of the detail? Or does that look like Mr Taha's handiwork?---I may have drafted it and given it to him and he may have changed it or given it a template, I don't know. Potentially, yes.

Is it likely that you supplied him with a price that he should charge?---It's something that was agreed together with Mr Taha and myself, potentially.
20

THE COMMISSIONER: Yes, but it's clear, isn't it, that the \$155,000 was just not referable to any actual analysed figure. It was just a figure - - -?
---Well, there was actually drawings.

It was just a figure, a round figure put in there by you.---Okay. Whatever.
(not transcribable)

I'm sorry?---So there's actually drawings associated with the, I think the RFQ.
30

Just focus, would you, on my question.---Yes.

Do you see that figure of \$155,000?---Yes.

You'll see the very scanty details in the description of the document.---Yes, yes.

155,000, I'm putting to you, is just a made-up figure, it wasn't calculated on any specific basis. Would that be right?---I can't recall what calculation was done for this one, to be honest.
40

Just looking at it, there's virtually no detail there at all, it's just a figure just put in there, a nice round figure, isn't it?---It looks like a nice round figure, yeah.

But it's not referable to any calculated estimates.---I can't remember what estimate was done on this on, on, on, on my behalf.

But you knew what your practice was at the time, and consistent with your practice, you would often just assist in this case - - -?---Commissioner, I'm not denying it. I'm just saying I don't remember what calculations were done, so please accept my - - -

10 Well, let's skip the actual detail of this invoice. It was a practice of yours, was it not, to put in a figure which, for a contractor, but it was not a figure for the quotation that was based on specific estimates?---Maybe initially, maybe, look, but definitely later, towards the latter half, there was definitely breaks down, breakdowns that were done on designs that were agreed to with the contractors. So I disagree there. But this one, I can't remember what was done to calculate this number to make sure that it is in line with market price. Can I - - -

My point is, on many occasions you just put a figure in for the contractor which was not an estimated figure. Isn't that right?---It was based on previous work that was done, yes.

20 Are you agreeing with me?---I don't know the question, sorry.

On many occasions you've just put a figure in for a quotation for a contractor without it being based on any specific estimates. You did that on a number of occasions, did you not?---A number of occasions, but I also - - -

But you don't know whether this is one of those occasions.---Correct.

30 But looking at the terms of the work described, it looks, doesn't it, like it's a figure not based on any precise estimates?---Yeah, it looks pretty crappy to be honest. There's no breakdown here.

MR DOWNING: In terms of the quality of what's described, I mean the third item is, "To carry out all work of the renovation work."---Mmm.

And then the fourth item is, "To supply all materials re," nothing.---It was pretty crappy, so yeah.

Also when you look at the figures, it actually doesn't add up. The GST is a correct sum, but then if you add it up, it should be 170,500.---That's correct.

40 Does it look to you like perhaps that was a draft that you got from Mr Taha that you were then saving with a view to trying to improve?---Potentially, yes.

Now, at around this time, I've already take you to the records in respect of MWK, I'm suggesting to you that TTS Group was paying money in terms of kickbacks into the MWK account at around this time.---Okay.

It's very likely, isn't it, that this sum had built into it an estimate as to a margin so that there could be a kickback paid.---Correct.

Now, can I get you then, please, to go to same volume 5, at page 86. And you'll see that there's a tender evaluation report in respect of the Kankool works.---Okay.

10 And you'll see just in respect of that, it refers to an estimate of \$170,000. I take it that was just based on a figure that you put forward so that you could justify the amount that you knew was going to be changed by TTS.
---That's right.

And you refer there to three tenders, TTS, Complete Building Fitout and Peregrine Corp. Again, this was a report that you've created, wasn't it, simply to - - -?---Like the other ones, the dummy quotes, correct, yeah. And this meeting didn't actually happen.

20 So if we go over the page, again it's the same date as the report I took you to yesterday, 1 April, 2011. There were no such reports – sorry, no such meetings. And in terms of the persons said to be present, you've got you for the Compliance and Enforcement Branch, Mr Taha for TTS, Chahid Chahine for Complete Building Fitout, and Michael Radwan for Radwan Civil.---Yeah.

Somehow they've crept into page 2 despite on page 1 it says there are three tenders and one is from Peregrine Corp, not - - -?---That's probably copied from another document, yeah.

30 In any event, you'll see when you look down into the figures that suggest that the TTS Group figure was \$155,000, which is consistent with that quote that I took you to that was found on your device, and then there's a reference to \$175,000 from Peregrine Corp and 154,000 from Complete Building Fitout. Do you see that?---Which is cheaper. Okay, yes.

It is. And if you go over the page, please, to page 88, you'll see that under Conformity of Tenders, you refer at the bottom to the fact the two lowest conforming tenders were from Complete Building Fitout and TTS.---Okay.

40 And then over the page you indicate that the lowest tender amount was \$153,000 from Complete Building Fitout, although you seem to be out there by \$1,000.---\$1,000.

If you go back to page 87 it was \$154,000.---Okay.

Then if you go back to page 89, the highest tender was said to be \$175,000 from Peregrine Corp, and you noted in your evidence yesterday that Peregrine Corp was Chahine Chahine's company, it wasn't an RMS contractor, correct?---Correct.

And at 9.4, you indicate that, “Only TTS Group was found to have the capability to complete the works within the contract period based on similar works successfully completed for the RTA and availability of resources. Complete Building Fitout was also favourable but were open with their expected finish dates due to a number of contracts they had recently been awarded within and outside the RTA.” So it seems that, per your report, you’re suggesting that even through Complete Building Fitout is \$1,000 cheaper, in this instance it’s preferable to go with TTS because they can guarantee works being done on time because Complete Building Fitout has existing contractual commitments with the RTA and outside the RTA, correct?---That’s what it reads, yes.

Now, first of all, TTS had no successful completion of similar works in the past, had they?---I mean, we’ve gone through this already. So, I mean, okay.

THE COMMISSIONER: Do you agree with that?---Yes, I do.

20 MR DOWNING: It may well have been true that Complete Building Fitout were busy with other contracts at the time, but in any event this report was prepared by you to set out a false narrative to justify why you were giving the contract, correct?---Correct.

THE COMMISSIONER: This tender evaluation report is a complete and utter fabrication, isn’t it?---There was few of these, as I said, there weren’t many of them - - -

30 No, no. Answer my question, please. Do not avoid the question.---I never avoid the question.

I’ll put it again. having regard to all of the matters in the evaluation report, which you have just been taken through, it is clear, is it not, that this tender evaluation report was a complete fabrication, falsehood?---Commissioner, I’ve never avoided any questions from you.

Would you answer my question?---And I, and I agree, yes, it was, like the others, yes.

40 Thank you.

MR DOWNING: And if we just go quickly, please, to page 90. Again, it’s said to be signed of electronically by you and Mr Stuart. Do you believe there was ever any discussion with Mr Stuart or any actual provision of this - - -?---As I said to you in the past, I’ve met with him, maybe it wasn’t, maybe I didn’t present him this one. I can’t remember.

And if we go, please, to page 91, you'll see you've prepared it so that, as well as you and Mr Stuart signing off on it, Tam McCaffery would as well. Do you believe you would have ever shown this to him?---I don't recall. Again, it's 10 years ago, yeah.

Commissioner, I note the time and I note that we did indicate we would break at around this time in order for Mr Dubois to make it to the prayers.

10 THE COMMISSIONER: Yes. We'll take a break and I'll resume at 2.15.

MR DOWNING: Could I just ask – I know that there's something brief that I think Mr Ishak needs to discuss with Mr Dubois when we return. So if we could perhaps just make it 2.20 so that we could resume then?

THE COMMISSIONER: Yes, very well.

MR DOWNING: And that should give you a little bit of leeway as well, Mr Dubois, to get back.---Thank you. I appreciate it. Thank you.

20 THE COMMISSIONER: Yes, certainly. I'll adjourn until 2.20.

MR DOWNING: Thank you, Commissioner.

LUNCHEON ADJOURNMENT

[1.14pm]