

PARAGONPUB01224
28/05/2021

PARAGON
pp 01224-01247

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION PARAGON

Reference: Operation E18/0736

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 28 MAY, 2021

AT 3.00PM

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

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

THE COMMISSIONER: Thank you. Take a seat.

MR DOWNING: Thank you, Commissioner. Just before I resume questioning Mr Dubois, just on reflection there, there was one aspect of his evidence before lunch that I am going to seek an order under section 112 in respect of, and that was the name of the person who, money that was taken
10 from the safe on the night of 18 June, 2019, was given to. If I could seek an order under section 112 that that name of the person not be published.

THE COMMISSIONER: Yes, yes, thank you. I am satisfied there is a proper basis for the making of an order under section 112 of the Independent Commission Against Corruption Act. I accordingly direct that there is to be no publication of the name given in evidence as [REDACTED], [REDACTED]. That direction will continue until further order. The order is subject to an exception that it does not apply to officers of the Commission.

20

SUPPRESSION ORDER: I AM SATISFIED THERE IS A PROPER BASIS FOR THE MAKING OF AN ORDER UNDER SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT. I ACCORDINGLY DIRECT THAT THERE IS TO BE NO PUBLICATION OF THE NAME GIVEN IN EVIDENCE AS [REDACTED], [REDACTED]. THAT DIRECTION WILL CONTINUE UNTIL FURTHER ORDER. THE ORDER IS SUBJECT TO AN EXCEPTION THAT IT DOES NOT APPLY TO OFFICERS OF THE COMMISSION.

30

THE COMMISSIONER: Yes, thank you.

MR DOWNING: Thank you, Commissioner. Mr Dubois, just before the luncheon adjournment I was asking you questions about the TTS works at Kankool. Do you recall that?---Yes.

And I took you to the tender evaluation report, but can I take you now to the purchase order. So if we go, please, to volume 5, page 128. And you'll see that there are indeed two aspects to the work. I think you indicated that
40 before, that there are different parts to it.---Yes.

And do you see there's one part in this purchase order, they're both awarding contracts to TTS, but one part is an exit lane expansion in a sum of \$205,000 plus GST, and the other is the facility upgrade at \$155,000. ---Okay.

And do you recall it was the facility upgrade part of it that I was taking you to in respect of the tender evaluation report?---Correct.

And if you go over the page, please, to page 129, you'll see that the line breakdown of the purchase order confirms that. So line items in respect of the exit lane works and the building works.---Okay.

Now, do you recall then that, consistent with the way things worked, that an invoice was then submitted by Mr Taha?---Yes.

10 And if we go, please, to page 147, the same volume, you'll see that that's tax invoice 007 and it relates to the Kankool renovation works, dated 21 June, 2011. But do you see that it contains the same detail as the quote, that is the fairly deficient description of the works?---Yes.

And also it still contains the problem when it comes to the - - -?---Total.

The total.---Yeah.

20 And indeed there's an error even in the calculation of the GST, that should be \$15,500, not \$15,000.---Correct, correct.

Can you recall whether this required some resubmission?---I would most definitely assume so.

30 And if we go, please, to page 156 of the same volume, you'll see an email on 20 June, even though that invoice was dated 21 June, you'll see on 20 June there's an email address at the TTS Group to you, with invoice number 7 attached. And if you go to the next page, you'll see that now it contains the proper calculations and the proper amount for GST and the proper total.---Okay.

And I want to suggest to you that over the period that TTS did work, which was April 2011 to July 2013, the total that it was paid was \$1,467,973.10, so almost \$1.5 million over that period of just over a couple of years.---Yep.

And you're aware, I think, from the documents I've already taken you to that not long after the TTS work began in April 2011, there were payments made by TTS into the MWK Developments accounts.---Yes, you showed that earlier, yes.

40 And I'm going to suggest that the total that was paid via TTS into the MWK Development accounts was \$183,700.---Okay.

And you received that in kickbacks from TTS.---Correct.

And you're aware also from the documents which I took you to yesterday that one of the means that you utilised to obtain those funds was the EFTPOS card, number 8-0-2-4, and I took you to some transactions on that?---Yes.

But also its correct, isn't it, that you, at least in some respects – I withdraw that – that you were able to transfer funds between the different MWK Developments accounts, some of which were in your sole name?---Yes. I mean, I saw that in the documents, yeah.

But it's also correct, isn't it, that some of the funds were used to purchase a car, do you remember that?---Yes.

10 And do you remember that that was white 996 GT2?---Correct,

And if we go, please, to slide 58. I'll have the picture brought up in a moment. I'm going to suggest to you that the purchase price was \$200,000 and it was entirely paid by MWK Developments.---The 996 GT2?

Yes.---Could be.

Do you have a recollection now as to - - -?---No, I definitely recall the 996 GT2.

20

And that was obtained, was it, from Dutton's?---Correct.

THE COMMISSIONER: What sort of a vehicle was it? A white - - -?
---White Porsche.

Porsche.---996 GT2.

MR DOWNING: And I'll come back to this later, but that was ultimately the car, wasn't it, that was handed over to Mr Taha as part of the resolution of the dispute with him?---That's correct.

30

Now, separate to the TTS work, it's correct, isn't it, that for at least a brief period, MWK Developments actually ended up doing some work for the RMS?---Yeah. I do remember some, yeah, I, I referenced that earlier, yes.

And I'm going to suggest that was in just the period October/November 2012.---Yes.

40 And I'm going to suggest the value of that work was a total of 224,400. Can you recall how that came about?---I, that's, I, that's a bit vague for me. I'm not sure who, who did that, whether it's maybe John, Mr Goldberg, or Towfik. I can't remember whether it was, I can't remember now to be honest.

Because, going back a step, the arrangement of setting up MWK as a company and then having the bank accounts was between you and Mr Taha, that's Towfik Taha?---Correct.

And indeed he was the director of the company and you and he were signatories on the accounts?---Correct.

Well, you were the sole signatory on some but joint signatories on others? ---Correct.

And I take it that the very nature of the arrangement that you formed with Mr Towfik Taha was that this was a company that was to be kept one step removed from his contractor company, TTS?---Yes.

10

So do you have any recollection as to how it was that it ultimately came to be put, created as a vendor and doing RMS work?---I, I don't recall, no. I'm trying to remember. I had a, I had a suspicion or a memory that, that I did do some work. What was the period, sorry?

October to November 2012.---2012.

20

And just in terms of where that marries up with, that is also just around – so that's just before MWK stops being used as a vehicle to receive kickbacks and Mr – it seems that then there are other forms of kickbacks that are, sorry, other mechanisms used. So it's just before it stops being used that it does the period of actual contractor work.---Sorry, what was the question? How it came to be?

30

Whether you can recall whether there was some, whether there was some reason for doing it, first of all, if you can recall.---Maybe it was frustration from (not transcribable) with Towfik's work and how he didn't work. Could have been that, that as a result of that, that company was used to do some of the work. That could be the case. I can't, can't entirely remember.

But who was – in terms of the contracts that MWK obtained, and I'll take you to them specifically, who was doing the work? Was it Towfik or was it Mr Goldberg or was it someone else?---I, I, I, as I said, I have a suspicion that maybe it was removed from Towfik at the time because (not transcribable) frustration. That's what I have a feeling of. It could have been Mr Goldberg. It could have been – but, yeah, it could have been removed at that point, I'm not sure.

40

Well, maybe this will assist as well. Given that it was October/November 2012 that MWK actually becomes a contractor and does work, could it be that Mr Goldberg had suggested that MWK had to stop being used because of the fact now that there was this direct link with Towfik on the one hand being a director of TTS, which had been doing work - - -?---Correct.

- - - and him also being a director of this company, which was doing work now as well.---Yes.

And through which the funds were flowing with you and him as joint signatories on accounts.---Yes, it's a possibility, yes.

But do you recall it or not?---I recall those, I recall him raising concern, yes. Or Towfik with Mr Goldberg raising concern.

If we could now go back to slide 58, and I apologise that it wasn't ready before. I'm not sure if this is the precise car or whether it's just an example of a white version.---Same model, yeah.

10

So that was the car that was bought with the MWK Developments funds?
---Correct, yeah.

And in terms of that coming about, did you ask Towfik to organise for that to be bought?---Yes.

Did he, as best you can recall, organise a transfer or provide a cheque?---I think it was a transfer, yeah.

20

And to Dutton's?---Correct. And I think it was registered in Towfik's name as well.

Well, I'll come to that shortly. Then going back to MWK and the work it did, can I ask that you have a look, please, at volume 5, page 316. You'll see that this is an MWK Developments quote for – it's civil barrier and steel works in relation to, you'll see there's point-to-point sites at Bulli, Mount Ousley Road, Urunga, Valla and Port Macquarie.---Yep.

30

And you'll actually see that this is a six-page quote, so it starts on page 316. And I'll ask that each page be brought up so that we can go through it. If we could go, please – tell me when you've had a chance to look at that first page.---Yep.

The next page, please, 317. And you'll see under Price there is a breakdown there of the elements of the different work at the different locations.---Yeah.

40

If we could then go to page 318. You'll see that the total is \$94,000 plus GST. There's then a schedule of rates and some detail in terms of additional amounts. If we go to the next page, please, you see it actually has some detail in terms of MWK's requirements as regards payment, also general terms and conditions, and that continues to page 320. And then ultimately on page 321 there is a space there for acceptance of the quote.---Okay.

Do you see that?---Yeah.

And when you look at that, it does stand in contrast to the level of detail in the TTS quotes and indeed invoices that I took you to earlier.---Yeah.

Was this your handiwork?---I would have definitely most likely put the, put the details in that, yes.

And created the - - -?---I actually don't remember this, but yeah.

Would you have created the template in the first place?---I can't, yeah, yeah, potentially, yes. I would have to say yes.

10 And if you go, please – I'm going to suggest this was another document that was found on a USB at your address.---Okay.

And if you'd go, please, to the metadata at 322, it shows a date of creation of 14 September, 2012, and modification of 14 September, 2012, and also if you go to the next page, please, it indicates that the filename was saved as MWKquote.doc. So looking at this and the detail, is your recollection that you drafted this or perhaps assisted Mr Taha in doing so?---I would have, I would have definitely put the detail in there, it looks more, more detailed than his quote, so - - -

20 It's a bit more polished and specific, isn't it?---Yes.

Now, this quote, do you recall that in respect of this work at various point-to-point sites was accepted so that MWK obtained the job?---Okay.

If we go, please, to same volume, volume 5, page 327, you'll see that that's the purchase order request for it.---Yeah.

And you'll see from the details it's the same job with a total of \$94,000. ---Yeah.

30

And it shows the vendor as MWK Developments and it's Towfik Malas as the contact name.---Okay.

Can you recall whether you assisted in the creation of the paperwork to establish MWK as a vendor?---I would have had to put in, yes.

And it's likely, isn't it, that you would have suggested that the name be Towfik Malas, just so that it didn't look like the same person as the person that ran - - -?---Potentially, yeah.

40

- - - TTS?---Even though I don't, even though I don't remember that I read the contact name, Towfik Malas, but yes.

THE COMMISSIONER: I take it the price would have been a fiction too, would it?---The price doesn't look like - - -

The 94,000, that would have been just a figure made up?---That was over multiple sites, wasn't it?

MR DOWNING: Well, it seems from, if you look at the sites referred to in the purchase order, it's Mount Ousley, Urunga, Valla and Port Macquarie. ---So four sites. Okay.

THE COMMISSIONER: Well, was the price just a dummy price or a made-up price?---I would actually think it would be more than that price, so I don't remember, Commissioner, the actual work, but I mean based on previous examples it was probably something that would have been agreed with the contractor or made up, I'm not sure. Can't remember. I can't recall this exact job.

MR DOWNING: But is it your belief, looking at the works, was that work that Towfik Taha was the person that was in charge of organising for it to be done or - - -?---May have had. I've got a feeling that maybe he wasn't involved at this point or pushed out. So that's my feeling. I don't recall this exact job, to be honest.

THE COMMISSIONER: He didn't have the skill to do it, did he?---No, that's what I'm just saying, yes.

MR DOWNING: But who do you believe then was actually responsible or organising this work?---I don't actually remember to be honest. I don't actually remember the, the actual project.

THE COMMISSIONER: Is it possible that there was no project, it was just, the whole thing was just a fraud?---As I said, I mean, I don't remember the actual project, so I'm trying to remember the rollout. I don't remember it.

30 Well, you were heavily involved in it, in the sense that the very detailed quote that we saw, you had a lot of input there to produce that document. So having been directly involved in setting up the project and the fact that you don't actually recall the work suggests that this was an example of rigged contracting, that is invoice eventually put in for 94,000 but the work not actually done.---I'm under oath, Commissioner. I don't remember the project so I can't really say. Yeah. Yeah.

Presumably, of course, Mr Taha wouldn't have put together the invoice, you probably were involved in that as well.---Correct.

40 MR DOWNING: Just on that, Commissioner, can I take Mr Dubois, please, to the same volume, volume 5, page 341? And you'll see that this is an invoice in the name of MWK Developments.---It's a different - - -

It shows, "Phone, Michael Goldberg," and there's a phone number there. it's addressed to the RMS, dated 10 September, 2012, and you'll see it relates to the different jobs that are covered by that quote that there was from MWK and the purchase order.---Okay.

And you'll see that ultimately the subtotal doesn't come to the \$94,000 that made up the quote and indeed the purchase order, that comes to 83,542.
---Yeah.

I want you to accept from me that this was a document that was found on one of the devices on a USB at your home.---Yep.

10 And if we go in that regard, please, to page 342. You'll see that the document date is 12 September, 2012. There's a modification date, also 12 September, 2012. And if you go over the page, please, you'll see that it shows last author saved by is Dubois A.---Ah hmm.

Now, it's obviously something that you had saved on your system.---Yeah.

Do you recall whether you drafted this or - - -?---To be honest, I mean, I don't remember, I don't actually remember this document, and there's a huge disparity between the, the quote and the invoice, so - - -

20 Well, I'm going to suggest that this wasn't actually submitted, that it was found on your device but wasn't submitted, it wasn't the invoice that was actually paid by the RMS. But just looking, if we go back, please, to the first page of it, 341 - - -?---So it wasn't submitted?

Was not submitted, as far as I'm aware. It was simply something found on your device.---Okay.

30 Does the fact that the name Michael Goldberg is on there suggest to you that perhaps by this point John Goldberg had taken over from Towfik in respect of this work?---That's, that's what I have a feeling or inclination towards, that, that, that prospect.

Can I then ask that you go, please, to page 344? And you'll see that this is an MWK Developments invoice in a completely different format.---Okay.

So different logo, colour and you'll see that it's number 12/85 for point-to-point site works, dated 19 September, 2012.---Yep.

40 And you will see that it relates to those same jobs that were covered by the MWK Developments quote and indeed the purchase order.---Yep.

But if you go over the page, that it ultimately comes to the total of 94,000 plus GST, and it shows the breakdown between the jobs, which was consistent with the purchase order.---Okay.

Do you recall whether this was a quote that you had created? Sorry, an invoice, I should say, I apologise.---This looks more consistent with the invoice, so most definitely.

And I'm going to suggest this was also found on - - -?---USB.

- - - a device at your home. And if we go, please, to page 346, you'll see that it shows a document dated 19 September, 2012, and a modification date of 19 September, 2012. And if we go to page 347, it's saved as MWK Invoice.doc.---Okay.

10 So as best you can recall, having looked at those, do you believe that you were, you were dealing with John Goldberg and either you drafting these for him or assisting him in drafting them?---It's a possibility because I, I, I remember Towfik involved with those, yeah.

THE COMMISSIONER: Sorry, I couldn't hear you.---Sorry, apologise. It's a possibility 'cause I don't remember Towfik involved with, with that.

MR DOWNING: But do you believe the work was actually done?---I actually don't remember, to be honest. Don't recall.

20 Do you have a recollection with either Towfik or John Goldberg, either of them, ever arranging for them to bill for work where there was just nothing done at all?---I, I vaguely remember something to do with John Goldberg, so it could have. I thought it was, I was, I, I was under the assumption that it could have been some asphaltting works that wasn't completed, maybe, which this, this is not asphalt, this is barriers. So that's what I initially thought or assumed previously.

30 But your recollection is that, with Mr Goldberg, that it was, what, that the work you remember him doing as - - -?---I remember it was asphaltting. And this could be, this could be also in addition to that. I'm not, I can't recall.

Can I then take you briefly to the other jobs that were invoiced by MWK? Just in that short period in late 2012. If we could go, please, to the same volume, volume 5, page 371. And this might assist and perhaps be what you're thinking of when it came to asphaltting work. Do you see this is now a quote for MWK for Dundee STC site works?---Yes.

40 Dated 28 September, 2012 and addressed to you.---Mmm.

And if you look down below, again you'll see that this is consistent with that other quote in that it's a longer, more detailed document, a six-page quote.---Yes.

Have a look at the list there of the works under the heading/title Civil Works at STC Dundee Site. It does look from that, doesn't it, that it's describing asphaltting works.---Asphaltting. Correct, yep.

And go then, please, to page 372. You'll see that the quote is for 63,000 plus GST.---Yes.

And then if we go through the following pages, it covers similar things to that early MWK quote so that it covers additional amounts, some payment terms, general terms and conditions, and then there's a space at the end on page 376 for quote acceptance.---Yes.

10 And if we go then please to page 379, you'll see that there is a purchase order created, confirming that MWK Developments obtains this job.---Yep.

In the sum of 63,000. If we go to page 380, you'll see that it has the detail there. So that's the Dundee civil works, \$63,000 plus GST.---Yep.

And if we then go, please, to page 394, you'll see that that's the MWK Developments invoice for the STC Dundee works. And when you go over the page, it's for the amount that was quoted, 63,000 plus GST.---Mmm.

20 And you'll see that the format of this is consistent with the other MWK Developments invoices I took you to before, and it suggests it was actually submitted and paid. Now, just looking at that, and given that this is describing asphaltting works, first of all, is it your recollection that it was Mr Goldberg rather than Mr Taha that was involved?---It could have been. That's what I recall, he was involved with them asphaltting works. But I thought he did asphaltting works for HVI, like heavy vehicle sites.

30 But you sounded from your answer before that you had a recollection that there may have been asphaltting works that he had billed for but not actually done anything through.---This could be, this could have been it, because I've given evidence prior to this.

40 Well, in respect of that, can you go back, please, to page – bear in mind that that's an invoice submitted on 15 October, 2012. Can I ask that you go back, please, to page 393, and you'll see that on 17 October, the RMS receives a tax invoice from Country Pavement Services and it relates to – and it says, "Remove and replace asphalt as per quote 2 October, 2012." And you'll see that the job address is Dundee STC site. Now, do you recall that Country Pavement Services was a company that you had used from time to time for work in country New South Wales?---Maybe very early, yes.

Looking at this, does it appear to you that in fact they were paid for the work, being the same work that Mr Goldberg was using MWK Developments to bill for?---It's a possibility, yes. This is maybe what I was referring to.

So that it shows a price that they charged of \$15,700 plus GST, and could it be that that was the actual cost of the works as opposed to the sum that Mr Goldberg billed through MWK of 63,000?---Yeah, it looks that way, yes.

So that it may be that he was in effect charging the RMS for work that someone else had done?---Correct.

10 Can I take you then, please, to same volume, page 348, and you'll see this is another MWK Developments quote, this time dated 10 September, 2012, to you and in respect of Safe-T-Cam camera sites, and it seems to be relating to guardrail works.---Yes.

Now, there's no specified location there in that quote. Do you see that?
---Ah, yes.

And if we go through the pages, please, go to page 349, which shows the price, which is 47,000 plus GST, but again it doesn't appear, as far as I can tell, to actually indicate where the work's to be done.---Yes.

20 And then go to page 350, 351, 352 and 353. Again it's in the same format as the quotes that have otherwise been, I've shown to you in respect of the MWK Development works.---Yes.

If we could go then, please, to the purchase order, which starts at page 356, and you'll see that the purchase order here is in relation to this work, it's the sum of \$47,000.---Yes.

30 Same as in the quote. If we could go then, please, to page 357, you'll see again that it is point-to-point works and the sum, \$47,000, so the same job that MWK Developments obtained.---Yes.

And if we could go then, please, ahead to page 359 for the purchase order request document. You'll see again it relates to the same job, \$47,000, but it does seem to identify that the, under Service Items, the STC site is in Boggabilla – see, "STC Bog rectification?"---Yeah.

And Bog, did you understand, is short for Boggabilla?---Yes.

40 And there was a – was it a Safe-T-Camera site at that location in country New South Wales?---That's right.

Now, can I then take you to the invoice, please, page 368? And you'll see, dated 19 September, 2012, addressed to you and for those works and it does confirm under Price in the table at the bottom, "STC works Boggabilla." And do you recall that this was something that you'd created?---I would have most likely, yes.

And in that regard I'm going to suggest to you it was found on one of the devices at your house. And if you go, please, to page 369, you'll see the metadata. It shows a document date of 19 September, 2012, and a modification date of the same date, 19 September, 2012. And over the page you'll see it's saved as MWK Invoice.doc. Now, in regards to that job with Boggabilla, can you recall whether that was one that Mr Goldberg was involved in as well?---I actually don't recall this, to be honest, but you're showing me, so I, I acknowledge, I accept it but I, I don't recall the actual project.

10

Do you know whether any works were actually done?---I don't know. I remember that Boggabilla, there was an issue with the barriers. I think it was damaged at one point, so whether this was the one to fix it or it wasn't done at all, I can't recall.

20

Now, in respect of at least the Dundee job that I took you to, where I think you agreed ultimately that it's likely that, having seen the paperwork from MKW, and also the Country Pavement Services invoice that, in fact, MWK didn't do anything. Whose idea was it that MWK might charge for a job where it hadn't done anything, that someone else had done the work?---I actually don't remember to be honest. Whether it was something, a discussion with Mr Goldberg or something that I put forward. I can't remember.

30

Any recollection as to whether, at that point in the second-half of 2012, there was some particular reason why you might want funds for some particular purpose?---Maybe for vehicles that I owed money for or, I don't know, I'm not sure. I'm, I'm not sure. I'm just assuming, yeah. I, I don't recall. It's hard to go back nine years.

I understand. Now, the work, I would suggest to you, came to an end after only a brief period in October/November 2012.---Yes.

Can you recall why it was that MWK stopped doing work?---This was 2012 you're saying?

2012, yes.---I'm thinking 2013 when the companies were liquidated.

40

I think January 2013, from memory, was when Mr Goldberg took over from Australian Technology Group, in January 2013. But do you have a recollection of there being some discussion with him then about the fact that he had then become involved with MWK through at least some of the works and was concerned then about - - -?---It could have been, it could have married up when there was a dispute with Towfik Taha and he, he was compensated with the Porsche. I'm not sure when that was. It could have been around that time. I'm just assuming, yeah. Because you said he was, when did TTS stop working?

TTS ceases getting work in July 2013, the last payment is made then.---Oh, okay. So that was after that. Okay.

Little bit later.---So, I'm not sure. Maybe, maybe because of the acknowledgement of, of, of, there was an actual link now where this company had received funds from, from other companies and now he was doing work directly.

10 And this may assist in tying things together, I'm not sure, but I asked you already about the dispute with Towfik Taha ultimately mediated and the car was provided to him.---Yep.

And you've confirmed that it was the white 996 RS that he got?---The GT2, yep.

20 And can you just explain the process? Was there him – did he come to you and then say that he was upset about the fact that he, in effect, at been pushed out and was getting no work?---I think he was, I remember him being very angry and confrontational about it.

Did he come to see you at work or did he ring you up, did you see him at home or at his home?---I don't remember. I remember it was, I think there were some threats made but, from him, but he was very angry and not happy.

30 But threats of what? Threats of exposure, threats of violence?---It's, I don't recall exactly the conversation but I remember he was, he was, he wasn't, he was very angry or just basically, he just kind of basically said, "Look, I, I, I, I, I want to be compensated," and I think that's when the meeting was organised after that.

With the sheikh?---With Hassan Alameddine, yeah. And I think Hassan was, was communicating with Towfik at the time.

Sorry, and the sheikh that you met with, who dealt with this dispute, was Mr Alameddine's cousin?---Yeah, and he, this is the same sheikh that Hassan Alameddine introduced me to and I had contact with him over a few years, which is another issue itself.

40 Well, perhaps just before I show you the document, on what other occasions and for what other purposes did you consult the sheikh? Was it Mohamad Alameddine?---Yeah, he was basically – sorry, what was the question?

You've said that you believe he assisted to resolve this dispute with Mr Taha.---Yes.

And it sounds like Hassan was the person that put you in contact to suggest he might help mediate it?---Correct.

But you said that there were other occasions that you saw him. Can you remember what they, when they were and what it was in relation to?---Just to basically provide comfort - - -

10 Sorry, Mr - - -?---Sorry, just to provide comfort because I, for a period of time I locked myself in a room for, you know, weeks and weeks. So, this is the same gentleman that Hassan told me had helped him psychologically and spiritually, because he was going through a divorce and he had thought some people had done some spiritual things to him, some, you know, some curse, and he, he introduced me to this sheikh for a similar reason. I, you know, I was, I was, you know, had some demons, you know, that I was basically locked, locked myself in a room for weeks.

And what period of time are you talking about?---This would have been 2012, I think, and onwards, for a few, maybe for a few years I had known this gentleman.

20 But you see him in – I’m going to suggest you see him in respect to the car in about October/November 2012. And I’ll show you a document in a moment.---Yes.

But when do you believe you saw him in respect of - - -?---I think it’s prior to that I’d met him. I remember he was living, from memory he was living in Guildford, so I, I would have met him probably a short period before that.

30 But the time that you see him after spending some time locked in a room – I take it because you were upset or - - -?---Just anxious. The work, the situation, you know.

But when do you believe that was? Before or after the meeting in respect of the car?---Around the same period. And, and it happened multiple times.

So you see him on a number of occasions?---Correct, yep.

40 And then for any other purposes and at any other times?---He would provide just some guidance with issues that I’d have, like questions, this happened at work or I’m worried about this or, you know, what do I do in this situation, and he would provide advice.

And did you find his guidance helpful?---Not really because he would ask for a lot of money for, for aid. You know, so it was one of those things where I felt after a while that I was getting ripped off by Hassan and him for a period of time.

Did you wonder whether, perhaps, Hassan was getting a cut of whatever money?---I thought that as well, to be honest, yeah.

You asked a question before as to the dates of the companies. Australian Technology Group, which was the company you did the contracting through, was registered in 30 June, 2010. It was in January 2012 – I withdraw that, January 2013 that you ceased being the person controlling the company and Mr Goldberg took over.---For which company, sorry?

Australian Technology Group.---Okay, yep.

And it was ultimately deregistered on 26 July, 2015.---Yep.

10

With MWK it was registered 30 May, 2011 and deregistered on 20 October, 2013.---Mmm.

So I don't know if that assists at all in working out what was going - - -? ---20, when was it registered, sorry? When was it deregistered?

Deregistered 20 October, 2013.---20 October, 2013, okay.

20

So I guess I'm trying to see if it assists at all in understanding what was going on in the latter part of 2012 that led to MWK ceasing work. And MWK's bank accounts, even though it doesn't get deregistered until October 2013, cease their operations in December 2012.---Okay.

So does that assist as to whether there was something going on between you and Mr Goldberg, you and Mr Taha in that late period? Late period of 2012.---Well, you said the last time TTS got work was 2013, middle. So - - -

30

Well, the last payment, yes.---Yeah, so, I mean, there was a period where I stopped, I mean, Towfik Taha stopped receiving work and I remember he went interstate and I continued with Mr Goldberg, and then there was a period where we stopped, we went our separate ways. And I think he got into, you know, there was another issue with him but, like multiple issues, so I don't know if that coincides with that time or if that was later on. I don't remember.

40

Do you recall whether perhaps someone else might have used TTS after Mr Towfik Taha was effectively pushed out, was anyone else, perhaps with your involvement, operating through that, whether it was Mr Goldberg - - - ?---I know, I know that I had the authority for MWK, but, and, but I'm assuming that there was, there was a few, as I said earlier, that Towfik potentially wasn't included in those projects, which aided to, aided why he was disgruntled potentially, but TTS, I, obviously I wasn't an authority. I don't know if his brother was, so - - -

You did indicate before though that in respect of some of the TTS jobs, you had a recollection that Mr Alameddine came in and was involving himself in either managing them or assisting.---Yeah.

Do you have any recollection of whether he may have in effect taken over -
- -?---But at the time – sorry (not transcribable)

- - - whether he might have taken over the running of some of the TTS jobs
late in the piece?---That I can't be sure, because Hassan Alameddine has
Areva Corp that he was running at the same time.

10 He did.---So I, I'm not aware of that. I'm not sure if somebody did work,
other than Towfik, under TTS. I can't recall that. Maybe his brother did, I
don't know, but obviously I'm not sure.

Coming back to the dispute with Towfik and him receiving the car, this may
assist in terms of some dates. If we could go, please, to volume 20.2, page
31. You'll see that it's a certificate for Transport for NSW under section
257 of the Road Transport Act, but it lists the registration details as far as
the recorded operator of a particular car. And if you look towards the
bottom of the page you'll see it's a Porsche 995 white coupe.---Yeah.

20 And I'm going to suggest that's the car that was bought by MWK and was
ultimately part of this settlement with Mr Taha.---Yeah.

Do you see as far as the registration is concerned, ignoring the first owner at
the bottom of the table, that it seems that it's registered in MWK's name, 23
August, 2012, and stays registered in that name, but only until 26
November, 2012, then gets registered in Towfik Taha's name from 26
November, 2012, to 7 April, 2013.---26 October, that's when he received
the car.

30 26 November - - -?---Okay, yeah.

- - - to 7 April, 2013.---Okay.

So just pausing with that car, is it your recollection that it was only available
to you for a fairly short period of time?---I didn't have it for very long.

Well, this would suggest something in the order of three months.---Yeah, I
can't remember, but it wasn't, it wasn't for very long.

40 You'll see that it then goes to Towfik Taha and is registered with him from
November 2012 to April 2013, then goes to Samir Malas from 7 April, 2013
to 2 January, 2014.---His cousin.

That's Towfik's cousin. Then it seems to go back to Towfik on 2 January,
2014.---Well, this is – I wasn't in contact with him at that time.

So do you not have any knowledge?---No.

Do you know what happened to the car though?---From memory I think it was – again, I don't know, this is what I've mainly heard from a, not from, direct from – I think he maybe have got the car and sold it to his cousin or kept it. I'm not sure. But I think he sold it to his cousin then he, the cousin gave it back to maybe Mr – I remember seeing Mr Goldberg drive the car.

Right.---So I think maybe Mr Goldberg took the car. I'm not sure.

10 But noting that it shows that the first transfer from – I withdraw that. When it was bought for you it was put in the name of MWK Developments. Correct?---I thought it was put straight into his name, but I knew it was registered in a, in an entity or a personal name of Mr, yeah.

20 But do you believe looking at that, the date that it gets first transferred into Towfik Taha's name, 26 November, 2012, is likely to be the time at which you had the dispute, the mediation by Mohamad Alameddine and in effect, the settlement being that it be given to Towfik?---It's either that or, yeah, potentially, potentially. I mean all he basically got the car from me in April and, or before April, and sold it to his cousin because I remember him mentioning or somebody mentioning to me that he must have sold the car.

All right.---Yeah. So it - - -

Now, at that time – sorry, I spoke over you.---Sorry. Yeah, I'm not sure. It's either that or that.

That time, November 2012, also coincides with the time as per what I've put to you with MWK, that it stopped doing the RMS work.---Okay.

30 So looking at that, does it seem likely that at that time you'd had the blow-up with Towfik about him being pushed out of TTK?---MWK.

Sorry, no, well, sorry, TTS.---TTS.

First of all he had been pushed out with TTS. I'm sorry, I said TTK.---Yep.

But secondly that by that point in November 2012, Mr Goldberg had in effect taken over the running with MWK?---Yep.

40 And was doing some contract work?---Yes.

And then you also had a discussion with Mr Goldberg where he said, "Well, this company that's been receiving kickbacks has now also become a contractor, it's time to get rid of it"?---Can I ask a question? When did the other companies that Mr Goldberg run come into effect? Were they in 2013?

Wilkins Corp - - -?---Or 2014?

I'll tell you that.---Because that would kind of hint at the chronological order.

December 2012 is Wilkins Corp, when it - - -?---Well, that makes sense then,

So, does that seem to be a time when, in effect, Mr Goldberg is - - -?
---Taken over.

10

Taken over the running and setting up arrangements so that he can do work.---Yeah. Closing MWK and then starting up the other companies which were, didn't have that necessary link.

So, in effect, he starts doing work in his own name but – well, I shouldn't say his own name, through various companies but also gets rid of one entity that's paying kickbacks and organises to set up another?---Correct.

20

So, as far as TTS still seemingly doing RMS work in 2013, even after the Porsche seems to have to been transferred to Towfik, can you assist us as to that, whether - - -?---Maybe, I remember there was, like, \$25,000 that he still was owed – not owed, but from the reconciliation with, with Towfik and Hassan Alameddine and the Mohamad Alameddine, the sheikh. He, there was still an amount that was agreed to be paid because the Porsche was valued at a hundred and – he wanted, you know, I think the agreed amount was 150,00 and there was still \$25,000 to be, to be paid. Whether, whether that was paid through work given to TTS, controlled by Mr Goldberg, that's, that's, that's a possibility.

30

Sorry, is part of that sort of settlement that was worked out by the sheikh that as well as giving him the car that you had to pay him \$25,000 on top?
---That's the deal, correct.

And is it the case you can't recall whether that was something that you paid in cash yourself or organised to be paid through perhaps ongoing - - -?---I remember, I remember, I remember - - -

40

Perhaps just wait until the question's finished.---Sorry, sorry, sorry. I apologise.

Could it be that – well, it may be you can't recall – but are you able to assist us to whether that balance was to be paid either through money you were to pay or through the allocation of some further work so that he could receive it through the RMS?---I, I remember, I remember, I'm, I'm more inclined towards the, the, the suggestion that it was paid through allocation of further work and that could have been done through TTS, which might explain what you were saying earlier.

So, he gets a couple of last jobs in order to settle the final debt?---Correct, yep.

Now, Hassan Alameddine, as you've describe it, is involved in that process of organising the meeting with the sheikh and the settlement?---Yes.

And indeed by that time in 2012, he's already doing significant work himself through his initial company, Areva Corp, correct?---Yes.

10 And then over time, he does a very significant volume of work through Areva Corp, Seina Group and EPMD?---Correct.

I'm going to suggest that over there period of about October 2011 through until May 2019 that the total value of the work that his companies obtained was just over \$11 million, \$11,000,017 – sorry – \$11,017,116.---Okay.

But you do know that he did many contracts over a significant period of time, correct?---Yeah, correct.

20 And you've also confirmed in your evidence already that from a very early stage that he was involved in kickbacks and organising a percentage that would be allocated as a form of kickbacks?---That's correct.

And indeed, he would meet with you from time to time about particular jobs with Mr Chahine and Mr Hadid?---Correct.

And he obviously had some dealings with Mr Goldberg as well.---Correct.

30 What was the nature of the relationship between Hassan and Mr Goldberg?
---That, that's a bit hazy for me. I don't remember, to be honest, that one. 'Cause I don't remember them having many interactions.

All right, well, you've confirmed in your evidence already that, with Mr Alameddine, his preference normally was to pay the kickbacks in cash.
---That's correct.

Although I've also suggested to you that Areva did pay some moneys through MWK.---Yes.

40 Do you recall Mr Alameddine saying to you at some stage that he wasn't comfortable with making transfers that way or cheques being paid that way and that he just preferred to just have cash paid?---Yeah, he preferred to provide cash 'cause of the traceability.

All right.---Or lack of.

And it's the case, isn't it, that there were often quite large sums of cash you got from him?---Correct.

Was it, I think it was your evidence, wasn't it, that that box of cash that we saw in the safe that was found at the time of the search warrant was from him?---Correct.

And would he come, from time to time, with either bags or boxes of cash?
---Correct.

10 As best you can recall, what's the biggest sum that you ever got from him in cash in one drop?---Oh, that's hard to, like, maybe I think that box had 160,000 in that box, maybe, when I received it. But sometimes he would just basically drive the cash to purchase of the vehicles. Other times it was, early on - - -

Sorry, just stop there. That is that he would take a bag or box of cash to whichever dealer was to be paid for a vehicle?---Correct. Yeah, which is why he did like two or three trips to Melbourne, yeah.

20 And I take it that, from time to time, you were speaking to him about how much all up was your part of his profit on the various jobs, so you knew roughly what your credit was for the purposes of moneys he was going to pay to you or on your behalf.---Yeah, after the jobs had been finished.

But also he was part of that process of meeting at various points about upcoming work, so that you would have had some discussions with him about what he was going to bill at or, sorry, what he would quote at?
---Correct.

30 And so that you could have some rough calculation in your head as to how much would be available as a cut out of the profits.---Correct.

And that occurred many times with Mr Alameddine and Mr Hadid?
---Correct. And sometimes just being Mr Alameddine.

Sometimes just with him?---Yep.

40 Okay. Now, all right, sorry, I'll move on just to one other matter, just in the few minutes that we've got left. Do you recall that in about June/July 2013 Mr Alameddine made some fairly significant changes with his companies and those that he was associated with?---I think, from memory, the Areva Corp was liquidated, which I think was mentioned earlier.

Well, first of all I'm going to suggest to you that on 20 June, 2013, Mr Goldberg actually replaced Mr Alameddine as the sole director of Areva Corp.---Well, there we go. I was right. So I remember he was involved with the liquidation of that.

And do you recall that that came about because of some discussion where Mr Alameddine indicated that he would take care of the companies so that perhaps it wouldn't, no moneys through it might be traceable into the future?---That's correct.

Do you recall what it was about Areva in June 2013 that led to those discussions? Was there some concern about payments it had been making or contributions it had been making through MWK?---I think the, I think – correct. I was just going to say that, yeah.

10

I'm also going to suggest that on 1 July, 2013, Simon Raha replaced Mr Alameddine as the sole director of EPMD. You know which company I mean with that acronym, Efficient Project Management & Deliveries?---Can I add something as well?

Certainly.---So that suggestion that you mentioned from Mr Goldberg to close the companies for Areva Corp, that was also put forward to Mr Chahid and to Mr Hadid. Ultimately, they preferred to just deregister the companies.

20

So when you say that that was put forward, was there a discussion involving them as well with Mr Goldberg?---Correct, yeah. Correct. I remember there was one time a discussion involving them, yeah.

So at the same time as he proposes that Areva should be shut down because it's making payments into MWK - - -?---Correct.

30

- - - he says to Mr Chahine and Mr Hadid that they might do the same with Complete Building Fitout because he, I take it he was aware that they had been also making some payments into MWK.---Correct, yeah, correct.

And do you say that their preference was not to let Mr Goldberg take over the company and deregister it.---Correct.

They decided that they would themselves deregister it and just come up with a new entity?---Correct. And I think I've - - -

40

Which became CBF.---Correct. I think I just let it expire or I can't remember how they did it, yep.

So do you recall there being a meeting at that time that involved you, first of all, Mr Hadid, Mr Chahine, Mr Alameddine - - -?---Mr Goldberg, yeah.

- - - and Mr Goldberg?---Yeah, correct.

Anyone else?---I don't remember if, I don't think Towfik was there. I think it was just those parties, yes.

Well, given that this is mid-2013 - - -?---Yep.

- - - it sounds from the events that I've taken you to - - -?---Correct, correct, sorry.

- - - that Mr Taha was on the outer by then.---Correct, sorry, yes.

10 All right. I've suggested to you that also on 1 July, 2013, Mr Raha replaces Mr Alameddine as the sole director of EPMD. Can you remember any discussion as to why that was to occur?---EPMD. EPMD. I don't, I don't remember that, that company being so early. 2013, you were saying?

Yes, 2013. So that company is - - -?---I don't think it was used at that – was it used at that time? Was it received any RMS works in '13?

You thought it was later in time?---I think it may have been later, later in time.

20 What about on 1 July, 2013, if I suggest to you that Mr Alameddine at that point becomes - - -?---It could be, I mean, I could be wrong but, I mean, that's what I remember.

30 If we could bring up the search, that might actually assist. Just in fairness to you, Mr Dubois, in respect of that. So do you see, with EPMD, it shows a registration date of 7 January, 2013. And if we go in terms of – if we go to the next page, please, the directors. And for the reference, it's volume 4.3, page 1. You'll see that the directors are, when you go through them in order, so from the commencement of the company, 7 January, 2013, it's Mr Alameddine. But then Mr Raha takes over on 1 July, 2013.---Okay.

So does that assist at all in terms of dealings with - - -?---Maybe he set up that company and then it was used later, but I'm sure you can find out when the first contract was given to EPMD. It just feels to me like it was a little bit later.

40 Do you remember any discussion perhaps with Mr Alameddine, though, about the fact that what he wanted to do was have this particular company that he could use as a vehicle to get contracts, but with Mr Raha nominally as the person running it so that it would not be evident that it was him, in effect, having both Seina and EPMD getting work at the same time?---I remember him mentioning that he wanted to achieve more work and - - -

Sorry.---I think he wanted to achieve, he wanted to achieve, he wanted to receive more work. The way he could achieve that was through another company. And I remember him mentioning the actual company name, Efficient Project Management, and I thought it was a very long name. But that's something that he put forward, and I didn't even know who was going to be the director of the company. I didn't, didn't find out till after, later on.

But is it your recollection that it was a discussion involving his desire to have, in effect, more hats in the ring when it came to work?---That's correct.

All right. Commissioner, is that a convenient time?

THE COMMISSIONER: Yes, it is. We'll reconvene on Monday. I'll adjourn till 10 o'clock Monday.

10

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

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