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COMPULSORY
EXAMINATION

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INDEPENDENT COMMISSION AGAINST CORRUPTION

STEPHEN RUSHTON SC
COMMISSIONER

COMPULSORY EXAMINATION

OPERATION PARAGON

Reference: Operation E18/0736

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 1 DECEMBER, 2020

AT 11.00AM

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

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THE COMMISSIONER: Take a seat, please. This is an compulsory examination of John Goldberg. It is being conducted for the purposes of investigation of an allegation or complaint that, between 2009 and June 2019, RMS employees Alexandre Dubois and Craig Steyn partially and/or dishonestly exercised their official functions by awarding Roads and Maritime Services contracts to companies with which they were associated. Now, Mr Havas, I understand that you seek authorisation to appear for this witness?

10 MR HAVAS: I do, Your Honour.

THE COMMISSIONER: Thank you. I want to raise one matter with you that's been brought to my attention, and that is that I understand that you currently contemplate seeking authorisation to appear for this witness's brother tomorrow.

MR HAVAS: That is so.

20 THE COMMISSIONER: I'm not going to grant that authorisation. It's clear ICAC policy – it's on our website – that we do not, unless there are extreme circumstances, permit one lawyer or one lawyer's firm to act for more than one witness. Now, if Mr Goldberg's brother requires representation, he's going to have to go elsewhere. One option is this, that there is a Legal Representation Office that has been set up to assist witnesses that are called before this Commission, so that they're not out of pocket. I will get those who are with me today, or one of them, to email to you a copy of that, a brochure which sets out how that procedure should be put in place.

30 MR HAVAS: I can arrange a colleague to appear.

THE COMMISSIONER: No. The rule is this, that it applies to both the solicitor or barrister, and if it's a firm of solicitors, the firm itself.

MR HAVAS: Yes, a colleague belonging to another firm to appear on behalf of my client's brother tomorrow. It's a separate entity.

THE COMMISSIONER: All right. Separate entity, is it?

40 MR HAVAS: Yes.

THE COMMISSIONER: Well, I should say that I'm about to make a non-publication order, which means that although you can say to your colleague that you would like him to appear for this witness's brother tomorrow, you're not going to be able to tell him about the evidence.

MR HAVAS: Of course. That is standard in these type of proceedings (not transcribable) is it?

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THE COMMISSIONER: It is standard. It is standard. And if you or anyone else breaches the order, of course you commit a criminal offence.

MR HAVAS: Of course. I've been in practice for 12 years. It's - - -

THE COMMISSIONER: Thank you. Thank you for telling me that.

MR HAVAS: Yes.

10

THE COMMISSIONER: Can you tell me who the name of the person is likely to be?

MR HAVAS: Alen Sahinovic.

THE COMMISSIONER: And what firm does he come from?

MR HAVAS: Sayad and Sahinovic.

20 THE COMMISSIONER: And your firm is not associated with them in any way?

MR HAVAS: No. It's a separate entity.

THE COMMISSIONER: And he's no more than a professional colleague?

MR HAVAS: Yes.

30 THE COMMISSIONER: Thank you. I propose to make a number of directions and then explain to your client what his rights and obligations are here as a witness. Can I take it that he seeks a section 38 declaration?

MR HAVAS: That is so.

THE COMMISSIONER: I direct that the following persons may be present at this compulsory examination and I do so pursuant to section 31A of the Independent Commission Against Corruption Act 1988: Commission officers, including transcription staff; the witness, Mr Goldberg; the witness's legal representative, Mr Havas; and Counsel Assisting.

40

I propose to make a direction under section 112 of the Independent Commission Against Corruption Act 1988, restricting the publication of information with respect to this compulsory examination. The direction will prevent those present today, other than Commission officers, from publishing or communicating information relevant to this compulsory examination. It will permit Commission officers to publish or communicate information for statutory purposes or pursuant to any further order made by the Commission. The direction may be varied or lifted by the Commission

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without notification if the Commission is satisfied that it is necessary or desirable to do so in the public interest. As I said a moment ago, it's a criminal offence for any person to contravene a section 112 direction.

10 Being satisfied that it is necessary and desirable in the public interest to do so, I direct pursuant to section 112 of the Independent Commission Against Corruption Act 1988 that the evidence given by this witness, the contents of any exhibits tendered, the contents of any documents shown to the witness, any information that might enable the witness to be identified and the fact
15 that the witness has given evidence today shall not be published or otherwise communicated to anyone except by Commission officers for statutory purposes or pursuant to further order of the Commission.

20 SUPPRESSION ORDER: BEING SATISFIED THAT IT IS NECESSARY AND DESIRABLE IN THE PUBLIC INTEREST TO DO SO, I DIRECT PURSUANT TO SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT 1988 THAT THE EVIDENCE GIVEN BY THIS WITNESS, THE CONTENTS OF ANY EXHIBITS TENDERED, THE CONTENTS OF ANY DOCUMENTS SHOWN TO THE WITNESS, ANY INFORMATION THAT MIGHT ENABLE THE WITNESS TO BE IDENTIFIED AND THE FACT THAT THE WITNESS HAS GIVEN EVIDENCE TODAY SHALL NOT BE PUBLISHED OR OTHERWISE COMMUNICATED TO ANYONE EXCEPT BY COMMISSION OFFICERS FOR STATUTORY PURPOSES OR PURSUANT TO FURTHER ORDER OF THE COMMISSION.

30 THE COMMISSIONER: Now, Mr Goldberg, I wish to explain to you what your rights and obligations are as a witness before this Commission, and what I am about to say may have already been covered by your solicitor, and I expect that to be so, but I want to put it on record anyway, so there is no confusion. As a witness you must answer all questions truthfully and you must produce any item I require you to produce during the course of your evidence. Your solicitor has asked me to make what is known as a section 38 declaration. The effect of that declaration is that although you must still answer the question asked of you, or produce any item that I ask
40 you to produce, your answer or that item cannot be used against you in any civil proceedings or, subject to one important exception, in any criminal proceedings.

The exception is that the section 38 declaration will not prevent your evidence from being used against you in a prosecution for an offence under ICAC Corruption Act and, most importantly, the offence of giving false or misleading evidence. If you give false or misleading evidence, you commit a very serious criminal offence for which the penalty can be imprisonment for up to five years. Now, let me tell you that in the past there have been

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matters where the Commission has considered that witnesses have given false or misleading evidence and papers have been sent off to the DPP and the person has been prosecuted and they have ended up in gaol. So it's no idle threat. It does happen. I'm not suggesting for one moment that you're going to be untruthful but I want you to know what the consequences could be if you are.

10 I should also point out to you that this investigation has been proceeding now for some time and we have examined a number of witnesses and a large amount of documentary material. If you are untruthful today, I can say to you honestly that it is more than likely that we will know, and if we do know and we form the view that you have given less than truthful evidence or your evidence has been misleading, then we will have no hesitation whatsoever in referring the papers off to the DPP for a decision to be made in your case. So it really is in your interests, particularly in the current circumstances that you find yourself, that you assist us and give truthful evidence to the best of your ability. Can you just give me your full name?

20 MR GOLDBERG: It's John Goldberg.

THE COMMISSIONER: Thanks. And I think you wanted to take an oath on the Koran, is that correct?

MR GOLDBERG: Yes.

THE COMMISSIONER: Thank you. We'll have that done now. Stand up, please.

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<JOHN GOLDBERG, sworn

THE COMMISSIONER: Take a seat. You're currently in custody serving a sentence?---Yes.

And when is your parole period likely to – sorry. When is your parole period likely to commence?---Earliest parole date will be the 4th of the 3rd, 2022.

10

2022. And you've been in custody since when?---Since 5 November, 2015.

And was that following an unsuccessful appeal in the Court of Criminal Appeal?---I've done a criminal appeal, Supreme Court, yeah.

And that was unsuccessful?---Yeah. No, it was successful.

Was it? What in terms of reduction of the sentence?---Yes.

20 Thank you. Anything else, Mr Downing?

MR DOWNING: No, Commissioner.

THE COMMISSIONER: Thank you.

MR DOWNING: Thank you, Commissioner. Mr Goldberg, if at any time you can't hear me or I'm going too quickly, please let me know. At various points we will put documents up on the screen in front of you and, again, if you need them to be made bigger, just so that you can read them or if you need them to be moved up or down, just please let us know.---Okay.

30

Now, your date of birth is [REDACTED] 1986?---Correct.

So you're now 34?---Yes.

And is it correct that the name your parents gave you at birth was Hussein Taha?---yes.

And is it correct that in [REDACTED] 2007, you changed your name to Adam Malas?---I'm not sure of the date but I think so, yeah.

40

At about age 20?---Yeah, roughly, maybe.

And Malas was your mother's maiden name, correct?---Yes.

And then in [REDACTED] 2008, you changed your name to your current name, John Goldberg?---That's correct.

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J. GOLDBERG
(DOWNING)

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That was when you were 21.---Roughly, yeah.

And can you tell us anything about the circumstances for that name change only a year after changing your name to Adam Malas?---I just done it, I don't, don't recall why we did it back then but we did do it.

THE COMMISSIONER: There must have been a reason.---Sorry?

10 There must have been a reason.---Well, the reason why I changed to John Goldberg was over a bet. I lost a bet.

MR DOWNING: Right.---That's the truth.

And you've confirmed that you're currently serving a custodial sentence. ---Yes.

And that's in relation to [REDACTED] offences from 2015.---Yes.

20 Just in terms of background. Can you tell us where you went to school, please?---I went to Malek Fahd Islamic School, private school.

All right. And where in Sydney is that located?---Ah, Chullora, New South Wales.

And did you complete high school or leave before the end of year 12?---I left before year 12.

At what age did you leave?---I don't recall, don't remember.

30 Do you remember what year it was, like as in year 7, year 10, year 12? ---I think year 10.

Which would have made you about 16.---Roughly, maybe 18.

And then after you finished school, what did you do in terms of work or employment?---I was a panelbeater/spray-painter.

And was that working for a company?---Yes.

40 And for how long did you work in that capacity?---I think roughly around the four-year mark.

So that would have taken you to about age 20.---Yeah.

And then from age 20 did you move into something else?---Yeah, I just started doing my own stuff, buying cars, you know, selling cars, stuff like that.

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J. GOLDBERG
(DOWNING)

1553PT

And doing some work on them yourself?---Yeah, yes.

At some point did you also buy and run some cafés?---That's correct.

In Western Sydney?---Yes.

10

[REDACTED] is that you bought them and then you sold them after 12 months.---Yes.

So that's correct?---Yes, roughly, yes.

And in terms of the cafés, can you tell us the names of the three cafés?
---Um, one of them was Coffee Boss and the other one was - - -

Was that located in Bankstown?---Bankstown, yeah.

20

In Chapel Road?---Chapel Road.

Right.---There was one next door called Humphrey's.

And was that a café or a bakery?---Bakery, it was a bakery. And the third one was then at Kirrawee. It was called MCR.

Was that My Caffeine Romance?---Romance, yeah.

30

And did you own, did you – I withdraw that. Is your evidence that you bought those or set them up?---I bought them.

Right.---Except for the bakery. I set that one, that one up.

The others you bought existing businesses.---Yes.

And did you buy those in your own right or in partnership or in concert with someone else?---It was a partnership.

And who was the partner?---Alexandre.

40

Dubois?---Yeah.

So did he have an interest in each of those?---Just, yes, he did.

And is it correct that they were sold after 12 months?---To him, yeah, it was handed over to him or sold on to him.

Well, I'll come to the details of that a little later. Is it correct that at some point after finishing school and doing the panelbeating work, you became

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J. GOLDBERG
(DOWNING)

1554PT

involved in a number of companies?---Which were set up, yes, I'd set them up to work, yes.

And when I say involved, I mean as a director or shareholder or both.---Yes.

Do you remember one company that you were a director of was Australian Technology Group Pty Ltd?---I don't recall, but yeah, if it is there, yes.

10 Well, in fairness to you I'll show you a document. If you could please go to Exhibit 36, page 46. Now, this is a list of various companies. In fairness to you, if we could please go back to page 38, you'll see that this is an ASIC search under the name Adam Malas.---Um - - -

Sorry, has it not come up on your screen?---Yeah, yeah, it's up.

Can you see that it's a name search under your name?---Yeah.

And first of all there's a list of shares held, do you see on that page?
---Yeah.

20

But if we skip ahead, please, to page 41, you'll see Roles Held. Do you see the heading, Roles Held, towards the top of the page?---Roles Held.

So your name and then birth details - - -?---Oh, yeah.

- - - and then Roles Held.---Yeah.

And there's a series of companies, but if we go, please, to page 46, you'll see Australian Technology Group Pty Ltd.---Yeah.

30

So it's a company that would indicate the status is they're registered but it shows in terms of appointment that you were a director from 20 January, 2013 to 26 July, 2015.---Okay.

Do you have a recollection now of your involvement with that company?
---No, I don't. I don't recall.

Don't remember that name at all?---I don't recall at all.

40

So you can't tell us anything about what the company did or why it was set up?---No, I don't recall at all.

If we could please go to page 48, and you'll see again there's a series of companies that you had an involvement in, and one of them at the top of the page is Coffee Boss Australia.---Yeah.

And that shows you as director from 30 April, 2013 to 20 May, 2013. So it's just less than a month. Do you see that?---Yeah, I could see that.

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J. GOLDBERG
(DOWNING)

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Now, Coffee Boss you've indicated in your evidence just before was the name of one of the cafés.---That's correct, yeah.

And it was a café, I think that was the one in Bankstown.---Bankstown, yeah.

And one that you'd bought.---Yeah.

10 But you, I think your evidence is that you operated in partnership with Mr Dubois.---That's correct.

So just thinking about that, who put in the money to buy the café?---Ah, the money?

That is the money to buy it.---It was put in together.

20 And do you recall what the purchase price for it was?---I think it was 200, estimated, around the 200. I'm not exactly sure of the exact amount because they were broken down. So - - -

So as best you can estimate now, \$200,000. And was it money put in equally between you and Mr Dubois?---Yes.

And you'll see that as I indicated, you're only a director, according to this, for a short period of time. Can you recall why it was that you were only a director for about a month, just under a month?---I don't know. It's just weird. I'm looking at it at the moment, I just don't understand it.

30 As far as you can recall, for how long did you operate the Coffee Boss café? ---Up to a year.

And then at the end of that year is it the case that you sold it to Mr Dubois, is that correct?---It was all handed to him, fully handed over to him, and he was supposed to fix up the financials for me, what was owed, and he took over and that was it.

Well, did he pay you anything for it?---No.

40 So he just took over the operation.---Yeah, supposed to pay me but it never happened.

I'll come back to that café a bit later. Can I ask that you then go back to page 44 in the same document, and you'll see there is another company there, Wilkins Corp Pty Ltd, at the top of the page.---Yeah.

And it shows you as director from 14 June, 2013, to 4 July, 2013, so again for less than a month. Do you see that?---Yeah, I do see it.

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J. GOLDBERG
(DOWNING)

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Now, do you recall Wilkins Corp Pty Ltd as a company that you had an interest in?---I don't even remember it, Wilkins Corp.

You don't recall the name at all?---No, no, I don't.

So you can't tell us anything about for instance what it did?---No.

Or in what way you were involved in it?---No.

10

Can I ask you also to go to page 39, please – or I withdraw that – go to 38, please, first, which is the first page of this ASIC personal name extract and again it just confirms that it's you, and this is showing shares held in different companies. Do you see that?---Shares.

Roles Held then Shares Held.---Yeah, yeah.

20

If we go down, please, to page 39, you'll see at the bottom of the page with Wilkins Corp there was 100 shares held by you, according to this. So do you recall that you owned the shares in that company?---No.

And just above that, you'll also see a company that I asked you about a little earlier, Australia Technology Group Pty Ltd, and that showed that there was one share in that company and you held that as well. Does that assist at all in terms of your recollection of any involvement with that company?---No. Zero whatsoever.

30

THE COMMISSIONER: But why were you setting up all these companies?---That's why I'm, I'm looking at the name, like, I know A&N Importer, that was me. I started that off when I was 18. That was my first company. 18, 19.

But you're telling me that, in respect of the other ones, your knowledge of that - - -?---I have no information, no. I don't - - -

You don't know?---No.

40

MR DOWNING: Well, just on page 39, you'll see a number of them show the address as [REDACTED] Was that your address?---It was a family address, yeah. Yeah, I was - - -

What, your parents?---I lived in [REDACTED] with my family.

Sorry, you lived in - - -?---That was my mum – [REDACTED].

[REDACTED] ?--- [REDACTED]

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But what about the [REDACTED], [REDACTED]?---That's where my mother lives. Yeah. I was at - - -

So, sorry, so [REDACTED] is?---My father's house.

Your father's residence.---Where I live. Yeah.

[REDACTED]

10 Thank you. But you can't tell us anything about Wilkins Corporation?
---No.

Can we please go to page 45, and do you see the last two entries or the second last, one is for Areva Corporation Pty Ltd?---Yep.

Do you see that shows you as director from 20 June, 2013, to 26 July, 2015?
---I can see that.

20 Now, can you tell us anything about Areva Corporation and what it was?
---No. Whatsoever.

No recollection about what it did?---No recollection whatsoever. All these companies in one box.

I take it each time a company was set up where you were made a director or a shareholder you had to complete some paperwork for it?---As I recall, yes.

30 But you have no recollection at all of Areva Corp, what it did, what type of work it was engaged in, anything like that?---No.

Can I then ask you to go to page 43, and you'll see, second from the top, there's a company, is it Minea or Minea, I'm not sure how you pronounce it correctly, Cuisine Pty Ltd, do you see that?---Yep, yes.

And that shows you as a director of that company between 28 February, 2015, and 24 March, 2017.---I can see that.

Now, do you recall that company?---No.

40 So no recollection at all - - -?---No recollection at all.

- - - about why it was set up, what you did with it?---No. Whatsoever.

Just with the name, is Minea or Minea a place in Lebanon?---That's correct.

All right. Does this assist at all, do you recall whether that might have been a company that was in some way involved with one of the café or bakery businesses with Mr Dubois?---No.

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J. GOLDBERG
(DOWNING)

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Doesn't ring any bells?---Nah. Whatsoever. Our café businesses were Coffee Boss and MCR that we bought. Or Caffeine Romance.

But when you say you bought them, did you buy companies or you just bought the businesses and that was the name they traded under?---Coffee Boss was the, the company. MCR was the business name that it was running under.

10 And Humphrey's, the - - -?---Humphrey's was just a business name that was for me.

So you don't recall any companies being associated with that?---Nah.

You would have seen from the documents I've shown you, even if you don't remember, that it does seem that in 2013 to 2015 you were fairly busy in terms of different companies that you were a director of, a shareholder in. Can you recall what you were doing workwise in 2013 to 2015?---2013 to, 2014, 2015, I wasn't working. Okay? And it's in my paperwork before. So
20 2013, I was, I had a factory, Discount Direct. It wasn't finalised into my name yet, but I was doing cleaning products.

Selling them?---Making and selling. Manufacturing and selling them.

So that's 2013, and did that continue through 2014 as well?---Yes. So that was 2014.

Sorry, so not 2013?---Not 2013. 2013, I had already finalised the cafés in 2013 (not transcribable)

30 So finalised in the sense that, to start them or - - -?---I had moved away.

Moved away.---I had, I had moved away from them.

So from when to when were you involved with either the bakery or the cafés, and do them in order if you can. So what opened first out of Humphrey's, Coffee Boss, and My Caffeine Romance?---They, they were all running roughly at the same time, all together, for up to a year. It wasn't more than a year that, that's for sure. Can't exactly say how many months.
40 But then after that, I moved away, stepped away, and I went into my own business of doing, doing manufacturing the cleaning products, which was up to 2014. So roughly maybe the cleaning products was maybe 2013 too. I can't exactly recollect.

But in terms of the time period when the cafés and bakery were running, do you believe it was 2012, 2013?---Mmm, 2012, maybe, 2013, roughly. Probably by the mid-2012.

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And then the cleaning business you think is 2013, perhaps going into 2014?
---That's correct, yeah.

And then I think you've indicated in 2015, you weren't working?---Yeah.
That's correct.

And then it's I think in November, 2015, where you have the issue with
firearms and, which leads to the custody.---That's correct.

10 Just thinking then about those events over those years, does that assist you
at all in perhaps wondering whether those companies that I've taken you to
the names of were in some way associated with either the cafés or even the
cleaning business?---No.

They weren't associated with that?---Nah. Nah.

Well, were you doing anything else in that period that you might have
wanted to set up a company in relation to?---No. I had my A&N.

20 Sorry, you had?---My original company, A&N, if I wanted to do something.
So that was my, my - - -

And with that not trading, you could just use it if you wanted to?---Yeah,
not trading.

Now, can I also ask you to have a look at a different document, and that is at
page 61 of Exhibit 36. Now, you'll see this is a document prepared by Hunt
& Hunt Lawyers, and it's a trustee for a trust known as the Habbouche
Family Trust. Do you see that?---Yes.

30 Now, first of all, I take it you know that Mr Dubois' name before he
changed his name was Hassan Habbouche.---Oh, okay.

Did you know that or not?---Nah.

So you didn't know that he'd changed his name?---I knew he'd changed his
name, but I don't know his surname. I just, yeah, Habbouche. Yeah.

40 Can I ask you – first of all, seeing this, do you have any recollection of
seeing this before?---No. Never.

Can I ask you to go ahead, please, to page 63 of that document, and look,
it's a long trustee. I'm not going to take you through all of it. But do you
see on page 63 under The Trustee, under Background A, it says, "The settlor
has paid to the trustee the initial sum referred to in the schedule to be held
by the trustee upon the trust set out in this deed."---Yes.

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J. GOLDBERG
(DOWNING)

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So the settlor according to this pays money to the trustee, and it's to be held on trust.---(No Audible Reply)

Sorry, you just need to give a verbal response. When you nod, it doesn't get transcribed.---Oh, okay, yes.

Now, have you ever had any involvement in a trust before?---No.

So you've never set one up, or - - -?---Never.

10

But can I ask you to go ahead to page 79 in this document, and you'll see this is the schedule to the trust. And what it shows is, the trustee is Mr Dubois, the beneficiary is [REDACTED], the principal is Alexandre Dubois, and the settlor according to this is Adam Malas, which is you. Do you see that?---Yeah, I could see that.

20

And it shows an initial sum of \$100. So, going back to what the trustee says in the background part, according to this deed, that you paid \$100 to the trustee Mr Dubois to be held on trust for [REDACTED]. So do you have any knowledge of this?---No knowledge whatsoever.

So no-one ever spoke to you about you being involved in this trust as the settlor?---Never.

Did Mr Dubois ever speak to you at all about perhaps wanting to set up a family trust?---I haven't spoken to him since the cafés fell apart.

Which is - - -?---Oh, so, 2013 or whatever it is, like - - -

30

Well, assume that it's perhaps in - I think you said the cafés you thought might have been 2012, 2013.---Yeah.

And then you were running the cleaning business in 2013 and '14. You believe that your contact with him was at the end of the run of the cafés? ---Yes, the only other contact was, when am I getting my money. But other than that, there was no communications whatsoever.

40

So the cafés stopped operating, as best you can recall, sometime in 2013? ---Roughly, yes.

At the time, he's supposed to pay you some money, you say, but you never get it?---Never got it.

And have you then contacted him at least from time to time after then, chasing the money?---For a very short period, and I left it.

And how many times do you think you contacted him?---Oh, through SMSs probably a few times, roughly.

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J. GOLDBERG
(DOWNING)

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What, over a year or a couple of years?---No, not even that.

So months?---A few months, yeah. No reply so I let it go but.

Just back onto this page, do you know the name of Mr Dubois' mother?
---No.

10 So you don't know, for instance, whether [REDACTED] is Mr Dubois' mother?---No. Can I say one thing?

Please.---This is in 2013?

It is.---Okay. Why is it Adam Malas, not John Goldberg?

Well, you changed your name quite some years before that, hadn't you?
---Wouldn't it be your registered name? If I was going to do it, wouldn't I be using John Goldberg?

20 Well, that's something we might have to ask someone else but can I ask this then, just following on from what you've told us, I take it from when you changed your name in 2008 to John Goldberg, that's the name you used?
---Yes, that's correct.

Did you ever use Adam Malas for any purposes?---Good question. I think I had a bank card at that time still, which I was using.

30 So a card that you held from back when your name was Adam Malas?
---Yes.

In 2007 to 2008?---Practically, yeah.

But at any point after 2008, have you used the name Adam Malas for any purpose?---Not that I recall, no.

Now, can we come to Mr Dubois. You obviously know him, as you've confirmed today?

40 THE COMMISSIONER: Before you do, is this trust deed signed?

MR DOWNING: It's certainly stamped for duty. It is. If we go to page 80. So you'll see there, there is a series of signatures and there is one that's next to the name "Adam Malas". Is that your signature?---No.

Now, you'll see the witness both for your signature or what's purporting to be your signature, Mr Dubois' signature as well, it seems to be Omar Metlag. Do you see that name?---Yeah, yes.

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J. GOLDBERG
(DOWNING)

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Does that name ring a bell to you?---Yes.

Was he an accountant that you used from time to time?---Yes, yes.

Does that assist at all in recalling whether Mr Metlag might have been involved with you and Mr Dubois setting up this trust?---Not to my recollection, no.

So that's not your signature there?---No.

10

Just while we're dealing with that, can I ask you please to also go to page 81, so the very next page? And I'll ask you just to read this to yourself. You'll see it's dated 29 January, 2013. So this is just in the month, that we've seen before, the Habbouche Family Trust was set up. It's a letter on Davencorp Pty Ltd letterhead, purportedly from you, to the magistrate in Burwood Local Court as a, it seems to be some form of reference for Mr Dubois in relation to driving offences. If you just read it to yourself, please, and let me know when you've done that.---Yep.

20

First of all, it's your name at the bottom. Is that your mobile number – sorry. As at January 2013, was that your mobile number?---I honestly don't recall.

You can't remember what your mobile number was back then?---No.

Did you have one or more than one?---I had multiple. I used to have three or four phones at the time.

30

Can I ask, why did you have three or four phones?---Just different avenues of work that I was doing.

And what different avenues of work required you to have the different phones?---Well, I had one phone because I was looking into importing stuff from overseas.

What sort of stuff?---Sex toys. Okay. And had the cafés at the time, all that stuff, so everything was just individually set apart.

40

One of the companies that you set up at one point was Eternity Salon Pty Ltd. Was that an entity that you wanted to import sex toys through?---No. It was always through A&N.

Sorry, through?---A&N Group, my original company.

So you looked at that avenue of business and had a phone in relation to that?---That's correct.

Sensitive

And what businesses were there that required separate phones?---The cafés, cafés and my own personal, so I had like three phones, four phones at the time.

THE COMMISSIONER: Can we keep that letter up on the screen, please?

MR DOWNING: But I can't see why – I mean, I can understand having a separate work phone and a private phone, but why did you need separate phones, on the one hand a business related to importing sex toys from
10 overseas and another business related to a café?---Well, because at the time when I was looking into importing toys, I was looking at working with other investors. So there was one phone for them so I knew that was for that, so I didn't miss, like, mix everything around.

You couldn't have just put a ring tone on their number so that when that rang you knew who it was?---I never thought of it that way. Just, that's how we would do things, I guess.

20 So you had at least three phones. Could it have been more?---Yeah.

Now, coming back to the letter, if we could. First of all, it's written on Davencorp Pty Ltd letterhead. Do you recognise that company at all?
---Davencorp. Oh, it rings a bell but not much.

Well, you'll probably see from the words underneath the name, "For all your civil, electrical and maintenance services." It looks like it does some type of civil, electrical or building-type work?---Yeah. I can see that.

30 Does that ring any bells?---It does ring bells but I'm not directly understanding exactly, no. It wasn't, it wasn't mine.

Well, that's what I wanted to ask you. Did you have any role in that company?---No.

Were you aware of this letter or this reference for the magistrate at Burwood Local Court being written?---No.

So you didn't write it?---No.

40 Did Mr Dubois speak to you at all about perhaps him drafting it for you to sign?---No.

Did you ever sign it for him?---No.

So, is this the first occasions upon which you've seen it?---Yes.

Commissioner, unless there's anything else to do with the letter, I propose to move onto a different topic.

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J. GOLDBERG
(DOWNING)

1564PT

THE COMMISSIONER: I'm not asking you to identify them, but do we know who the officers and shareholders of Davencorp are?

MR DOWNING: We do and I'll come to that shortly. Now, just coming back to Mr Dubois. Can you recall when you first met him?---I met – I can't exactly recall but I was young.

10 When you were still at school?---No, after school. He was friends with my older brother's and just, when he came to this country.

Well assume from me that he came to Australia from Lebanon in about 2000. He then spends 2001 to 2005 doing a Bachelor of Computer Engineering at [REDACTED] and then after that starts to work in different areas from about 2005/06 onwards. Now, thinking about the time frame that I've been asking about, you've told me about an involvement with him in the cafes in about, I think, 2012 to '13?---Yep.

20 So going back from then, roughly when do you believe you first met him? Was it when you were doing your panelbeating - - -?---Yeah, probably. That would be - - -

So that would have been in your early 20s?---Yeah, early, probably 19, yeah. 19/20.

Which would have taken you to about, if you were 19, to about 2005, perhaps 2006?---Practically, yeah. About.

30 And was he someone that you met through one of your brothers?---Yes. Like, he's a (not transcribable) like, how I can I explain? Just, he wasn't a mate but, yeah, he was around and I still recall that he had a car that he wanted me to paint, so that's how, I went down and seen the car.

And what sort of car was it?---It was a Honda CRX.

And where was he living at that point?---At that time he was living at the unit. I think it's, probably the area code would be Bankstown or - - -

40 Now, did you have any, for instance, connection to him through the area he was from in Lebanon? Do you know if there was any similarity between where your family is from and his family?---No, different.

And you indicated your older brothers. How many older brothers do you have?---Three.

And was it one or more of them that were associated with Mr Dubois? ---Two.

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J. GOLDBERG
(DOWNING)

1565PT

So which two?---Ah, Towfik and Mustafa. Well Mustafa first.

Mustafa at first.---Yeah.

And do you know how Mustafa knew Mr Dubois?---No. Don't know. (not transcribable)

10 Well, when you recall first meeting him, do you know what he was doing for work?---No, he was, oh, I recall he was still at uni.

So he was still studying.---Yeah. Because he couldn't afford to pay.

For the car?---Yeah.

Did you actually do the work on his car?---No, no, no, yeah, didn't do it. Looked at it, but that was it.

20 And he couldn't afford to pay for it. So did you then have some contact with him over the years after that? So you said you had the one meeting with him about the car.---After that we used to see him sometimes here and there at the gym where I, where I used to train.

And where was that?---Train Station Gym in Bankstown.

And did you understand that he was someone that your brothers, Mustafa and, sorry, was it Towfik?---Yeah.

Knew through a gym or through some other association?---Maybe.

30 You don't know?---I don't recall, no. It's not something we talked about.

At some point did you get to know him to the point where for instance you had his phone number?---Yes.

And when would that be, do you believe, in terms of the activities you've described? What were you doing at the time, what was he doing?---That was at the time for getting into work, like, to work as partners.

40 So that's in about 2012.---Yeah, 2012 roughly.

Before then did you know if your brothers might have been doing anything with him work-wise?---No, not that I know.

For instance, can we deal with your brother, Towfik.---Yeah.

Did you have any idea whether Towfik might be doing some work that related or was connected with Mr Dubois in some way?---Not that I recall, because we hardly spoke, me and my brother.

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J. GOLDBERG
(DOWNING)

1566PT

You and your brother, Towfik?---Yeah.

Were you living together at the time?---At the time, no. I was at my parents', at my mum's house at that time.

And where was Towfik living?---At my dad's.

10 Did you still see each other from time to time?---Yeah, but different age group, so - - -

How much older than you is Towfik?---Four years, so - - -

Four.---Yeah.

But he was someone, as well as your brother, Mustafa, that had first had a connection with Mr Dubois.---Yeah.

20 But did they not say anything to you about what they were doing and whether they might be doing some work related to Mr Dubois?---Not at that time, not, no, not that I recall.

Not at that time.---No, not that I recall. It's not like you talk about it.

All right. I want you to assume that between October 2007 and August 2009, Mr Dubois worked at [REDACTED], so a big company, working as a service project manager. Did you know him at all during that time?---No, no.

30 So were you not aware that he'd worked for that company?---No.

I want you to assume that from August 2009 until late 2019, that he's worked at what used to be the RTA and more recently is the RMS.
---Yes.

Now, I take it you knew he worked there.---Yes.

40 And accepting from me that he begins in about August 2009, that's when he first starts work there, when, as best you can recall, and if it assists to make reference to events along the way that you can time, when do you believe you first learnt he was working at the RTA?---When we went into partnerships into the cafés.

So that's in about 2012.---12, yes.

So up to then did you have no idea what he was doing?---No.

Not through seeing him personally?---No.

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J. GOLDBERG
(DOWNING)

1567PT

And him telling you what he was doing?---Yeah.

And not through your brother, Towfik, telling you.---Yeah. No. Nothing.

THE COMMISSIONER: How did it come about, though, that you went into partnership with him in relation to the coffee businesses? You must have known something about him before you were prepared to do that. I mean you both invested money.---Well, at the time he was like, you know, like, he was a good bloke at the time, if you knew him through the family, like, through my brothers and all that, and I needed investors with me and he was looking for something on the side to do, so there was of course a contract put up that I run the show, I do everything, and he was a silent partner at the time.

But you must have some understanding of what he was doing before you entered into a partnership with him.---Yes, he was working for the RMS.

MR DOWNING: And just in terms of the RMS, I take it before you launched into business together you spoke to him about what he did at the RMS?---Yes, no, never brang it up. Never spoke about what do you do there, no.

Well, first of all, I take it you know what the RTA and RMS are.---Yes.

So they obviously provided licences, I take it you've got an interest in cars so you've got a driver's licence.---Yes.

And I take it you also know that they're responsible for road infrastructure, so maintaining roads and infrastructure related to roads.---Yes.

At any point did you learn that Mr Dubois had a role at the RTA and RMS where he was giving out or he was responsible for allocating contract work for the RTA and RMS?---Yes.

And at some point did you learn for instance that your brother, Towfik, was doing some of that contract work for the RTA or RMS?---Yes.

And, when as best you can recall, did you learn that? And again, if it assists to time it by reference to your involvement with the cafés - - -?---It was probably halfway through the cafés.

So after the cafés had started.---Yeah.

Not before?---No.

Are you sure about that?---Yeah, I'm sure.

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J. GOLDBERG
(DOWNING)

1568PT

Just coming back to the cafés, I think you said that with Coffee Boss, that you put in, the purchase price was \$200,000 and that you and Mr Dubois had put that in together.---Yes.

So fifty-fifty?---Yes.

With the other café, My Caffeine Romance, in Kirrawee, how much was the purchase of that?---100.

10 And again was that split equally?---Yes.

So you put in half, he put in half.---Yes.

And with the bakery, Humphrey's, which you say was set up, I take it there was a need to buy bakery equipment, if you're going to set up a bakery. ---Yes, that was set up by me.

So you did all of that?---Yes.

20 So you met the cost?---Yes.

Did he put any money into it being set up?---No, no. Not at the time, no.

Thinking back then, so you say in the period up until when you start the businesses with him, the cafés and the bakery, you didn't really know what he did at the RTA and RMS.---Just a RMS worker, like, that's, or a project manager he was or something like that.

30 Well, did you understand he was working on the tools in a hi vis vest on - - - ?---No, like, I knew that he was an office, he was ah, I don't know, we used to call him Nerd.

Call him?---Nerd.

Nerd?---Yeah.

Right.

40 THE COMMISSIONER: N-e-r-d?---Yeah, 'cause he's a big fella with glasses.

I think you've said that, I think you've mentioned the word project manager.---Yeah, he was a project manager.

MR DOWNING: But is your evidence that it wasn't until after you'd gone into the café business with him that you learnt that he gave out, that part of his job was to allocate contract work?---Roughly, to my best knowledge,

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J. GOLDBERG
(DOWNING)

1569PT

yes. It's like, I'm sorry I'm a bit, I've been in gaol for too long and my memory isn't as good. I'm trying my best.

It's some years ago as well, but if you can just try your best.---I'm trying my best, like, I'm just being very honest.

10 But what led you, if all you knew about him was that he was an RTA worker of some sort, looking after projects, what led to you, or led you to raise with him the idea of going into business together?---He wanted to start a business, he wanted to do something on the side for extra money, so that's where he came in, into the picture, with conditions of course.

So he was looking to what, invest some money and have a business?
---Yes, yeah.

20 And at that point, that is when you're going to, you're talking to him about setting up the businesses, did you have any knowledge then that your brother, Towfik, was doing some contact work for him?---Not that I recall. Not that I recall. I can't answer that a hundred per cent.

Is your best recollection you learnt about that later in time?---Maybe. I don't want to say yes or no, it might be lying, so - - -

I'm not asking you to lie, I'm just asking you to give us your best recollection.---Yeah, I'm just saying like I honestly yeah, to my best, I really don't, don't know.

30 THE COMMISSIONER: But a little while ago you said that you learned, and I'm not sure whether you had a date for this, but you learned that Towfik was doing some work for Mr Dubois at RMS.---That's midway through the café, yes, but did I know beforehand that things were going, like, no.

MR DOWNING: Well, are you aware that, first of all, what line of work was your brother, Towfik, in?---Ah, tree-logging, landscaping, yeah.

And did you understand that he ended up, through a company, doing some work for the RMS?---Yes.

40 And do you know what that company was?---Oh, what was it called? I, I know one of his companies was TTS Group.

TTS Group Investments Pty Ltd?---Yes.

Did you understand that he was through that company putting in quotes for work and getting work for the RMS that Mr Dubois was responsible for?---I have no recollection of it, oh, I don't know. Maybe he was, yeah.

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J. GOLDBERG
(DOWNING)

1570PT

Did you speak to your brother in order to have him tell you that that's what he was doing?---No. We weren't that close, so we never got into what he was doing.

Did Mr Dubois at some point say to you that your brother Towfik had a company that was putting quotes in for contract work with the RMS and was doing it?---Did he. Good question. I'm just trying to remember. I think so, yes, at one stage, but I don't recall exactly what, when, when.

10 At some – you're aware of the nature of this investigation, aren't you?
--- (not transcribable)

That is, the ICAC's investigation.---That's correct, yeah.

And you're aware that it's into the conduct of Mr Dubois?---That's correct.

And whether he may have been acting impartially – I withdraw that – partially or dishonestly in the exercise of his functions at the RTA and RMS, over the period of 2009 to 2019.---Yes. Yep.

20

Do you have any knowledge that Mr Dubois over that period of time, so about a decade, was awarding contracts to people and in return getting bribes or kickbacks from them?---No.

None at all?---Not, no.

You're sure of that?---100 per cent. Of my knowledge, no.

30 Did you ever learn, either from your brother Towfik or from Mr Dubois, that Towfik's company, TTS Group Investment Pty Ltd, was obtaining RMS contracts and that was in return paying bribes or kickbacks to Mr Dubois?---No. No.

At any point were you involved in obtaining RMS work from Mr Dubois and paying him a kickback in return?---No. No kickbacks.

You're sure about that?---Yes.

40 THE COMMISSIONER: When you say no kickbacks, but were you doing work?---We, as I recall we, I think we did a few jobs, a couple, I think. I'm not 100 per cent of exactly how many, but yes.

Thank you.---We did.

MR DOWNING: When you say "we", who are you referring to?---Like, my company. Yeah.

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J. GOLDBERG
(DOWNING)

1571PT

And what was your company?---I had A&N Importing, that one, and also there was another company that was registered to my wife, I think it, or my ex-wife (not transcribable)

Sorry, who's your ex-wife?---Mariam.

And can you recall the name of that company?---I honestly forgot it. Youse probably know it.

10 So do you say that, sitting here today, when I've asked you a question about it, it's the first time you've heard any suggestion that Mr Dubois was in effect awarding contracts to people he knew and getting bribes or kickbacks in return?---With, yeah, the first time.

Never heard of that?---Nah.

20 So you don't have any knowledge, for instance, that he had a series of contacts, young men within the Lebanese community, that he was organising for contracts to be awarded to them through their companies, and in return receiving kickbacks and bribes?---No.

No knowledge of that?---Not me, no. We weren't that close, no.

Can I ask if you have any knowledge of the following people? First of all, Hassan Alameddine.---Yes.

Do you know Hassan?---Yes.

30 And was he someone that you knew was an associate of Mr Dubois?---No. He was – I just know him, he's my brother's friend from school.

Which brother?---Towfik.

So Towfik was a friend from school with Mr Alameddine?---Yeah, yep.

And were they in the same year?---I think so. If that's the correct person we're talking about, Hassan Alameddine, yeah, maybe.

40 But at the same school you went to?---Yes.

So you knew him, but did you not know that he, through companies, was doing contract work for the RMS, organised by Mr Dubois?---No.

No knowledge of that?---No.

Do you know the company Areva Corporation Pty Ltd?---Oh, I've seen it on the screen.

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J. GOLDBERG
(DOWNING)

1572PT

It was one of the companies that I took you to before, where for a period you were a director. Take it from me that that is a company that Mr Alameddine controls.---And I was the director at the time.

For a period, you were a director of Areva Corporation, from 20 June, 2013, to 26 July, 2015. So in terms of events, that would be, 2013 is I think you've indicated when you believe you end the relationship with Mr Dubois, with the cafés?---Yes. Yes.

10 And through to July 2015 is just before the firearms offences that lead to your incarceration.---Yes.

And is it correct that the cleaning work – sorry, you were selling the cleaning products, that was 2014 into, 2013 to 2014?---2013 into 2014. 2015 I did not work at all.

Now, do you say that you don't recall ever being a director of Mr Alameddine's company Areva Corporation?---No. Nah.

20 Does the name Seina, S-e-i-n-a, Group Pty Ltd ring any bells for you?---No.

You don't have any knowledge of whether that's a company that Mr Alameddine controls?---No.

Do you have any knowledge of Areva Corporation Pty Ltd was a company that put in for and obtained RMS work?---No.

So nothing to do with you?---No. Nothing.

30 What about Seina Group Pty Ltd? Any knowledge whether it put it for or obtained RMS work?---Honestly not.

Do you know another man named Chahid Chahine?---No.

You never met him?---No. Not that name, no.

Not even familiar with the name?---No.

What about Chahine Chahine?---No. Sorry.

40

Perhaps nicknames might help. Do you recall a young man from the Lebanese community going by the nickname "Hoody"?---No (not transcribable) no.

Have you heard of the company Complete Building Fitout Pty Ltd?---No.

What about CBF Projects Pty Ltd?---No.

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J. GOLDBERG
(DOWNING)

1573PT

So you have no knowledge of whose companies they might be?---Zero knowledge.

Or what they do.---No.

Do you know a man named Barrak Hadid?---No.

Or known by the nickname “Baz”?---Nah.

10 Are you familiar with the company Euro Civil and Maintenance Pty Ltd?---No.

So I take it then you have no knowledge of whether Complete Building Fitout Pty Ltd, CBF Projects Pty Ltd, or Euro Civil and Maintenance were companies that did RMS work for Mr Dubois?---No. No.

You don't believe you have any knowledge of those persons or companies, to the best of your recollection?---No.

20 I want to show you a couple of photos, please, and I want to see if you can assist us in identifying the people in them. So if we can go please to Exhibit 4. If we go to the bottom of the page, please, you'll see there are names there as well, but looking at the bottom of the page, I take it you recognise Mr Dubois on the left?---That's correct.

Do you recognise the person next to him?---No.

30 You'll see the name below is Craig Steyn, but do you recall ever meeting through Mr Dubois a Mr Steyn at the RMS?---No.

Next to him, you'll see is, according to the name below, Chahid Chahine. Do you recognise him, looking at him now?---No. Never seen him.

And at the end, with the bald head, Barrak Hadid.---Nah.

Never seen him before?---Never seen him. The only one I know is the first one, Alexandre.

40 At the top of the page, if we just zoom in on that, please, you'll see back right is – that is, the first of the woman on the right-hand side – is Kristen Tui. Have you ever met her?---No.

So not familiar with whether she's the spouse of one of the men present?---No. Never.

And have you ever heard of a company, Ozcorp Civil Pty Ltd?---No.

No knowledge of whether it's a company that does RMS work?---No.

Sensitive

Finally do you know, we can take the photo down please, do you know a Ghazi Sangari?---No.

And have you heard of the company GEC Consulting Pty Ltd?---No.

So no knowledge of whether that's a company that did RMS work?---No.

10 Now, I'm going to suggest to you, and you can agree or disagree with this, that in about late 2012 – now, just pausing there with the time period. 2012 is the period where you say you're operating the cafés, correct?---Correct.

Do you recall in late 2012 your brother, Towfik, telling you that through his company, TTS, he was paying bribes or kickbacks to Mr Dubois?---No.

20 I'm going to suggest to you that he – I withdraw that. Do you recall you giving some advice to your brother about ways in which the payments might be made so that they weren't to obviously have been made from his company to Mr Dubois?---No.

Do you recall – I withdraw that. Earlier in the day I took you to the company search and one of the companies that I took you to the details of was Australian Technology Group Pty Ltd.---Yep.

And I want to suggest to you that you became aware through Mr Dubois that that was a company that he had set up in order to contract his services to the RTA. Do you recall that?---No.

30 Do you recall at any time being made aware by your brother or Mr Dubois that, in fact, payments via EFT were being made from TTS and others, but I'll start with TTS, into the Australian Technology Group account?---No.

Did you give any advice to Mr Dubois or your brother about, perhaps doing something to change that company set-up?---No.

Did you volunteer that you might take over the Australian Technology Group Pty Ltd and that - - ?---No.

40 So you deny part but I'll do the second part of the question.---Oh, sorry.

And that Mr Dubois should set up a new company, which would be clean and not have any record of transfers coming in?---No.

Now, in terms of the Australian Technology Group, I showed you that you were a shareholder – I withdraw that – that you were a director, but I want to show you a full search now, and this is in Exhibit 8, page 93. So you'll see that this is the ASIC search for Australian Technology Group Pty Ltd. ---Okay.

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J. GOLDBERG
(DOWNING)

1575PT

And you'll see it's registered on 30 June, 2010, and it's deregistered, if you go slightly further down the page, 26 July, 2015.---Yep.

10 If we go over the page, please, you'll see that, in terms of directors, you'll see under the heading Previous Directors, so page 94, it shows that Adam Malas was a director from 20 January, 2013, to 26 July, 2015 and Mr Dubois was a director from 30 June, 2010, to 20 January, 2013. So, in order, it seems that Mr Dubois is the director from the company being set up on 30 June, 2010, through to 20 January, 2013, and then Adam Malas becomes the director, 20 January, 2013, to 26 July, 2015. Now, pausing there, I know your evidence is that you didn't use that name in that time period, you were going under John Goldberg?---Yes.

Do you recall, though, any dealings with Mr Dubois where either you suggested or he suggested that you should replace him as a director?---No.

20 And if we go over the page, please, to page 96, you'll see in terms of the shareholding at various times, and this doesn't identify the time periods, Adam Malas as being the owner of the one share and Mr Dubois has been the owner of the one share.---Yes.

Now, do you recall, at any time – and I'm suggesting in or around late 2012 – giving Mr Dubois some advice about getting rid of this company and setting up a new company through which to provide his services to the RTA?---No, never.

30 Do you recall giving any advice to Mr Dubois about trying to set up a company so that there was nothing easily traceable in terms of records of payments from TTS to your brother – sorry – TTS to Mr Dubois?---No.

Through his company, Australian Technology Group?---No.

Do you recall giving any advice about setting up a new company so that there would be no record of payments from others, that is other RMS contractors to Mr Dubois through the Australian Technology Group?---No, no.

40 Now, were you aware – I withdraw that. So, do you say you had any knowledge at all of being the shareholder and director in the Australian Technology Group from 2013 to 2015?---I'm just trying to think. I can't recall because I know we were talking about work and other stuff but I don't know we had done this company or not. Like, I don't even know the name of it, so I can't – I know there was talk about a company but I don't recall the name. I'm trying to figure out is this the name, was this the company that got transferred to me. I don't recall. Yeah, maybe this was the one that was transferred to me. I can't recall it.

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J. GOLDBERG
(DOWNING)

1576PT

That is a company of Mr Dubois'?---We were talking, yeah, at one stage. There was a company to be into my name for other work.

For what other type of work?---We were looking at, after the cafés we were going to do child care together but that didn't fall through, but I don't know if that company came through or not.

10 Just on that front. So you say there was some discussion with Mr Dubois about wanting to, some discussion about wanting to set up some business with child care?---Yeah, a child care centre but it didn't, it didn't go through.

Do you believe the company was even set up?---Not that I know of.

But you can't give any other explanation as to why a company might be transferred from being under Mr Dubois' control to yours?---No.

20 And bearing in mind again, we're looking at events that occur in about January 2013 where the change occurs?---Yes, yes. That was the time we were talking about starting the cafés or talking about doing child cares, private child care centre.

So that's the only explanation you can - - -?---That's the only explanation that I, that I have.

30 Well, I want you to accept from me that Mr Dubois went through from a period of offering his services to the RMS – or as it was back then, the RTA – through the Australian Technology Group. He ultimately, for a period, contracted and provided his services through a new company, Davencorp Pty Ltd. And do you recall I showed you that document before, the letterhead showing the reference to the local court for driving offences that was written in your former name?---Yes.

Can I please take you now to Exhibit 8, page 84? You'll see this is the ASIC search on Davencorp and it shows the company registered 13 November, 2012, and it's still registered. First of all, it shows a registered address of 49 Proctor Parade, Sefton. Does that address ring any bells for you?---Oh, we've just seen that earlier.

40 But do you know whether that's Mr Dubois' address or something else? ---Sefton. I know he lives there but I don't know the address.

In any event you'll see that, in terms of director, he is the sole director and the shareholding, if we go to page 85, that he is also the owner of 100 shares. Now, I'm suggesting to you that he in 2013 – I withdraw that. So sets this company up in November, 2012, and then provides his services to the RTA through that company. Were you aware of that?---No.

Sensitive

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J. GOLDBERG
(DOWNING)

1577PT

So did you have anything to do with setting the company up or advising him about it?---No.

I want you to please go to Exhibit 8, page 41. Now, do you recognise, first of all, there is a series of emails on this day, so the date 19 November, 2012. You see that?---(not transcribable)

Mr Goldberg?---Yes, I can see that, yeah.

10 So just bear in mind for me for the moment that the company Davencorp was registered according to the ASIC search on 13 November, 2012. First of all, do you see two emails here, the one lower on the page 19 November, 2012, at 5.34, there was an email from xmetlagx@[REDACTED] to taha6986@[REDACTED], see that?---Yes.

Now first of all, you recognise, don't you, that Metlag is Omar Metlag.
---That's correct.

The accountant.---Yes.

20 And the email address taha6986@[REDACTED] is an email address you used. Isn't it?---Not that I recall, no.

All right.---I don't, didn't use emails.

Do you see – I want you to think carefully about this, Mr Goldberg.---Yes.

I'm going to suggest to you that that was an email address you used at the time.---It was. Oh, not that I recall.

30 You don't recall that?---No.

Do you see the message below is – first of all, “Jahash”, now that's “Donkey”, isn't it?---Yes.

“Make sure you print it and sign it. I could not print it and sign it because I have no scanner here.” You see that?---Yes.

40 I'm suggesting that that was an email from Mr Metlag to you, and you then sent it on to Mr Dubois the following day, 20 November, 2012.---Nah. No way.

You deny that?---No, yes.

If we go over the page, please, you'll see that this is a letter now from Mr Metlag at Fox Financial Services. And I take it you're familiar with that business?---Yes.

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J. GOLDBERG
(DOWNING)

1578PT

And it's a "To Who It May Concern" letter of 20 November, so the same day as it's emailed on from Adam, saved in Mr Dubois's, well, it comes up in Mr Dubois's system as "Adam", but taha6986@[REDACTED]. But this letter of the same day as that email "Re: Davencorp" indicating that Davencorp is a restructure of the Australian Technology Group Pty Ltd. ---This is bullshit. No.

10 Mr Goldberg, I want to suggest to you that you were involved in advising Mr Dubois about setting this company up.---No. No.

That is, Davencorp. That is, getting rid Australian Technology Group and setting up Davencorp.---No. No.

So, that's not you in the email?---No. I'm 100 per cent sure.

You had nothing to do with this?---No emails. I've never dealt with emails.

20 Sorry, you - - -?---If you tell me now to do an email, I don't even know how to, still don't even know how to do it. I don't use computers. So that's why I'm looking like - - -

So in 2012, you didn't send anyone emails?---No.

So did you have an email address at all?---Not that I recall, no, because I never used it. I never used an emails.

Had you not set up a Hotmail address?---No. Oh. No.

30 You did acknowledge though that you know Mr Metlag.---Correct.

And how did you know Mr Metlag?---He's a friend of mine and he was my accountant at the time, and I gave him, because of the businesses that we were doing, he, he was our, like, everyone's accountant.

Well, he was your accountant.---Yes.

He wasn't Mr Dubois' accountant, was he?---I don't know if they were doing work, work together. That's between them.

40 Was he an accountant for any of your brothers?---I think a few times he did some for my brother.

Which brother?---Towfik. That I recall. Maybe.

I want to suggest to you that you and Mr Dubois met with Mr Metlag at his office in Chester Hill and organised for this change in the company, so that he exits Australian Technology Group, you take over as shareholder and director, and that he then sets up Davencorp, and this letter is organised. Do

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J. GOLDBERG
(DOWNING)

1579PT

you agree or disagree?---Disagree. I might, I, maybe the company of the transfer, maybe that did happen, like I said earlier. Maybe. I don't recall exactly. But was I part of Davencorp? No.

Did you have some reason for wanting to have a company that you could use at that point?---We were talking about doing child cares.

10 The child care, okay. Now, I know what you've indicated about this again but I'll put it to you one last time. I'm suggesting to you that you gave this advice about the change in company structure - - -?---Nah.

- - - with a view to helping to disguise the payments that your brother Towfik was making through TTS to Mr Dubois through Australian Technology Group.---No.

Now, going back to this time, 2012 and 2013, did you use social media at all?---2012, 2013 - - -

20 Like Facebook or Instagram?---No, not Instagram. I maybe must have had Facebook maybe. Maybe, I'm not sure. But nah.

Is your recollection though that you needed to have an email address to set it up?---An email, yeah, that's, yes. Oh, that's what I mean, maybe I did, maybe I didn't. I don't - - -

30 THE COMMISSIONER: I thought you told me a moment ago that you'd never used email because you didn't know how to do it.---Nah, I don't know how to send, you know, with emails across. If you tell me right now, "Send an email," I don't know how to do it. I'm 100 per cent sure of that. But did I set up an email address to have Facebook, maybe, I did, but not to use it for forwarding and I don't know what, what, what's in front of me. Zero recollection of that. 100 per cent sure of that too.

MR DOWNING: Now, whilst Mr Dubois was initially someone that your brother Mustafa and your brother Towfik knew and were probably friendlier with, over time you became friendly with him didn't you?---For a short period of time, yes.

40 Friendly enough so that by, you say in some point in 2012, you propose this business venture together with the cafés and the bakery.---Yes. Yes.

And what I'm going to suggest to you is that that period of becoming friendlier led to two things. First of all, that you asked him about doing some work yourself for the RTA and RMS, that is, doing contract work on your own account.---Yes.

Because you knew, didn't you, that your brother Towfik had been doing the work for some time?---After that period, yes. (not transcribable)

Sensitive

I'm suggesting before then.---Nah. Oh.

So you deny any knowledge - - -?---Maybe.

- - - that your brother Towfik was doing contract work before the café?---
Not to my knowledge. Maybe, maybe he was, maybe he wasn't.

10 I'm going to suggest to you, and you can agree or disagree, Towfik, through his company TTS, was doing work, contract work for the RTA and then later the RMS going back to at least April 2011. So first of all, I'm suggesting that. Do you agree or disagree?---I don't recall. I don't, I don't know. Maybe. Maybe not. If you have the paperwork, then it's a yes.

I'm going to suggest that you were aware of that, and that's what led you in about 2012 to suggest to Mr Dubois that you would like to have a go at doing the work as well.---I did offer my services, yes, if there was (not transcribable) tendering for jobs, correct. Later on down the track.

20 But I'm going to suggest that it was because you knew your brother Towfik had been doing it for some time, first of all. Do you agree or disagree?---I disagree.

And that you knew that your brother Towfik had been making pretty good money out of doing that work.---No, he wasn't making good money.

He wasn't?---He was working. My brother's a legitimate person. He works hard.

30 I'm not suggesting he didn't work hard. What I'm suggesting is he was making pretty good money out of it. Do you agree or disagree?---I never went through his financials, so I don't know.

And you did ultimately, didn't you, set up a company and put yourself forward for some RMS work?---Did I set up the company? No, that I don't recall, but yes, I did do the work for the RMS. I think it was in my wife's name, the company, at the time.

40 Well, we'll come to the company a little bit later, but you do recall that for a period you did the work?---A very short period. Very short.

Do you say that, did that stop when you had this falling-out over the cafés? ---He, it had stopped before. Like, even before that. It was only a very short period. I know one of the sites I did was at Moree. I caught a plane and went down to Moree. I did the work at Moree. I know that, that job.

And I'm going to also suggest that separate to putting yourself forward for the RMS work, it was on the basis of Mr Dubois having made money that

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J. GOLDBERG
(DOWNING)

1581PT

you knew was through kickbacks from the contracts he was awarding, that he and you discussed the idea of setting up the cafés and the bakery?---No. That's completely wrong. I would have done a lot more bigger café if I knew it was making so much money.

Now, as far as the child care, you said that you thought that there'd been a company set up with Mr Dubois for the purpose of doing a child care project together?---Yes.

10 Does the name Kids Educare Sydney Pty Ltd ring a bell?---No. No.

That doesn't sound right?---No. Not with me, no. So he did.

Now, first of all, in terms of the work that I'm suggesting you did for the RMS, I'm going to suggest to you that the company that was set up for that purpose was MJ Wilsons Projects Pty Ltd. Do you recall that?---I think so, yes.

20 Now, what can you tell me about setting that company up?---I really, really don't recall. I really don't. I know we set up a company, I think it was, for the work, but I didn't know the name of it, but you say it now, that, that name did ring a bell.

Can you think about when you were setting it up, did you have some particular view about how you wanted it to be set up and the extent to which you wanted to be visibly involved in it?---No.

30 I want you please to go to Exhibit 36, page 90. And you'll see that this is an ASIC search for MJ Wilsons Projects Pty Ltd.---Yep.

And first of all you'll see that it was registered on 10 January, 2013.---Yep.

And deregistered 7 June, 2015. Do you see that?---Yep.

And if we go over the page, please. First of all you'll see a registered office of [REDACTED] Do you see that?---Yep.

40 And a director, as well as secretary, but Mark Abraham. Do you see that? ---Yep, yep.

And if you go down to the share structure over the page, to page 92, you'll see that the shares were also owned by Mr Abraham.---Okay.

Now, Mr Goldberg, you know that this company was set up by you in order to put forward for RMS work, don't you?---Yes, yes.

And you also know that you asked Mr Abraham to go on the record as the director and the shareholder in order to try and disguise your involvement?

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J. GOLDBERG
(DOWNING)

1582PT

---No. As a, yeah, not, not as a disguise, no.

Well, let's pause there. First of all, Mr Abraham is an old school friend, correct?---Yeah, that's -- yeah, yep.

You'd gone to school with him?---That's correct, yeah.

He then left school early and gone off and worked?---Yep.

10 And did you that his name given to him at birth was Masan Ibrahim?
---Yes, that's - - -

But he'd later change it to Mark Abraham?---Yep.

But you knew him from the school and from the community?---Yes.

Now, tell me, why did you ask Mr Abraham to go down as the director and the shareholder for the purposes of this company?---At the time he wasn't, he was finishing off his work as a Coca-Cola driver, in a truck and, yeah, so
20 I said, "Well, there's work." I had a lot, I still remember, I needed someone to help me, so I offered him - - -

So you say he had been working as a Coca-Cola driver?---Yep.

But he had finished up?---I think so, he was finished up or about to finish up. Something like that, along those lines, yes.

Are you sure that's right?---Roughly, yes. He was a driver at that time.

30 And you wanted someone to help you?---Yes.

Help you in what way?---Oversee the work that I was going to be doing. I couldn't, couldn't do it myself.

And what was Mr Abraham's background?---His background, as what I recall, he was telling me he was just driving the trucks.

So you're looking at putting yourself forward through this company for RMS work?---Yep.

40

And Mr Abraham, who is a Coca-Cola truck driver, he's going to help you oversee the work?---Yes.

Tell me what expertise or background he had that was going to assist you with that work?---All, all that he had to do was, like, the work would be organised and he would just go out, take the photos, make sure the job was getting done for me.

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J. GOLDBERG
(DOWNING)

1583PT

Now, was there a particular reason, though, why you didn't want to be on the record as the director and shareholder?---No. It was just - - -

Well, just pause for me for a moment. Even if you had wanted Mr Abraham to help you in some way, you could have paid him a wage obviously?---Of course, yeah.

10 But you didn't. What you did, instead of you being co-directors or co-shareholders, instead of perhaps going into partnership, you set up a company and you had him as the sole director and sole shareholder.---That's correct. I did. I remember that.

THE COMMISSIONER: But why, why?---At the time, I really don't remember. Like, I, I knew that he was finishing off and I was going to keep working with him but I guess things didn't end up working out, so - - -

But why wasn't the company set up in your name, though?---I honestly don't recall why I did it that way, but I guess it did happen that way.

20 MR DOWNING: But if you're trying to help him out, Mr Goldberg, the logical way would be to just give him a job.---Yeah, of course but at that time, I guess, I did, it's not the only mistake I've done in my life. So, I guess I did do that mistake but I do say, yes, that company was put into his name but it was ran by me.

THE COMMISSIONER: And then you say it was a mistake?---Like I've done other mistakes, yes, correct.

30 MR DOWNING: Isn't it the case, though, that the reason that you asked him to be the director and shareholder was to disguise your involvement? ---What was there to disguise?

Well, first of all, do you agree or disagree it was to disguise your involvement?---No.

And what I'm suggesting to you is, the reason you wanted to disguise it was because you knew you were a friend of Mr Dubois, he was giving you work and you were going to pay him kickbacks and bribes in return.---No, not, not from me, I'm sorry. No.

40 Well, can you come up with any other explanation as to why you didn't want to be on the record as the director of this company?---I don't have an explanation for it but I did say, yes, I did do the work and, yes, I did, I did control this company, even the bank account.

Sorry, what did you say about the bank account?---Like, even the bank account, it was joint, I think, if I remember.

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J. GOLDBERG
(DOWNING)

1584PT

Have you had any communication with Mr Abraham in recent times?
---Sorry? No.

None at all?---No.

Now, in asking Mr Abraham if he would be – I withdraw that. I take it you approached Mr Abraham? Sorry, have you got some back pain?---Yeah. Is there any chance I can have five minutes? I need to walk, I've got a cyst on my hip and it's just hurting, sitting down for too long.

10

THE COMMISSIONER: Sure.---Just five minutes so I can walk up and down. Thank you.

SHORT ADJOURNMENT

THE COMMISSIONER: Are you okay?---Yeah, I've just got, I've got a nerve problem, that's all.

20

Okay. If you're in any discomfort later on, just tell us and we can give you a few minutes.---Yeah, okay.

MR DOWNING: If we can then resume, Mr Goldberg.---Yes.

Just before we broke, I was asking you about the set-up of MJ Wilson, and I think this is correct, isn't it, that you've confirmed that it was a company that you controlled?---That's correct.

30

But it was set up at your behest with the name Mr Abraham as the director and shareholder.---Correct.

But you can't give us an explanation now as to why you wanted it set up in that way.---At that time, no. I do recall I was talking a lot with Mark about a bit of business ventures together, about doing things, but they ended up not falling through but - - -

Sorry, falling through or not falling through?---They didn't end up falling through. They didn't.

40

Well, what other business ventures did you discuss with Mr Abraham?---At the time I was still doing, like, the cleaning company so I wanted to bring him in and we were talking about it at the time, had a washing product, I wanted to like go on a bigger expansion at the time and put into Woolworths, but that didn't end up pulling through.

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J. GOLDBERG
(DOWNING)

1585PT

Just correct me if I'm wrong, but I thought that in terms of the order of things, I thought the cleaning company came after the end of your - - -?
---Correct.

- - - period of doing the cafés - - -?---That's correct.

- - - and that the cafés were 2012 and 2013.---2013, yeah (not transcribable)

10 So what I'm asking you about is setting up the company MJ Wilsons in January 2013.---Yes. No, when I'd set up the company but we were also talking about different ventures like at that time.

Right.---Yeah, it wasn't just one venture or two.

Was there something else as well beyond the cleaning company?---Yeah, I've always wanted to do the child care so, and brang that up with a lot of people but I, I do recall bringing that up too with Mark, but that didn't end up happening, the child care, back and forth.

20 You raised it with Mr Dubois.---Correct.

And so you also raised it with Mr Abraham.---Yep, and a lot of others, a lot of other people.

Just dealing with Mr Abraham, I want you to go, please, to page 1 of volume 6 part 1, so Exhibit 36. Page 1, please. And you'll see that this is a name search for Mr Abraham through ASIC in the same way that I showed you one for yourself before.---Yep.

30 And if we go ahead, please, to page 3, you'll see one of the companies that he was down as owning shares in, and it's 50 shares, is Kids Educare Sydney Pty Ltd.---Yep, I can see that.

Now, does that ring any bells in terms of that being a company that was set up after discussions with Mr Abraham?---No, nothing to do with me, no.

So if we go ahead, please, to page 4, you'll see that this is now showing Roles Held, and it shows he was a directors of Kids Educare Sydney Pty Ltd from August 2015 to January 2018.---Yeah.

40 So that wasn't another company that - - -?---No.

- - - you'd in effect asked him to go down on the record - - -?---No.

- - - as a director and shareholder in?---No. There was only one, MJ Wilsons.

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J. GOLDBERG
(DOWNING)

1586PT

Well, coming back then to MJ Wilsons, you've indicated that you wanted him to be involved in the company.---That's correct.

That is supervise things, to be onsite.---That's correct, yes.

Did he in fact do that?---He did, he did work with me but I don't recall, I think once or twice maybe, I think he did.

10 Once or twice over how long a period?---It was a very short period, as I recall, maybe within the six months or something like that. It wasn't - - -

What's your recollection of how long MJ Wilsons operated for and did contract work for the RMS for?---Not long.

What are you thinking, weeks, months?---Months probably.

Could it be that it was over a period of about just over a year?---Really?

20 Does that sound right or not?---I don't recall. I don't think it will be that long, no, but if it is, it is. I don't have the documents.

Well, it's set up in January 2013, I've shown you the company search. Is your recollection that it was done and dusted in terms of doing RMS work by the beginning of 2014?---Yes.

Could it be that it was still doing work into 2014?---2014? No.

30 Over the period that you controlled the company it did work on a number of different RMS projects, didn't it?---Ah, yeah, a couple of three, probably three.

In different locations?---Correct.

In Sydney?---Not, not just in Sydney, no.

Were some in Sydney?---Yeah.

40 And indeed some projects multiple sites within Sydney?---I think so, yeah, I know, yeah, I think so.

And separate to that it did some in the country?---I think there was one in the country.

And tell me the extent to which Mr Abraham was involved in those jobs. ---He wasn't really much involved, he wasn't much involved.

The truth is, isn't it, that he wasn't involved at all?---No, he was but he wasn't. That's the truth, like, not in all the jobs, no, probably at the

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J. GOLDBERG
(DOWNING)

1587PT

beginning just a little bit, but that was it, but I took control of the rest. I'm a bit of a control person.

And what did he do, the jobs he was involved in, was he labouring, was he - -?---No, not labouring, no. All he was supposed to do was, just check up, make sure it was done at that time, like, he supervised the work, that the work had happened, take photos for me.

10 THE COMMISSIONER: But he had no qualifications to do that, did he?
He was just a truck driver?---Yeah, but I just needed someone to take photos at the time for me to make sure that the work was actually being done.

Why couldn't you take them yourself?---I was doing multiple things I think at the time I remember. I was quite busy. But at the same time, a bit of a control person so I ended up taking over everything.

20 How many people were working with you?---The work was being subcontracted out, so the work, if, after the tender if I did get the job I'd get the subcontractors out to do the job.

Well, any one of the subcontractors could have taken photos, couldn't they?
---Sorry?

Any one of the subcontractors could have taken the photos for you?---That's correct, but at the same time we just wanted to make sure for ourselves that the work was being done.

30 MR DOWNING: Just going back to when you first approached Mr – I withdraw that, Mr Abraham about being the director and the shareholder in this company, was there some discussion then about what he would get for doing that?---A cut.

A cut.---I remember, yes.

And what was the cut that was negotiated?---I really don't remember what the deal was between me and him. I knew he would get some money but I don't remember exactly.

40 But what, it was an agreement on a percentage, for instance a split of whatever money the company made?---Not that I recall. Maybe it wasn't a split or a percentage but it was a cut of something. I think maybe. Maybe not. I don't - - -

A cut of what, a cut of turnover, a cut of profit?---A cut of profit, yeah, probably, yeah, a cut of the profit, of course.

And how much was he in fact paid then for being the director and the shareholder in the company?---I don't recall how much I paid.

Sensitive

Was it hundreds of dollars, thousands of dollars?---Probably a couple of thousand maybe, maybe more, maybe less. I don't recall. I don't know. I don't remember how much I paid him.

Was he paid a wage for the times that he - - -?---No, he wasn't paid a wage.

If you could wait till I finish the question.---Sorry.

10 For the times he went out and took photos for you?---Was he paid? No.

So he was paid something but you can't tell me now how much or when. ---I don't, I don't recall the exact amount, but I'm just saying the truth, yeah, I did give him something but I don't recall how much, I don't recall the amount.

So you remember a discussion with him about him having a cut but you can't tell me anymore than that was the nature of the discussion.---I don't remember.

20

And you say that whilst he went out and took some photos early on, that you effectively took over that job and he had no ongoing role.---That's correct.

Now, you made reference to this earlier, but the company also set up a bank account.---I think so, yeah, had, I think we had a bank, bank account in the Commonwealth, I think it was.

30 And if we go, please, to Exhibit 36, page 102, you'll see it's a document from the Commonwealth Bank and you'll see first of all the date, 13 January, 2013. Do you see that's three days after the company is set up? --- (No Audible Reply)

So first of all you'll see it's a business transaction account. See that?---Yep.

And the account number [REDACTED] 7-8-5-9. Do you see that?---Yep.

In the name of MJ Wilsons Projects. If we go ahead, please, to page 104, and you'll see in terms of the authorised signatories, there were two set up for this account.---That's correct, yeah.

40

One of them is Mr Abraham - - -?---Yeah.

- - - and then the second one is you.---That's correct.

So if we go then to page 105, you'll see the person signing as giving the authorisation for setting up the company, setting up the account, is Mr Abraham, the sole director.---That's correct.

Sensitive

So it's correct, isn't it, that you and Mr Abraham went to the bank in order to set up the account?---That's correct.

And I take it you discussed with him that this was the account being set up so that the moneys that were earned through the RMS work that you were going to do would come into this account.---I guess so, or any other work, yes, it was a business account so - - -

10 Well, was there a discussion with him that MJ Wilsons Projects might do other work than RMS work?---Yes, it wasn't just, or the company wasn't just set for one thing, but we only did that thing at the time.

Well, what did you discuss with Mr Abraham in terms of what the company might do?---A lot of things. I'm a business-minded person so I'm always coming up with ideas of businesses. We've brought up things, we would talk about things. It doesn't mean it was set on paper that we were going to do one, two, three. It was just things that we would always talk about. You know like, you know, we spoke about a few things but it doesn't mean it was set up just for that one thing.

20

Isn't it the case that this company was set up because you had discussions with Mr Dubois about doing RMS work?---Correct.

And he told you he would get you that work?---Yeah. If we tendered for it, yes.

Well, not just if you tendered for it - - -?---And put the quotes.

30 He told you, didn't he, that he would make sure that you got the work?
---No. It wasn't, there was nothing guaranteed. There was, that was how it was. It was never guaranteed.

What I'm suggesting is you knew from discussions with Mr Dubois that he would ensure an outcome that you got the work. Do you agree or disagree?
---I, I agree that I tendered for jobs and whether, whether it was him or someone else that approved the jobs for us, we got the jobs and we did some jobs. I can't, I wasn't there with him in the office or when he does his - - -

40 I'm not asking about what he did in the office. I'm asking about what he told you.---No, we never spoke of that.

So you deny that he ever said to you he would ensure an outcome where you got the work?---Of always yes, he never said that to me. All he said to me was that there was work available. "If there is work, you've got to tender for it." And - - -

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J. GOLDBERG
(DOWNING)

1590PT

And I'm suggesting to you that he also indicated to you that in return for getting that work, you would need to give him something back in return?
---No. Not from me, no.

And I'm suggesting that her indicated that what he would need in return was the payment of money to him.---No.

10 And I'm suggesting that you knew, from the work your brother Towfik had been doing through TTS Investments, that that's what he had been doing for some years.---No.

That is, doing contract work and paying kickbacks to Mr Dubois in return.
---No. I'm sure, no, there was no kickbacks.

So I'm suggesting that this company was set up for the very purpose of putting forward for RMS work.---Originally it was set up, yes, for work but not just for one type of work. We were going to do different stuff too. I was going to continue to be working.

20 I'm suggesting to you the sole purpose of setting this company up was to put in for the work that Mr Dubois had told you were going to get through him. Do you agree or disagree?---I, I disagree because there was no guarantees of getting work.

So I've shown you the company search showing it was registered on 10 January, 2013?---That's correct.

30 The bank account opening documents show that it was registered – sorry – the account was opened with you and Mr Abraham as signatories on the account three days later?---Correct.

And do you recall that part of what had happened for you to do work was that MJ Wilsons had to be created on the system as an approved vendor for the RMS? Do you remember that?---No.

40 I want you, please, to have a look at Exhibit 36, page 348. And you will see, this is an IMS vendor details form. It's an internal form from RMS and I'm not suggesting you've seen it before. But do you see, halfway down the page, it says, "Reason for creation amendment. Please create a new vendor"?---Yep.

And you'll see that the vendor's name is MJ Wilsons Project Pty Ltd, your company?---Yep.

And you'll see that this is a form created on 14 January, so that is the day after the bank account was opened. Do you see that?---Yep.

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Can we please go ahead to page 350? Do you see on the same day, 14 January, 2013, a form is completed, giving an EFT authorisation so that payments could be made to MJ Wilsons Projects Pty Ltd from the RTA? Do you see that?---Yep.

And you'll see the account number [REDACTED]-7-8-5-9?---Yep.

And that's the account that you had set up the day before with Mr Abraham, correct?---Correct.

10

And do you see this form is written in the name of Mr Abraham and it bears a signature?---That's correct.

Now, do you say that that was Mr Abraham who signed this?---Truthfully, no.

You signed it for him?---No, I never signed it.

20 Can I ask you to go back, please, to page 104? That's the bank account opening form.---Yep.

Can you confirm for me that you and Mr Abraham went to the bank together to open the account?---Correct.

And your signature is next to your name, I take it?---Yes.

Or under your name, "John Goldberg"?---Yes.

30 And do you see above, that's Mr Abraham's signature?---Yes.

And you saw him sign it there at the bank?---Yes.

Please then look again at page 350. Even to someone looking at it with the naked eye, they're not the same signature?---Of course it's not. That's why I'm smiling.

So, you completed this form, didn't you, when you were setting up MJ Wilsons with Mr Dubois to do RMS work?---No, I didn't.

40 So this is not you who completed this form?---This was not me that completed this form whatsoever.

Can you tell us who completed it?---Well, if it's done at the, yeah, the RMS, I guess, well, it's maybe Alexandre that done it. It's not me.

Well, it bears on it, doesn't it, the account number for your bank account that you'd opened the day before?---Yes. Well, I guess we had, we had

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passed it over to him, but authorisation payments – we never did any, I did not do any signing of paperwork of this type with Alexandre myself.

Isn't it the case that Mr Abraham had nothing to do with the business, that you set it up?---Correct.

Correct?---Correct.

10 And you did the paperwork with the RMS - - -?---No, I didn't.

- - - in order for it to be registered to receive transfers (not transcribable)?
---No, I didn't.

Is that a convenient time?

THE COMMISSIONER: Until what time?

MR DOWNING: Perhaps just before we break, there's just one other
20 question before we do, Commissioner, I apologise. Do you see there's also,
on that form, an email address for the company,
mjwilsonprojects@gmail.com?---Yep.

Did you set that up?---No.

So over time, when emails went to that account, do you know who received them?---No. Not me, nothing to do with me.

30 THE COMMISSIONER: But you were the person who controlled this
company?---But not the email address. And I guess if youse needed, try and
check on the email address, you'll see it has nothing to do with me or my
household.

Why?---I'm one hundred per cent sure these email addresses and this
signature has nothing whatsoever to do with me.

Well, given that, this is a company that, despite the fact that Mr Abraham is
shown as director, it was a company controlled by you?---That's correct and
I admit to that, yes.

40 What's Mr Abraham doing signing documents like this?---He didn't.

Well, somebody did.---I know a hundred per cent it was not him and it was
not me. These documentations were never received to me by the RMS or to
my email address, which is MJ Wilsons or whatever it's called, because it
did not happen. I did not even have this email.

But there was a need, wasn't there, if you were going to do work for RMS,
they would pay you?---Yep.

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(DOWNING)

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That's common practice these days.---Alexandre, Alexandre, he was the one that was controlling everything. It was, we were given, told this is the job to do, we'd have the paperwork and we would go do the job but I never, I never got this. I have never seen this document. I never got this document, I've never seen it in my life.

Well, how did you get paid?---Well, we had handed everything over to Alexandre, the company details, company details were given to him.

10

Yes, but you did work and you got paid?---That's correct.

Were you paid by electronic funds transfer?---Yes, to the bank account.

In accordance with this.---Yeah, but this is a documentation from the RMS which was not signed by me or by Mr Mark. We did not sign these documents.

Well, how do you explain – is that an RMS document, Mr Downing?

20

MR DOWNING: It is. It's an RTA document but - - -

THE COMMISSIONER: How did they become aware of your bank account details?---The only other person that had access to it all was, we had given it to Alexandre Dubois because he was the one that was setting up the work for us, through the company. So if he is the one that, yeah, he done it.

30

Does that contact number mean anything to you, [REDACTED]-4-3-2-4?---5-6-9. No. No. And it was not Abraham's number because he had no contact. I was the one controlling it.

MR DOWNING: Okay but was that one of your mobile numbers at the time?---No, no. Not that I recall. Like, yeah, I, I remember for this company, I never had a mobile number for this company. Me and Mark, we never had a different number. That email address was not opened by us whatsoever.

40

THE COMMISSIONER: I'd prefer to take a shorter adjournment, having regard to the witness's position. We don't want to keep him here any longer than we have to. So what do you suggest? Half an hour?

MR DOWNING: Oh, half an hour's fine, thank you.

THE COMMISSIONER: Is that fine by everyone? Well, let's adjourn until just after 1.30.

LUNCHEON ADJOURNMENT

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J. GOLDBERG
(DOWNING)

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OPERATION PARAGON

Reference: Operation E18/0736

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 1 DECEMBER, 2020

AT 2.00PM

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

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

<JOHN GOLDBERG, on former oath

THE COMMISSIONER: Mr Goldberg, the oath that you took on the Qur'an a little earlier, that continues to bind you.---Yes.

MR DOWNING: Thank you, Commissioner. Mr Goldberg, can I just check, the nickname that you were known by amongst friends was "Humphrey", correct?---Correct.

10

And it was a reference to Humphrey B. Bear, I think?---Yeah.

Now, in terms of mobile numbers, you told us you had a number of phones. Tell me if these numbers ring a bell with you in terms of these being mobile numbers you had in or around 2012 to - - -?---Would be hard, but yeah.

Do you remember any of your numbers (not transcribable)?---Honestly, I don't.

20 See if they ring a bell. 0 [REDACTED]-1-1-4-8.---Maybe.

[REDACTED]-4-6-4-6.---6-4-6. Maybe.

You can't be any more specific than maybe?---Honestly, I can't, to be honest.

All right. [REDACTED]-7-2-0-6.---No. No. Never had a [REDACTED].

30

You definitely didn't have that?---Yeah, [REDACTED].

The other two are maybes. That one's a definite not.---Yeah. Yep. Just to add, I did recall, because it has been a long time, I did remember one thing that I didn't answer to you before.

What's that?---I remembered when I was sitting back there, with Mark, Mark Abraham, okay, the money that was given to him that I remember the money given to him had, honestly had nothing to do with the company work. It was regarding one of the birds I remembered that I had bought off him. So I had to grab the bird.

40

Oh, a bird.---I recall, yeah.

So what sort of bird?---Macaw. Because I remember I had to pay the money for that bird. I don't -- yeah.

Do you remember how much the macaw cost?---I bought it for five.

Five?---Thousand. So - - -

That's an expensive macaw.---Yes.

THE COMMISSIONER: Oh, they're not cheap.---No. She's a green-wing.

MR DOWNING: All right. So - - -?---So yes, I just wanted to clarify that, because it has been a long time, as we are talking, I do remember things, and I will continue.

10 Sure. So roughly when do you believe you made the payment of 5,000 for the macaw to Mr Abraham, and by reference, if you could, to the time at which you set up MJ Wilsons Projects Pty Ltd?---It was roughly, yeah, roughly around that time. She's 8 years old now, so - - -

Oh, you've still got the macaw?---Yes.

So other than the payment for a macaw, there was no other payment associated with the company?---No.

20 He never received anything?---No.

Did you promise him anything?---Well, if the work did happen and all that, yes, I did, of course, but that didn't fall through, I never gave him anything.

Well, the work did happen, though, didn't it?---Yeah, but I didn't give them, yeah, but I didn't give him anything, because, yeah.

So you promised it but ultimately, despite getting the work, didn't pay him anything?---Correct.

30

All right. Now, just before the break, I was asking you some questions about the documents showing the set-up of MJ Wilsons Projects and setting up the bank account, and then setting it up as a vendor for the RMS.---Yep.

And an EFT document, you remember seeing that.---Yes.

And you indicated that, for instance, the email address shown on that EFT document wasn't one that you had anything to do with.---Correct.

40 You didn't set it up?---Nah.

Never received emails at it?---Nah.

Never operated it?---Never.

Now, can I ask when it came to jobs that you got from Mr Dubois, would he speak to you about something that was coming up from time to time?---At

that period of time, yes. At that period of time, he would tell me he had a such and such job.

Would that be where you'd see him around the neighbourhood, perhaps?
---No. That's when he would come around the café at the time.

So you were operating the café?---Yes.

Or the cafés, I should say.---The cafés, yeah.

10

So thinking about January 2013, was it all three were up and running?
---Yep.

And were you working in those?---Yes.

So you've got the two effectively next door to each other in Bankstown.
---Yep.

Humphrey's Bakery and Coffee Boss?---Yes.

20

And then you've got the one in Kirrawee.---Correct.

And did you work in all of them?---Yes, all of them. I was back and forth.

And were you in the kitchen or were you serving?---Nah, I was, like, the manager, I was managing them, but at the same time, I, I'll be helping out whoever needed to be helped, were short-staffed at the time.

I take it between three cafés, it's pretty busy.---Yes.

30

And were they open from sort of early in the morning?---Yes, they were open, Kirrawee was open from 5.00 'til 5.00, seven days a week. Bankstown was six days a week, 5.00 'til 4.00.

So I take it between those three it's more than a full-time job.---Yes, correct.

And would Mr Dubois come into either the Kirrawee or one of the Bankstown cafés to talk to you from time to time?---Yes.

40

Where did he typically come?---A few times to Bankstown, I've met him a few times in Kirrawee.

And was it there he would mention a job that was coming up?---Correct.

And did you have some understanding about the way in which he would then, or what the process was for quoting for work and obtaining it?---Yeah, well, the job was, we could get a subcontractor to quote the job, and they will hand over to the, the, the quote, and then - - -

Let's just go back in time.---Yeah.

The first step, I take it, is he mentions something to you about a job coming up.---Yes.

So how do you then – I withdraw that. I take it to put in a quote, you must receive some specs to let you know what's involved?---Yep.

10 And how do you receive those?---I never did.

So, hang on, your company is quoting for the work, and you never receive any of the documents?---Correct. He said that he will tender for it. Like, everything was done.

Sorry?---Everything was done. Like, by Alexandre.

20 So, hang on, he is the person who is determining who gets the work at the RMS?---Yep.

But do you say he prepares the quotes?---I don't know if he prepared the quote, but the subcontracting jobs that he was fixing it all up for me, because I was still beginning, I didn't know how to do it.

But obviously - - -?---So I guess he was - - -

30 I take it that this was done not on the basis of you saying, "My price is \$50,000," just over the phone or at the café. You've got to put in a written quote.---Yeah. Like, yep, that's correct.

And who prepared the written quotes?---It was not me. It was probably be him if he had to do it on the system. It was not me.

Well, it's your company.---Correct.

40 Presumably you knew what you were quoting for, because you'd have to work out if you're going to make money.---That's correct. So, all we did was, the subcontracting job, just say the, for example, it was 50,000. Then we'll put like an extra margin, 60, 65,000 on top, and we'll get the job. Like, tender for the job. He said we had to always tender for it. I personally myself did not do it. I don't recall if sometimes my ex-wife had done it for me.

When did you split with your wife?---Four months after I came to gaol.

So 2015?---Yeah, oh, 2016.

I apologise, 2016.---Yeah.

So in 2013, though, and you were putting in for this work with the view to making some money out of it.---Correct.

And that would mean, wouldn't it, in order to put a quote together, you would need to know roughly what your costs are going to be.---Correct.

So materials, labour, transport.---Correct.

10 Work out then what a margin of profit might be on top of it.---Correct.

And then set your price accordingly.---Correct.

Did you do that for any of the jobs?---The only thing I did was whenever we got the subcontracting, like, the fees, what they needed to do the whole job, we would just say, okay, we would put a margin on it. I, I done that once and that was it.

20 But that's, do you mean subcontracting as in partway through the job, someone does an element of it and you get their bill?---No, no, no, so this is how, this is what happened, from the beginning. The job will say it's on this road, okay, for example, so a side road, whatever it was - - -

So just but give it theoretical.---Yeah.

30 Mr Dubois comes into the café, and he says to you, "There's a job coming up, I don't know, in Kurnell, and we need someone to do some work on a road, and I want you to quote for it."---Correct, and the subcontractors, the ones that do the work, were people that he knew. The whole, the subcontracting guys that actually done the ash (not transcribable) work.

Asphalting.---Asphalting, sorry.

THE COMMISSIONER: So you didn't do work yourself, you subcontracted it all?---Correct.

So the subcontractors that he chose?---Correct. And I just oversee it, oversee the job.

40 And added a margin on whatever they charged.---Correct.

MR DOWNING: So you didn't physically do any work.---No.

And nor did Mr Abraham.---No.

The entire work was subcontracted.---Correct.

So would Mr Dubois, when he came to you and told you about a job, would he say to you for instance, "Look, there's this job coming up," and I'll just use my same example, "Kurnell. I'll get the subcontractors together?"
---He'll get the quote, those guys would call me and say they want for the job X amount.

Right.---Yes.

10 And you would add up the different subcontractors that were involved in the job.---Correct, yeah. It was never only one subcontractor, it was always a couple that would quote for that job, and yeah, I used to, they used to come and drop off the paper, the quote to me at my - - -

Do you remember the names of any of the subcontractors?---I honestly don't. If I do remember later on I will come and tell you, but I honestly don't.

20 But they were people that Mr Dubois had put you in contact with?---Yes, I think, yeah, or through that bank account I think we've, we've paid the subcontractors, so the name of those should be on it.

You remember I asked you earlier today about certain people and whether you knew them?---Yes.

Do you think one of the subcontractors might have been Chahid Chahine?
---No, not those whatsoever, they were Australian men, Australian guys that we dealt with. I never dealt with other Middle Easterns.

30 But in any event, is it the case that you never prepared a quote?---No.

It's fair to say, isn't it, that with your background, you didn't really know how to quote for a job performing roadwork.---No, I didn't. No, I didn't. I was still new and the whole point I did get involved in this business was for the sake that I wanted to venture into other bigger businesses but I needed money so I was looking to doing other things.

So in effect, others were doing all the work and you're overseeing it.
---Correct.

40 But with no expertise or background in the work at all.---Correct.

So to the extent that you could oversee it, you just brought a layperson's attention to it. Do you know what I mean by that?---No.

For instance, if the work involved widening a lane of road, you wouldn't have a clue about the work that's involved in it technically.---Technically I knew what was going on, like I knew how much mils you had to be, either

five mils or 10 mils the thickness of the asphalt and stuff like that, like I used to know that kind of stuff, but did I know how to do it myself? No.

And in terms of knowing whether it was being done well or not, you'd never done that work yourself.---No.

So to the extent that you're overseeing it, you had less expertise to oversee it than the people doing the work themselves.---Correct.

10 Did you ever ask yourself what it was that you were actually bringing to this arrangement?---Well, no, I didn't ask myself that question.

Look, the case is, isn't it, Mr Goldberg, that you knew you were having these contracts awarded to you, and in effect they were rigged tenders or rigged quotes where you were getting paid and you were paying Mr Dubois?---No, I did not pay him, I honestly did not pay him. Like, there was no kickbacks from me to him at all, zero, other than (not transcribable)-
- -

20 And not through any companies?---No, nothing to do with me. I never gave him any kickbacks.

Okay. Now, you say that in terms of the jobs, you never received any documents about the jobs.---Correct.

30 So did you even know – did they even come to you that you then gave them to subcontractors or - - -?---All it was, a few phone calls happened across to the subcontractors and then this happened once, they came, they met me at my café, I was busy, they came down there, they gave me the quote in hand, I looked at it, I go, okay, and moved it forward to Alexandre. That was it.

So he, in effect, as you understood it, he's the contact that the quotes are being requested from and going to.---Yeah.

He ultimately has a say in who gets approved for the work.---As, as I recall, yes, because he said that there's tenders that get put in and it was a tender, so how he done that part - - -

40 THE COMMISSIONER: Can I ask you this. The subcontractors give you a price and then you put something on top of it to make some money, and he prepares the quote. Did you actually see the quote that he had prepared?
---No, never, because I, I didn't know there's, say like kickbacks or anything involved, like all I knew was that was the job, that was the quote, I trusted him to do it because he knew I was busy, I took him as a business partner within my cafés, I was too busy to run around do other stuff, so I don't know what he was up to.

So you never saw the final quote that made it to the RMS.---No, I did not.

MR DOWNING: Did it strike you as odd at all, though, that the person that seemed to be in charge of awarding the work was actually putting together the quote for you to apply for the work?---Yes and no, because he also said there's other people, his bosses, and it just doesn't get approved like that, he has to go through a tender or stuff like that, the way I vaguely remember it was like you had to go through a channel. If we, if we did get awarded the job, we'd get awarded the job to do so, it was never guaranteed because there were multiple jobs that we didn't get, it wasn't - - -

10

That you understood you put in for?---Put in for, for the job.

Through Mr Dubois preparing a quote.---Yes.

Did you understand that for instance the quote would go in and then a decision would be made perhaps by someone superior to him within the RMS?---That's, that was our understanding.

20

Now, did he tell you anything about the way the quoting system worked in terms of how many quotes were required, depending on the value of the job?---No.

So for instance you didn't know whether up to a certain cost there was a need for one quote or more quotes if it was a higher cost?---No.

You had no idea about all that?---No idea, no.

30

And do you say that there was never any discussion with him where he indicated to you, I'm going to get these three companies, including MJ Wilsons, to quote, but MJ Wilsons will get it and this is how much it'll quote for?---No, not with me, no.

Did he ever suggest to you what the price would be?---No.

40

As far as you were aware was he the one that was actually setting the price through the preparation of the quote?---He was the -- no, the price was given to him from the subcontractor and the little bit on top was to cover taxes or whatever, it wasn't, like, 5, 10,000 or 15, whatever, depending, and that was it, it was never, then it was handed over to him.

So in order, he put you in contact with the subcontractors.---Yeah.

They come to you and provide their quotes.---Yeah.

You give them to him?---Yeah.

Sorry, you just need to verbally respond.---Yes.

And then he puts together the written quote for MJ Wilsons - - -?---Yes.

- - - after him, after Mr Dubois does whatever calculation is involved, to say well, here is the amounts for the subcontractors, here is a margin on top, and this is the final price.---Which was given by me, yes, the price.

So you gave it.---The price. Like I said the price the subcontractor would give to us and then we would put a small margin on top of it and that was passed over to him. I did not do any applications for the jobs.

10

You mean paperwork?---Paperwork, I did none of that.

Sorry, you did the maths though, having got the subcontractors' quotes. ---Yes, the maths, correct.

You then did your own sums to work out how much it's going to cost for the subcontractors, what your margin is, and you tell him that, that is verbally.---Correct.

20 Whether he comes to the café or by phone.---Correct.

And he then puts the quote together.---Correct.

Did he send it to you then to approve?---No.

So you wouldn't even know ultimately what went in.---Correct.

30 And when it came to you giving him that communication about the calculations you'd done, what sort of margin did you typically put on in terms of trying to give yourself a profit on the job?---Very, very minimal. I just made sure I had enough to cover the taxes and just something like 5,000 or something like that, 10,000. It was nothing major. It had to be, 'cause he, he always told us, "There's always other quotes," so I always tried to win the job, not lose the job.

And you deny that he in effect would say to you, these three companies are going to quote and you're going to get this one at this price.---Yeah, he never, ever, ever said that to me.

40 And you deny him saying that, "For the price that you're going to get you need to bump up the price in order to include a margin to pay back to me?" ---Yeah, no, never. If he ever said that to me I would have walked away.

THE COMMISSIONER: In order to prepare the quote, though, he must have had – and I take it you had letterhead in the name of the company and - - -?---I didn't.

You didn't?---I didn't, no. He did.

He did.---If he done it, it would be him, not me. I'm just being very honest, I'm not good with computers at all, I don't like them, and I've never worked with them. So even Facebook, I had dramas doing that.

MR DOWNING: Now, I asked you before about the period that you believed MJ Wilsons was doing work. You said you thought months. I'm suggesting to you between about January 2013 and April 2014, so about a year and a quarter.---Wow.

10

Does that sound right or wrong to you?---It sounds a bit wrong, but I can't, if it's there, it's there.

Do you recall, in rough terms, what MJ Wilsons was paid over that period? ---No. It should be there in the statements. I have no idea.

Have you got a ballpark idea of - - -?---100 maybe.

Would around a million sound about right?---Really?

20

Does it sound right to you or not?---I don't remember it to be honest. If it's there, but I don't recall at the time.

And is your evidence that at no point during the period when MJ Wilsons was doing the work did you ever physically see a quote? That is a quote prepared for MJ Wilsons?---No.

30

Tell me this, did Mr Dubois ever send one to you – I withdraw that. Did you ever prepare one and he suggested to you that the standard of the quote wasn't very good and asked you to go back and rewrite it?---No because I never done it.

Now, on all of the jobs that MJ Wilsons did, there was only subcontractors working?---Correct.

And you say that you recall that they were men not of Middle Eastern origin?---Correct.

40

Can you remember, were they companies or individuals?---Companies.

Can you remember the names of any of the companies?---I think it should be in the bank transactions, I guess their accounts the money was paid to.

Now, first of all – I withdraw that. The process then, did you understand, so you would prepare it – oh sorry, I withdraw that. A quote is prepared and submitted?---(No Audible Reply)

You need to verbally respond, sorry.---Yes.

Were you then contacted by Mr Dubois to indicate whether you had been successful?---Correct, yes.

And would you then organise – what then happened? Did you organise for the subcontractors to go out and do the work?---Yes, correct.

And, what, would they contact you about what was going on?---So when they were going to do the job, I would be there.

10

Oh, you'd still be there.---I would rock up, yeah, I would rock up and make sure everything's happening correctly.

And I take it from time to time, that would mean jobs might be done over a period of days?---Correct, yes.

So where did you find the time, outside of you're busy work with the cafés, to go work for them?---Well, that's when I got my mother into the cafés and also got a, a, a cousin of ours, she would, she would help out in the cafés at the same time, in Bankstown, and I had a manager just for MCR to help me out.

20

And you would, what, go to the sites?---Correct.

And what would you do when you were there?---Eat and stand there and watch and just make sure everything was – safety, I, I cared about safety a lot. So make sure everyone was safe, there was nothing done dodgy.

You mean dodgy in the sense that someone might be at risk?---Someone being at risk, yeah, like, they're not doing the job properly. So just making sure that, and the work that was done was done properly too. Like, whatever work we did.

30

But I take it all you could do was look at, for instance if it was the road widening, you could look at the road surface and see if it looked okay? ---Yeah, well, most of the work we did wasn't, it was resurfacing. So it was taking off a layer of asphalt and re-layering that. So that didn't take much expertise, as long as it was done properly, I guess, levelled with the other side.

40

But you wouldn't know, for instance, if it was done to a quality where it was going to last or whether it would weather away with time, would you?---No.

Now, and I take it once the job was complete, did you understand that there was a process of then submitting an invoice?---No, I didn't.

Well, did you ever submit invoices to be paid?---No.

Did you understand Mr Dubois did that?---Yeah. I sent him photos of the jobs being done and that was it.

THE COMMISSIONER: But what about the subcontractor's invoices?
---He dealt with them direct. I had, I had no, I had no knowledge of what was going on at that time.

MR DOWNING: So you never prepared an invoice?---No.

10 And you never saw one?---I never seen one.

And did you have any understanding that it needed to be within – sorry, I withdraw that – there was a process of a purchase order having to be created within RMS in order for an invoice to be sent through and paid?---No.

Did you have any discussion with Mr Dubois about that process or not?
---No.

20 And just in terms of safety on the sites, do you have any particular OH&S or WHS training?---Yes. White card and all that, yes.

And what sort of training?---White card.

Involving what, just a white card at worksites?---General worksite, yes.

I want to take you to a number of specific jobs now and see if you can recall them. First of all, can I ask that you go to Exhibit 36, page 353? And you'll see this is a quote number 1-8-9 dated 9 January, 2013. Do you see that? ---
30 Yeah, I can see it.

And in terms of the date, just to orientate you, that date is the day before MJ Wilsons was registered as a company.---Okay.

And four days before the bank account was set up.---Yep.

Do you recall, just thinking about that period, do you recall some discussion with Mr Dubois about a particular job that you needed to get registered for so that you could put in for?---No, but I do remember the Lucas Heights. I do remember the site.
40

Well, if we go through, you'll see that this, first of all, the job or the address is HVIS. Do you know what that stands for?---No idea.

Heavy vehicle inspection station.---Yep. I know what that - - -

Because you knew Mr Dubois worked in heavy vehicles, didn't you?---No. Just RMS, I didn't know if he had a section.

Well, assume that it's HVIS Sydney roadside parking bays and the job specifically is widening of road and asphaltting at certain locations. Now, you indicated you recall Lucas Heights?---Yes.

And if we go over the page, you'll see there's also Captain Cook Drive.---No I don't remember Cook, no, I don't remember that. I remember, like, Henry Lawson.

10 So it's Henry Lawson Drive, I think it's supposed to be Lansdowne but it's "Lanssowne".---Yeah, Lansdowne, yeah. I remember that one.

You know where Lansdowne is, it's a suburb in western Sydney?---Yes.

And if we go over the page, please, Henry Lawson Drive, Revesby.---Oh, sorry. There was one at Henry Lawson. I don't know where these are, I remember one.

20 You'll see the first one was Henry Lawson Drive Lansdowne, if you accept the misspelling.---Yep, yeah.

Henry Lawson Drive, Revesby, Henry Lawson Drive, Georges Hall. Do you see that?---Yes.

And if we go over the page, there's just Henry Lawson Drive without a suburb.---Yeah.

And then Penrith.---Okay.

30 So all up there are seven sites that, according to this quote, you were quoting to do work at and you'll see that, as you go through, there's a breakdown of the price for each individual job. So if we go back first to page 353, you'll see the quote there for Lucas Heights is 25 grand plus GST.---Yep.

And if we go over the page to Captain Cook Drive, it's 23,000 plus GST.---Yep.

40 Henry Lawson Drive, Lansdowne, 24,000 plus GST. Henry Lawson Drive, Revesby, 22,000 plus GST. Henry Lawson Drive, Georges Hall, 25,000 plus GST.---Yep.

Henry Lawson Drive without a suburb, 40,000 plus GST and then Penrith, 180 – sorry, I withdraw that – 21,000 plus GST.---Yep.

And all up, when you go to page 357, you'll see it's 180,000 plus GST.---Yep.

Now, do you say that you've not seen this quote before?---No.

But do you recall a discussion with Mr Dubois about doing work at these sites?---Yes.

And do you recall going to subcontractors that he put you into contact with in order to get their prices?---Correct.

10 THE COMMISSIONER: It's all a bit odd, isn't it? I mean, here you've got a quote that's in the name of your company, it says, "For all your civil and maintenance services." He's preparing these invoices, he's dealing with the subcontractors - - -

MR DOWNING: Sorry, quote, Commissioner.

THE COMMISSIONER: Quote, sorry, yes. Quote. What did you think he was up to?---I trusted the person at the time.

20 Well, you might have trusted him but what did you think he was up to (not transcribable)?---I honestly had no knowledge of how to do things and I thought he was helping me out, have a new venture or business. Like, I did not know what's going on. That's the honest truth.

MR DOWNING: So, you've just confirmed that you recall being put into contact with contractors about doing this work?---Yes.

So, I take it that you got quotes from those contractors?---Yes.

30 And do you see, with the description of the work involved, I take it that's none of your work that he's coming up with those, that's all Mr Dubois?---I guess so. Not mine.

But the prices you say were prices you came up with?---The, all we did was, whatever the quote was, we had just put a little bit more on top for us to cover everything else, including my wage or my profit at the time. And that was handed over to him.

So typically what sort of percentage would you add on?---No more than probably 15, 20 per cent.

40 So you'd just add up all the subbies, work out what that came to, and add 15 or 20?---And if we needed, yeah, because some, most jobs needed also traffic controllers also, stuff like that. So everything was calculated in. It wasn't just asphalt workers. So, the more we talk, the more I remember.

Sorry?---So the more we talk about things, they start, like, remembering. There was also traffic controllers.

Anything else that was involved in doing it?---No.

Now, do you recall having any knowledge about other companies that might have been quoting for this work?---No. I all I remember, he goes, “The jobs go for tender.” So we didn’t always get all the jobs if we had tendered for them. Some jobs we’ll, we’ll see and quote, and never got them. So it wasn’t (not transcribable)

So he would prepare the quote, and then you would just find out from him who got it?---Correct.

10

Now, you say you don’t recall – I withdraw that. You can’t recall now who the subcontractors you contacted to do this work?---Yep, nah. Don’t know them, no.

Is it possible that Chahid Chahine or Barrak Hadid - - -?---No.

- - - did some of the work?---I did not deal, I 100 per cent know this for a fact, I did not deal with any Middle Eastern or any type of people other than white Anglo-Saxon people to do the job at the time.

20

Perhaps did you ask Mr Chahine or Mr Hadid to organise the contractors for the work to be done?---I don’t know them. I don’t - - -

You don’t know them?---I don’t know them, whatsoever.

Now, this might assist your recollection. Do you recall whether you might have contacted someone at Ozpave to perhaps quote for some of the work? ---No. I never contacted. There were people contacted directly with Alexandre, and then they would call me the subcontractors go out to the job site (not transcribable)

30

Well, do you remember that one of them that might have been involved was Ozpave, that you dealt with, that - - -?---Was it? Yep, I don’t - - -

I’m asking what you can remember.---I no, no, I don’t remember.

Can we please go to page 378 of Exhibit 36? Now, do you see this is a document dated 29 January, 2013, and bear in mind again what I showed you before was a quote from 9 January, 2013. But it’s written on MJ
40
Wilson’s Projects letterhead, but in the name of John Gooding for someone at Ozpave, referring to a quote, and the reference is “Asphalt works for Lansdowne Reserve, Mulgoa Road, Penrith, and Boomerang Reserve, Milperra.”---Yeah, I see it, but - - -

It’s referring to a quote from Ozpave, and purporting to accept that quote. Do you see that?---Yeah.

Now, did you write this document?---No.

Have you ever seen it before?---I've never seen it before.

I take it John Gooding then is not a name that you use sometimes on behalf of MJ Wilsons Projects Pty Ltd.---No. No.

And you don't have any recollection of asking Ozpave about whether they could do some of the work that was referred to in the 9 January, 2013 quote. ---No. None at all.

10

Now, can I ask you then whether you can recall a company that did some of the subcontract work called Country Pavement Services?---I can't recall of them.

You don't remember that name at all?---No. No.

Can I ask that you go to page 381, and do you see first of all, it's a tax invoice for Country Pavement Services, directed to Complete Building Fitout. Do you see that?---Yep.

20

And the job address is Boomerang Reserve. Do you see that?---Yeah.

Do you recall that Boomerang Reserve is in Revesby, on Henry Lawson Drive?---I have no idea if it is.

Did you not go to that site as one of the places that work was done? ---Boomerang? Boomerang Reserve? I, I don't know there, like, Boomerang Reserve, like never heard of Boomerang Reserve. With the address, probably, I know the address.

30

The quote that I took you to had a number of locations, including Henry Lawson Drive in Revesby.---Correct.

This is a quote – sorry, I withdraw that – a tax invoice of 28 March, 2013, to Complete Building Fitout and referring to some asphaltting work at Boomerang Reserve.---So Boomerang Reserve is Henry Lawson Drive?

In Revesby.---Revesby. Okay (not transcribable)

40

Do you recall that perhaps Country Pavement Services might have done the asphaltting work for that part of the contract?---I have no idea. Maybe they did.

Well, is it possible, contrary to what you told us before, that they did and it was organised through Mr Chahine at Complete Building Fitout?---I don't know Mr Chahine. I don't know – all those guys, I really don't know them. I never seen them in my life.

Can we then please go to page 282, and you'll see, this is again a Country Pavement Services tax invoice, dated 28 March, 2013, this time for Lansdowne Reserve.---Okay.

Oh, sorry, 382, I apologise, my mistake. So, sorry, it's a tax invoice, Country Pavement Services, to Complete Building Fitout, 28 March, 2013, for Lansdowne Reserve. Do you see that?---Yes, I can see.

And do you recall Lansdowne Reserve - - -?---Yes.

10

Lansdowne was one of the locations on the quote for MJ Wilsons?---Yep.

Do you recall that Country Pavement Services may have in fact done the asphaltting work at that location as part of the job?---I don't remember at all. I don't, no recollection of this names, Country Pavement, no.

20

So despite the fact that these were people that you dealt with – that is, they either came to the café, you spoke to them and got their prices, and you went to the worksites and checked their work – you can't help me with any of them?--- I can't, because it was getting a quote, handing it, like, doing whatever I needed to do. My head was all over the place. I really don't remember these. If I did I will say yes.

30

It's the case, isn't it, that you had arranged with Mr Dubois that you would subcontract this work, that you were being helped by Mr Dubois and – I withdraw that – Mr Chahine and Mr Hadid, and they were helping you organise the subcontractors, because they actually worked in the area.---No. Because I do not know these guys. And no matter how much you look into it, there's never ever, ever, ever been together or been spoken to each other. I do not know these guys whatsoever. If they're mates with the other bloke, that's their part.

I'm going to then take you please to an invoice, which is at page 369, and you'll see that this is an invoice dated 21 January, 2013, for MJ Wilsons Projects. You see that?---Yep.

40

And you'll see it describes, the address is HVIS – so again, a heavy vehicle inspection station – Sydney, roadside parking bays, widening of road and asphalt. So the same wording as the quote?---Yep.

And then if you go through, you'll see that while the – if you go through this page, you'll see there's two locations referred to there, Henry Lawson Drive, Lansdowne, and Henry Lawson Drive, Revesby.---Correct.

Then over the page, Henry Lawson Drive, Georges Hall, and Henry Lawson Drive. So there's four locations.---Yes.

And a total price here of \$180,000.---Correct.

Now, you'll recall – I withdraw that. I'll just pause there. Do you say you've never seen this invoice?---No.

And you say you had nothing to do with it being prepared?---No. I haven't done it, no.

Well did Mr Dubois send this to you before it was lodged?---No. I never got it.

10

So this is the first time you've seen it today?---That's correct.

Now, you would notice, I take it, even from just quickly looking at it now, that whereas the quote referred to seven sites, this only lists four.---Yes, it seems that way. Yes, it is.

Do you remember that the original one also listed Penrith, Lucas Heights? ---Correct.

20 And Captain Cook Drive.---Correct.

Now, you even said, I think, when I asked you about it, that you recall that Lucas Heights was one of the locations.---I remember the road, yes.

Did you do work there or not?---I remember going there, but I know I've been to Henry Lawson Drive too, but I don't recall exactly what work they had done. But I do remember Lucas Heights.

30 Is it possible that you in fact organised work at none of these sites?---No, yes, it was done. The work was done. I was there. Photos were sent.

But you can't tell us now, can you, that work was done at all seven sites that were listed in the quote.---It should have been done.

Well, for instance, when I took you to the quote and there was Captain Cook Drive, I think you indicated that that wasn't something that was familiar to you.---Yeah. Well, I, the address, no, but as soon as Henry Lawson Drive, yeah. It was a big road.

40 But you can't, sitting here - - -?---It was all small jobs, small jobs were done. But, no, I can't sit here at the moment right now and say I didn't do that and I did that. I don't recall it.

But at the end of the day, you'll see that this is an invoice dated 21 January, 2013. So it's some 12 days after the quote was put in.---Okay.

Do you even know whether that work was done in that 12-day period or not?---I know, the only thing I know, when the job was being approved, the

work was being done. So it did take – well, I can't recall exactly how many days but, yes, the work was being done.

And how do you say each time a job was done it ultimately, you got to the point of a tax invoice being prepared? Would you speak to Mr Dubois and say it's all done?---Correct. I will send photos.

Right. And then as you understood it, he would then just prepare the invoice?---Correct.

10

And then you would just see the money turn up in your account?---Correct.

So in this instance, the invoice, again, if you – you'll see on page 369, shows stamp "paid", and you'll see on page 370 it's got a stamp certified by Mr Dubois on 18 February, 2013.---Yep.

So as best you believe, you were then paid \$198,000?---That's what the quote says, yeah. I don't recall it, but, yeah. I really don't recall but, yes.

20

So, all right, and when you described to us earlier the way in which you would come up with your margin, you would work out the costs. This is a job with a hundred and – putting aside GST – \$180,000.---Mmm.

And you said there might be a margin of perhaps 15 per cent?---Roughly. Maybe, yeah.

30

So you might have made, on this, of the \$180,000, excluding the GST, you might have made \$20,000 or something of that - - -?---Maybe, yes. I can't, I can't, maybe yes or no. Maybe lower, higher. I don't recall the exact amount.

And you maintained that there was no payment to Mr Dubois out of that? ---110 per cent. Me and him did not have any agreements of such type.

Sorry, you didn't have any - - -?---Any agreements of such type of kickbacks. Like, we never (not transcribable)

40

Well, even if you didn't have agreements, did you in fact make payments? ---No, like, no. Never. Never. Like, what I meant to say, never, ever.

All right, well, let's go through the ways in which you might make payments. First of all, did you ever give him cash?---No.

Are you sure about that?---Hundred per cent.

Did you ever make transfers, either to him personally or companies he controlled?---No.

Did you ever organise for others to make payments?---No.

Either cash or - - -?---No.

- - - transfers?---No.

Did you ever organise for him to receive some form of payment in kind?
That is, some goods or services instead of money?---No.

10 Now, you'll see, as I indicated, that the stamp's certified on the 18th of
February, 2013, and I want to suggest to you that the money was paid into
your CBA account on the 21st of February, 2013. So it's a few days later.
So I want to show you some documents. Commissioner, I'm working off a
separate bundle of documents.

THE COMMISSIONER: Yes, yes, right, thank you.

MR DOWNING: If that can be provided. And it's page 1. Now, you'll see
20 this is a Commonwealth Bank statement for MJ Wilsons Projects. Do you
see that?---No.

I'm sorry, we just have to bring it up. I apologise. Please let me know - - -
?---Oh, I was just - - -

Has it come up now?---Yep.

So do you see it's a bank statement for MJ Wilsons Projects?---Yep.

30 And the branch is Bankstown.---Yeah.

And that was where you opened it?---That's correct.

And you'll see the account number, [REDACTED]-7-8-5-9, which is the account
number of the account that I took you to the records, showing that it was
opened on 13 January, 2013.---That's correct.

With you and Mr Abraham as signatories.---Yes.

40 And you'll see here, consistent with what I've shown you with the invoice,
which was 180 plus GST, so 198 inclusive of GST, you'll see that that
money gets paid in on 21 February, 2013. There's a credit for that sum.
---Correct.

Now do you then see, very quickly in the days afterwards, 22 February, 5
March, 14 March and 23 March, there's a series of - - -?---Wow.

- - - cash withdrawals.---Yeah. Yes, I could see that.

Do you see that? So \$20,000 on the 22nd, \$50,000 on the 22nd. So first of all at Bankstown and then, secondly, at Roselands.---Yes.

Then, on 5 March, \$50,000 at Bankstown. You see that?---Yes, yeah.

14 March, \$50,000 at Bankstown.---Correct.

And 23 March, \$4,000 at Bankstown.---Correct.

10 So all up over that period, a hundred and - - -?---74.

\$174,000 is withdrawn.---Correct.

And it's you who did the withdrawing, wasn't it?---Of course, yes.

So you went to the bank.---Yes.

And withdrew it in cash.---Correct.

20 And what did you do with the cash?---Oh, I really don't recall. What did I do with it? I don't know.

You paid some to Mr Dubois, didn't you?---No.

All right.---No matter how, I did not pay him a dollar from me regarding work-wise, no.

Sorry, you say regarding - - -?---Regarding, like, all this stuff. Paying him, no. Never gave him any cash.

30

THE COMMISSIONER: Where did this cash go?---I don't know. At one stage I had a lot of cash at home, which I had pooled, like, not just from this work, from a lot of my works. But don't know. Always, always pooled that money. I never hardly kept money with all my bank accounts. I hardly keep money in my accounts.

But by the end of the month, this account's got \$168,825 in it.---Yep.

40 And I think you told me a little earlier that you never paid the subcontractors. That was done by Mr Dubois.---Correct.

So of the \$198,000 quote, you receive the whole lot.---I've pulled out the whole lot, correct.

What did you do with it?---Good question. I'm trying to figure out. How did I pay for the job? Did I pay for it from a different account out of mine or, what was done? I don't recall how I done it, to be honest. (not transcribable)

Very well.

THE WITNESS: If I remember, we'll come back to it.

MR DOWNING: Certainly Mr Abraham wasn't paid any of it.---No.

Now, can I take you then to another job, and if we go, please, to page 383.
So same volume, Exhibit 36. 383. Tell me when that comes up for you.

10 ---It's started, yep.

Now, you'll see, so this is now 9 February, 2013, quote number 214.---Yep.

And you'll see in terms of the address and job, it's identical in terms of the
description of the earlier quote.---Yep.

And you'll see, in terms of the locations, if we go over the page, first of all
there's Ryde heavy vehicle inspection station site.---Yes.

20 That's at 45,000 plus GST. Then over the page, Cronulla heavy vehicle
inspection site. Sorry, inspection station site. At a cost of 38,000 plus
GST.---Which one's that one?

Sorry - - -?---Oh, yeah.

Cronulla HVIS site. Do you see that?---Yep.

So that's 38 plus GST.---Mmm.

30 Then Illawarra.---Illawarra.

That one, when we go over the page, is 46,000 plus GST.---Yep.

Heathcote.---Yep.

47,850 plus GST. So all-up, \$176,850 plus GST.---Yeah.

So within \$3,000-odd of the other quote.---Yes.

40 Now, I take it from what you've told us – I withdraw that. Have you seen
this before?---No.

So again is your evidence that what happened – I withdraw that. Let me go
back. Do you recall Mr Dubois speaking to you about work at these
locations?---Yes. I can't recall all of them but yes.

Which ones do you recall?---I recall Heathcote.

Right. Where in Heathcote was it?---It was next to the bridge, like, where the bridge was. Off the Milperra Road I think it was, if I'm correct. I don't really recall properly.

What other sites do you recall?---I recall that one. It's the only one that's popped in my head out of them. That's the only one that's popped to me.

10 So for instance there's two heavy vehicle inspection station sites, Ryde and Cronulla. Do you recall ever going to those?---Not that I, I don't remember, no.

Right.---I don't remember.

And I know it's not specific, but Illawarra, it's a big region, but you don't recall a specific site there?---No, not, I don't recall that, no.

Do you recall any process with this job of going to subcontractors that Mr Dubois suggested?---I think so.

20 Can you recall or assist us with who?---No, I honestly, no.

But you subcontract it all out.---Yes.

You get prices and you prepare the figures I take it that we then see written in the quote.---Correct.

You give them to Mr Dubois.---Yes.

30 And again you build in a margin of 15 per cent or so.---215, no, it's never always the same, just it was always done it low to get the job because we never always got all the jobs.

Sorry?---We never always got all the jobs I tendered for.

And what did you say before that?---Always, the margin was always small so we can get the job.

You wanted to be competitive.---Yes.

40 And did he ever tell you about the others that were competing against you and - - -?---No.

- - - what they were pricing at?---No, never.

And with this job, do you say that this was, as far as you know, this was a quote prepared by Mr Dubois?---I guess so. It wasn't done by me or by Mark.

He does, he – I withdraw that. He is the person that deals with the subbies in terms of actually – I withdraw that. He pays the subbies, as you’ve told us, that was the practice.---The subbies, the subcontracting work came to me, okay, he didn’t pay them, I was the one paying the work, I never, ever said he paid them.

10 So you paid them?---Yes. He never paid. We just got the subcontractor work, whatever this is, paperwork, all these kind of extra things. No, I had no idea of it. He must have done it, not me whatsoever.

He is the person who has the contact with them.---Yes.

He suggests them to you.---Correct.

They then come to you with a price.---Correct.

And you build that price into your quote.---Correct.

20 THE COMMISSIONER: And then ultimately who pays them?---Sorry?

Ultimately who pays them?---I was the one paying them. I paid them for the job. So the job was getting done, I paid them.

MR DOWNING: And in what way were you paying them, were you paying them in cash, were you paying them via transfer?---Maybe sometimes I’ve done cash, sometimes probably done transfers, I’m not one hundred per cent, I can’t clarify exactly one hundred per cent which way I’ve done it.

30 Sorry, did you not have a particular habit in terms of how you went about paying them?---No, no, never.

Wouldn’t the logical thing be, given that you’d set up a bank account for this company, to pay them through that bank account?---Your common sense says so but - - -

40 For instance when we look at the page I took you to before, so in the bundle that we’ve taken you to, that page, page 1 dealing with the payments in respect of that first contract where you got \$198,000, there’s no EFT to anyone - - -?---That’s correct.

- - -in that period is there, in the days - - -?---No.

- - - or weeks after?---No. So which means - - -

Just cash withdrawals by you.---Yeah, which means I probably did pay them by cash at that time if they probably came to my café, something like that.

Do you actually have any recollection of paying them in cash?---No, I can't remember.

Why would you want to pay them in cash? First of all in terms of convenience, given that you've got a bank account set up, why wouldn't you do it through the bank?---I don't know. I always used to have cash on me, always carried a lot of cash on me.

Well, you've gone to the trouble of setting up this bank account, correct?
10 ---That's correct, yeah.

And I take it that you had access so that you could make transfers via internet banking?---Correct, correct.

Did you have an app on your phone?---No, like, never.

So you just had to use a computer to make transfers.---No, I've never done transfers, I always went down to the bank. I don't, I've never had internet banking and all these things, never.
20

Well, you've obviously, you've given the details one way or another to the RMS so that they can pay you via transfer.---Correct.

Wouldn't have been the easiest thing for you to do, to actually organise to make transfers to the various subcontractors?---Yes, I don't deny that, that's called common sense, but at the same time, I don't know, I just don't, don't work with computers, I don't know, just maybe I just didn't do it.

What about phone banking where you ring up and can organise transfers?
30 ---Can you do that?

I take it you haven't.---No.

So you prefer just to deal in cash.---Correct.

Now, coming back into the second job I was asking you about, which was the same sort of work but at different locations, so Ryde, Cronulla, Illawarra and Heathcote. And I showed you that quote and it was in a sum of \$176,850.---Yeah.
40

Do you recall that?---Yes.

Now, if we could go, please, to Exhibit 36, page 388. Now, you'll see this is a document from RMS but it's a request for tenders in respect of a particular contract, and you'll see the number, 13.2930.0259.---Yes.

Accept from me just for a moment that that is the request for tender for this particular job. Do you say you ever received this document?---No.

So do you say that as far as you were aware, that was something that Mr Dubois simply had himself?---I guess so. I never received any paperwork.

So, and you never passed on any paperwork to the subcontractors?---No.

So to the extent that subcontractors were able to quote on works based on some sort of drawings or specs, that was a communication that didn't involve you.---Did not involve me.

10

So it must have been logically between Mr Dubois and the subcontractors. ---I guess so, yeah.

If we could just go ahead to page 401 in this document, you'll see, and it's highlighted yellow, that the tender date or the closing date for the tenders for this job is 22 February, 2013. Do you see that?---Yes.

20

And the quote I took you to before was dated 9 February, 2013. That was the quote that was prepared on behalf of MJ Wilsons Projects on this job. ---Yes.

Do you have any knowledge as to who else quoted for this job?---No.

So never had any discussion with Mr Dubois about that?---No, not me, no.

Now, and I take it from what you told us that consistent with the way you did jobs generally, that you subcontracted all this out and you didn't do any work yourself.---Yeah, I always did.

30

But you attended the site in the end to look at the work and satisfy yourself that it was okay to then say it's done.---Not at the end, I've been there while they're working at the same time, not just at the end. Like I said earlier, I was there while they were working to make sure the safety was there.

Now, can I ask if you can recall, assist us at all in terms of who the subcontractors on this were?---(No Audible Reply)

40

And if it assists at all again, think about the locations, so the locations are Ryde, Cronulla, Illawarra and Heathcote.---(No Audible Reply)

There's no recollection?---No, there's nothing on the screen.

No, I'm not asking about anything on the screen.---Oh, sorry. Oh, do I remember anything?

Do you need another break with your back?---Sorry, yeah, please. I'm in a lot of pain. If possible, it's stressing me out. I'll just walk around. Thank you.

SHORT ADJOURNMENT

THE WITNESS: I've got my leg, it keeps numbing up really bad, so, because I've got a bad problem with it when seated for too long, so is there any chance of maybe - - -

10 MR HAVAS: He wants to know if he can come back tomorrow morning.

THE WITNESS: If possible.

MR HAVAS: We need to, we need to rebook this whole thing.

MR DOWNING: We would need to make arrangements both with this facility but also make arrangements given other witnesses and also I assume that there would have to be arrangements made with the prison. Which facility are you currently at?--- Dawn de Loas Correctional Centre.

20

THE COMMISSIONER: Whereabouts is that located?---Silverwater.

Silverwater, right.---Because they know I've got a medical problem that's been going on for a bit.

MR DOWNING: So, are you seeing people through Justice Health in respect of that?---Physio, yeah. I'm still waiting to go to hospital but yeah, I'm seeing a physio.

30 Commissioner, I'm in your hands. I don't know whether – I mean, there are still some things I would like to ask questions about and might be another hour.

THE COMMISSIONER: If the witness is saying – you've had enough? ---Just an hour, like, half an hour, do youse mind if I stand up and down? Like sit and stand?

MR DOWNING: I don't want you to be in pain, Mr Goldberg.---So if it's just another hour, we'll get it done but if youse don't mind me standing up.

40

I've got no problem with that.

THE COMMISSIONER: No, I don't have any difficulty with at all, no.--- All right. Well, let's do it.

MR DOWNING: The only issue might be about the microphone. We might just need, I don't know if we can lift it up?---No, no. I'll bend over to answer and then I'll just - - -

THE COMMISSIONER: If it gets too much just let us know.---Yeah. If it gets too much I'll just let you guys know. I'll see if I can stand.

MR DOWNING: I was asking just before the short break whether you could recall any of the subcontractors that did work in respect of those jobs, that is Ryde heavy vehicle inspection station, Cronulla heavy vehicle inspection station, Illawarra or Heathcote. Was it the case that you can or can't recall them?---I can't recall them.

10

Now, can I ask that we go, please, to page 428? And again you'll see that these are documents from County Pavement Services. I showed you some documents before from them.---Yep.

So, first of all, do you see this is a quote to CBF Projects, 17 March, 2013, for a Kurnell inspection bay. Do you see that?---Yes.

And it's marked, "Attention Baz." Do you recall ever seeing this?---No. Never.

20

Do you recall whether that company did some of the work for you, that is for MJ Wilsons Projects, at a Kurnell inspection bay?---No, I don't recall, I, I don't remember the name of this company.

If we go to the next page, please, you'll see there's a quote. This is 429. This time for Lucas Heights inspection bay, quite of 17 March, 2013, and again marked, "Attention Baz." Ever seen this before?---No, never.

30

Can we go over the page, please? Do you see now a tax invoice to, "Complete building fitout in respect of the Kurnell inspection bay and it's dated 28 March, 2013?---Yes, I do.

At a price of 23,300 plus GST?---I do see it.

Do you know if you paid, that is you through MJ Wilsons paid for that? ---Well, if that job was done, yeah, it would have been paid through me but I don't remember, recall the company.

40

Do you recall your company, that is MJ Wilsons, doing work at the Kurnell inspection bay?---Myself, no. I don't recall that, I don't remember.

Well, not that you necessarily did the work yourself but do you recall MJ Wilsons doing it?---It must have. I don't, I don't recall. I just don't remember that site.

But you've not seen this, and I take it you can't tell us why this might be address to Complete Building Fitout?---No.

Can we go to the next page, please? This is, again, to Complete Building Fitout, dated 28 March, 2013, this time in respect to the Lucas Heights inspection bay widening.---Yep.

And you'll see 14,500 plus GST.---Yep.

And you did indicate earlier on that you recall that this was one of the jobs that MJ Wilsons Projects had done?---I recall Heathcote, yes.

10 Well, I thought you'd indicated Lucas Heights?---Oh, sorry, yeah. Lucas Heights, like, I recall going there. I do remember that.

Going there to check that the work had been done?---Oh, going there at the beginning of the quoting, yes, and when the job was done.

Sorry?---I remember rocking up there when we first got the quote for the job.

20 Why would you go to the location when you first get the job when, in effect, you're not quoting on anything, you're just accepting others' quotes?---I do take photos, yeah. It was for photos, before and afters.

Well, accepting that you recall going to Lucas Heights, at the beginning to take photos and then to check the work later, could you, does it – I withdraw that. Can you think of any reason why this job, in March 2013, might have been billed to Complete Building Fitout?---No, no idea. I, I have never done this kind of paperwork, nor have I seen it.

30 So when you say you paid the subcontractors for the work, you said it was always cash because you didn't operate electronic banking?---Practically, yeah. As I recall.

But didn't the subcontractors give you invoices in order to be paid?---Yes.

So didn't you see invoices of this nature in respect to the work your company was doing?---No, no. I didn't see it, no.

40 Well, who was getting it?---I don't know. I personally myself did not receive any kind of, this paperwork received to my end.

Well, how were you paying them? How did you know what to pay them? ---Well, from the original quote I knew what to pay, so I always get jobs done. I never, yeah, unless I stuffed it up.

If we could please go to pages 416 and 417 of the same volume, and you'll see now this is the MJ Wilsons Projects invoice for this particular job. Again, "HVI, Sydney roadside parking bays, widening of road and asphalt."---Yep.

And do you see, when you go over the two pages of it, it refers to Cronulla, Illawarra and Heathcote?---Correct.

And what's missing from that, from the quote that was prepared by MJ Wilsons is the Ryde heavy vehicle inspection station.---Yep.

Can you recall whether any work was done at Ryde?---As I said, yeah, I don't remember, no. I, I don't remember.

10

Ryde doesn't ring any bells?---No, doesn't ring any bells to me.

But you'll see that the actual price, when you go to the second page, is the full amount that was quoted on all the sites, \$176,850?---Yep.

And you'll see, in terms of – so the invoice was dated 25 February and on the second page it's certified by Mr Dubois on 15 March.---That's correct.

And the total amount, inclusive of GST is 194,535.---Yes.

20

Can we please go back – or before we go back to the bank statements, can you recall, even in terms of the sums involved, how it was that the amount that was ultimately billed on this reflected the full amount of the quote, even though the final bill misses one of the sites?---That doesn't make sense to we whatsoever.

But you say you didn't prepare the invoice?---I did not, yes.

Or the quote?---No, I didn't prepare this paperwork whatsoever.

30

But you did come up with the costs that led to the invoice – I withdraw that – the quote being prepared?---Oh, yeah. The, yes, the quotes, yes, I did.

So that whatever the original quote sum reflected was your calculation. ---Correct. To do the jobs.

Do you recall ever getting paid on a job and thinking, "I've now been paid for the amount on a quote, but we haven't actually done all of the work at one of the sites?" Or two of the sites or three of the sites.---Good question. I really don't recall that.

40

Did you ever check anything like that?---No, to be honest, I never did. I never thought about it at the time.

If we could go then back to the bank statement. If we go back to page 1. ---Yep.

You'll see, on – so accepting that I showed you an invoice of 25 February, it's marked certified by Mr Dubois, 15 March. You'll see on 25 March, the money is paid into the account.---Correct.

And then, if you look at that next entry, so the very next day there's a \$50,000 withdrawal from Bankstown.---Yes.

And that's you withdrawing cash.---Yes.

10 Then if we go to the next page of the bank statement, please. So it's page 12, I think, is the volume. So bearing in mind the payment is made in on 25 March. You make a 50,000 withdrawal on 26 March. Putting aside the account fee, you'll then see there's a series of withdrawals. 10 April, 50,000. That's you again.---Yes.

Three days later, 20,000 at Bankstown again. Then 50,000 on 19 April. Bankstown. Correct?---Yes, that's all correct, yeah.

20 And then the 27th and 29th, each of those dates, 20,000 at Bankstown.---Yes.

And then on 18 May, another 8,000.---Correct.

So adding those up over that period, following on from that payment of \$194,000, 194,535, on 25 March, between 25 March and 18 May, all up, \$218,000 is withdrawn in cash by you.---Correct.

30 And sitting, or in your case now standing here today, can you tell us what you did with that money.---I don't recall. All I know, I was a black member at Star City. I used to gamble a lot, but I don't, I don't recall using it though.

What sort of money were you gambling at Star City?---It was like, I was a black member.

Sorry, you were a black member?---So which is - - -

40 So on a given night how much might you take and gamble there?---Always depends. I was always cashed up so, I don't know, anywhere five up to 50 or, depends.

Well, it would appear from these bank withdrawal records that in the early months of 2013 you were pretty well cashed up.---Even before this work I always had money. I always worked hard for my money so I've always been - - -

And were you a black member of Star City at that time in 2013?---I think, yes. I, I don't really recall but I think I was.

When you went to Star City to gamble, did Mr Dubois ever go with you?
---No, never.

Now, beyond this job, can you recall also putting in for and obtaining work up around the Hornsby, Galston Gorge area?---Hornsby Galston Drive yeah, yeah I don't recall. I don't recall it.

10 Well, do you remember ever going there? You've told us that you would go and take photos and then - - -?---Yeah. Not that I recall. Not that crosses my mind at the time.

If we go, please, to page 461. Do you see this is now 22 April, 2013, quote number 269, again HVIS, Sydney roadside parking bays, widening the road and asphalt.---Yep.

But if you go through the pages here, and it's only two pages, the sites described are Hornsby Heights and Penrith.---Yep.

20 And all up this comes to \$208,000.---Okay.

Now, do you not have any recollection of Mr Dubois speaking to you about this and you putting in to do this work?---Penrith. I've been to Penrith but I don't, I honestly can't recall.

Do you mean you've been to Penrith to do this sort of work or you just visited there?---No, to do some work but I don't recall.

What about Hornsby Heights?---I don't recall. I don't remember.

30 But you'll see that – so total amount is \$208,000 and when you add GST it comes to 228,800.---Yep.

I want you to assume from me that there are RMS records showing an invoice is submitted and ultimately money paid. Do you recall doing this work at all or not?---No. I, I, both jobs no, I don't recall. I don't, I don't recall it.

Can we - - -?---I was busy at the time.

40 Can we please go back to page 12 of the bank statement.---(not transcribable)

And you'll see on 17 June there is a payment there of 228,800 which is the \$208,000 plus GST.---Yes.

And you'll see then – so that's on 17 June, 2013. You'll see then over a period of a couple of days withdrawal of \$230,000. So \$100,000 cash Bankstown, \$50,000 cash Bankstown, \$80,000 cash Bankstown.---Correct.

Can you recall at all what you did with that money?---Just like all the rest. I've, I don't, it's never, I never ever, I don't know, there's no explanation.

So in those months in early 2013 you've literally withdrawn hundreds of thousands of dollars in cash from your bank, having had these contracts paid by the RMS, and you can't tell us anything about what was done with it?
---Well, I've paid for the jobs but I don't remember – the only thing I do remember paying for the jobs, paying for everything, and also whatever I've had has always stayed with me.

Now, do you recall – separate to this do you recall other locations out of Sydney where you did some work?---I do recall. I think so, yes.

Where was that?---If my memory is correct I think Moree. Maybe Moree or New England Highway.

Could it be Marulan?---Marulan? Probably, yeah. I'm not 100 per cent - - -

20 Do you know where Marulan is?---Marulan? It's after, isn't that after like Goulburn way?

Just near Goulburn where there's a heavy vehicle inspection station.
---That's correct, yes. Yes, I remember (not transcribable)

Do you recall doing some work there?---Yes.

Any recollection of what that was for - - -?---No.

30 - - - in terms of the work involved?---No, I don't.

What about the money involved, that is the payment?---I don't recall.

Now, I asked you some questions before about a company Wilkins Corporation Pty Ltd. Do you recall that?---Yes.

And I think I showed you a document indicating that you had been a director of that company for a period.---Yes.

40 And indeed a shareholder.---Correct.

And only for a short period, that is 14 June to 4 July, 2013 you were a director.---Yes.

Now, again, thinking about this period June to July 2013 falls into this period when you're doing work for the RMS through your company MJ Wilsons. Correct?---Correct.

Can you think now why was it that you suddenly become involved in this company Wilkins Corporation?---Was that company mine, like?

I'll take you to a search of it. If we could go, please, to Exhibit 36, page 106.---I don't recall this being (not transcribable)

Just tell me when that comes up.---Yep.

10 And you'll see it's the search for that company. So it was registered 17 December, 2012 and deregistered 16 March, 2018.---Okay.

Do you see that?---Yes.

If we go over the page, in fact go over two pages, please. You'll see directors, so previous directors Mariam Abdul Karim.---Yep.

And that was from 4 July, 2013 to 16 March, 2018 and just remind us again who Mariam Abdul Karim was.---Ex-wife now.

20 And she continued to be your wife though you say until some months after the events in 2015?---Till March 2016.

But it also shows Adam Malas as the director from 14 June, 2013, to 4 July, 2013.---Yes, it does.

Now, I showed you some documents before with the name Adam Malas, and you indicated that wasn't something you used, and that you believed it was Mr Dubois that must have been behind the use of that name.---Yeah, correct.

30

Can you think of any reason why, for the purposes of this company, Wilkins Corporation, you have been put down as the director under the name Adam Malas in 2013, some five years or so after you lost your bet and changed your name to John Goldberg.---The only -- yeah. The only thing that will cross my mind right now if that's what my accountant had at the time, he just done it, transferred it over to that name.

And is that Mr Metlag?---Correct. But, yeah. I do remember that company being my ex-wife (not transcribable)

40

And do you remember who the shareholder in the company was?---Her, then her then me, I guess.

So if we go over the page, please, to sorry, page 109, you'll see at the bottom, Shareholding. There's 100 shares, and you'll see at the bottom of that page, Mariam Abdul Karim.---Yep.

And then if we go to the next page, you - - ?---Correct.

So that it would seem, consistent with the directorship of it, that there's a period originally where you are the – I'll withdraw that. It seems initially when it's set up, Mariam Abdul Karim is the director, then you become the director, then she goes back as the director. Can we go back to page 108, please?---Yeah. That's - - -

10 Do you see there, under Previous Directors , the first one in time from the registration of the company is Mariam Abdul Karim?---Correct.

And she remains director, 17 December, 2012, to 14 June, 2013. You see that?---Yep.

Then you step in for a brief period , less than a month in June to July, 2013. ---Yeah, see, all this doesn't make sense to me.

And then she resumes being a director from 4 June, 2013, through until 16 March, 2018, when the company's deregistered.---Yep.

20 So can you assist us as to why that occurred?---There's no recollection of, no, don't know why.

Oh, sorry, if you could just move a little closer. I know it's painful for you but we just - - -?---Can we just finish off this one and yeah, that's - - -

We won't be much longer, I can indicate that to you.---It's getting to me.

THE COMMISSIONER: How long?

30 MR DOWNING: I don't think more than about 10 minutes but if you want to just have a little walk around now before we resume, we can finish that off and then - - -?---Oh, finish off this question before I forget. No, it's, it's all numbing up, that's why. I've got to get in the car too. I don't know how I'm going to do that.

If you want to just walk for a moment - - -?---We'll just do this question and then - - -

40 What I was asking is, can you explain to us now whether it was, your wife is director for some years from 2012 to 2013, you step in for less than a month and then she then resumes as director?---I have no idea. This was not done, I would never do such a thing. Like, I don't know why.

Well, it's not been done without your okay, surely.---I don't know. I really don't recall it. Why would I be a company holder for one month? It makes no sense.

Well, thinking again about Wilkins Corporation, do you recall why the company was even set up?---That was for me and my wife. We had set it up at that time, at that time, we were just boyfriend and girlfriend, but we had set it up so, she was into disability work and we wanted to do, back then NDIS together. So we opened it up and we were going to start doing some work.

So to do some work in the disability sector?---Correct.

10 And what was significance of the name Wilkins Corp?---I have no idea. I never, I never picked it.

Now, do you recall also opening a – I withdraw that. So the intention was to do disability work?---Correct.

But you didn't in fact do it?---No.

So I take it that the company was, in effect, a company vehicle that wasn't used?---Correct.

20

Do you recall opening bank accounts for it?---I think so, yes.

Can we please go to Exhibit 36, page 706? Now, you'll see, this is an account confirmation from the CBA for Wilkins Corp Pty Ltd.---Correct.

Showing opening a business transaction account with the account number [REDACTED]-4-1-0-8.---Yep.

30

And the opening date is 5 July, 2013.---Yep.

If we go ahead, please, to page 708, you'll see that the authorised signatory is Mariam Abdul Karim, although there's no signature from her there.---Yep.

So if we go to the next page, please, you'll see that she seems to sign as the director for the purposes of opening this account.---Correct.

So, again, was the bank account opened with the intention of doing that work between the two of you in the disability sector?---Correct.

40

For the NDIS?---Yes.

And the NDIS has been set up back in 2013?---It was, she was working for a disability called Affords at the time and it's a big sector and they were, I think they were (not transcribable) NDIS or whatever they call it at the moment. At that time it was, like, Afford, it was a massive thing that she was helping out with kids and so we wanted to get into that. For her, not for me.

Can I then ask you – so we're now, Commissioner, in a different bundle. These are the bundle of documents for Wilkins Corporation.

THE COMMISSIONER: The witness might have a walk?

10 MR DOWNING: If you want to just have – I won't be long but if you want to have a little stretch, please do.---Yeah. Let me have a stretch, please. My whole, (not transcribable) numbing up my back. Just going to stretch outside for a minute.

SHORT ADJOURNMENT

THE WITNESS: I never took my medication so, please, yeah, I've started to – my nerve, I think it's (not transcribable)

20 MR DOWNING: Commissioner, I can indicate I'll be finished within five minutes.

THE COMMISSIONER: Okay.

THE WITNESS: Okay.

THE COMMISSIONER: Can you hang out for five?

30 MR DOWNING: I apologise for the inconvenience.---No, no. It's okay. It's my fault too. I didn't think I was going to be sitting down all day, I didn't bring my medication.

THE COMMISSIONER: Well, let's go and see how we go.

MR DOWNING: Thank you. I want to show you some documents, and this is in the bundle of documents for Wilkins Corp, at page 1, please. So, do you see this is a bank statement for Wilkins Corporation?---Yes.

40 And it's the account number ending in 4-1-0-8, so the same account that I took you to the account opening documents before?---Yep.

Do you see on 5 July, 2013, which is the same day that it was opened, there is a credit there, a cheque deposit of 49,350?---Yep.

And then there's a withdrawal five days later of 49.---Yep.

And then on 11 July, there's another deposit, a cheque at Bankstown, 49,350.---Yep.

And then two deposits of 30,000 and 19,000, both at Bankstown.---Yep.

Now, I take it did you –first of all, do you know who those deposits were made by?---I have no idea.

Can we please go to page 3, and I’m going to need to be put – thank you. You’ll see it’s small but there is a copy of the cheque deposit there, a cheque was deposited. Unfortunately the copy is not fantastic but you’ll see it’s to Wilkins Corp from CBF Projects of 49,350.---CBF Projects. I can’t see it but - - -

Do you see the letters, “CBF Projects,” just under the handwriting?---I’ve got a blank screen.

THE COMMISSIONER: Yes, I’ve got a blank screen too.

FEMALE SPEAKER: Oh, sorry. That’s my fault.

THE WITNESS: Yes, I can see that.

MR DOWNING: Do you see that?---Yep.

Now, this was an account you say that had been set up by you and your then wife with a view to doing disability work?---Correct.

Can you explain why CBF Projects were paying money in?---Number one, I don’t even know who CBF was and, no, I can’t. I don’t know who CBF Projects are or - - -

You’ve never heard of them?---I’ve never heard of it.

Do you know who made the withdrawals that I have shown you, of \$49,000 on 10 July, five days after this was deposited?---No. I honestly don’t know.

No idea?---No.

Do you recall that you might have gone and withdrawn that money?---As you realise, I pulled out a lot of money. I don’t recall using this one. Well, was I, I’m not sure.

This was an account that your wife had set up, according to the paperwork that we’ve got, was the signatory. Were you asking her to go and withdraw the money for you?---I don’t recall.

What I’m suggesting to you was, this was money being paid in by CBF, which is a company controlled by Mr Chahine?---That’s 110 per cent nothing to do with me. I don’t know the bloke.

So is that something that – did you operate this account or was this your wife operating it?---Well, it was in her name at the time and I don't recall doing any kind of work with this company, of this type, CBF. I, I still, until now, I still don't know them.

10 THE COMMISSIONER: It had to be you or your wife who made the withdrawal.---Yes. Well, it would have been her. She was the director of the company. She was the only one that can pull out money. I, I do not recall CBF whatsoever, until right, this day, even these guys that you showed me, I do not know them.

MR DOWNING: Can I then ask you to go ahead – if you go back to page 1 you'll see, I've already shown you on 11 July, there was another credit there, another cheque deposited at Bankstown, 49,350, same amount? ---Yep.

20 And if we go ahead to page 8, please? Do you see another cheque, same amount, this time 29 June instead of 27 June, from CBF?---CBF. Yes, I do see that.

Which was then followed by withdrawals of 30,000 and \$19,000 in the next couple of days. Sorry, not the next couple of days, I withdraw that. So on 17 and 18 July.---So this company was – I don't recall any of it. So this company was owned by Chahine, you're saying, who these people are?

I'm suggesting to you that CBF is Mr Chahine's company and it's a company that did RMS work.---Okay.

30 And you know that, don't you?---No, I did not know that.

And Mr Chahine and Mr Hadid were involved with you in organising and doing work through Mr Dubois and the payment of money to Mr Dubois, correct.---I'm very sorry but you're completely wrong with that part. I have no recollection of working with these people and I would not work for Middle Easterns, that's a one hundred per cent guarantee. I will not work with CBF or whoever these people are. I had nothing to do with them.

40 Why would you not work with people from the Middle East?---Because I've had nothing but bad experiences from it when I was young. That's the honest truth.

Thank you. I know you've been in some pain.---Sorry, sorry for standing.

THE COMMISSIONER: No, that's okay. Thanks for your assistance and I don't think there's any reason why this witness shouldn't be excused, is there?

MR DOWNING: I'm content with that, Commissioner.

THE WITNESS: I'm more than happy to help if youse need me later on for anything else.

THE COMMISSIONER: We might have to get you back but - - -?---Yes, with no issues.

- - - bring your medication next time.---I'll make sure I will.

10 What actually happened, did you - - -?---I've got, I've got a cyst in my hip. Also my meniscus is completely gone because training on concrete for the last five years and I've got extra piece of bone that's popped out like a horn on the back of my leg that rubs onto my nerve that runs through to my upper back. I'm still waiting so I can go get it done.

All right okay. Well, off you go, and thank you for your help and you're released from your summons. Sorry, I should have asked whether you have any questions. I assume you haven't.

20 MR HAVAS: Oh, well I had a couple of questions but it just revolves around his ex-wife and possible motives to lie but I don't think that takes you anywhere.

THE COMMISSIONER: All right. Well, if you think they're necessary.

MR HAVAS: No, I don't think it's necessary. I can save it for later.

THE COMMISSIONER: I'll leave it to you. We'll adjourn now. Thank you again.

30 MR HAVAS: Thank you.

THE WITNESS EXCUSED

THE MATTER WAS ADJOURNED ACCORDINGLY