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CORRUPTION AND CRIME COMMISSION  
OF WESTERN AUSTRALIA

COMMISSIONER ROBERTS-SMITH

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON TUESDAY, 17 FEBRUARY 2009, AT 2.12 PM

Continued from 28/1/09

Counsel assisting:

MR B.E.F. TOOKER

MS H.V.C. STAMP

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**THE COMMISSIONER:** Yes, Ms Stamp.

**STAMP, MS:** Thank you, Commissioner. I call Susan Evelyn Jabbour as our second witness.

**JABBOUR, SUSAN EVELYN** called:

**THE COMMISSIONER:** Just be seated for a moment thank you, Ms Jabbour. Mr Vandongen?

**VANDONGEN, MR:** Thank you, Commissioner. With your leave I appear on behalf of Mrs Jabbour on instructions from Patti Chong Lawyers.

**THE COMMISSIONER:** Yes, very well. Thank you. You have that leave. All right, now Ms Jabbour, I am aware of course that you previously gave evidence at a private hearing of the Commission, but there are some things again that I need to talk to you about before we start. By section 138 of the Corruption and Crime Commission Act before conducting an examination of you for the purposes of an investigation under the act I am required to inform you of the general scope and purposes of the investigation, unless in the circumstances I consider it undesirable to do so. I do not regard it as undesirable, and so I tell you that the general scope and purpose of this investigation is to determine if any public officer employed by the Department for Planning and Infrastructure has, is or may have engaged in misconduct in relation to the inspection, licensing and registration of motor vehicles or in any other function in their capacity as a public officer. Before your examination begins I will require you to take an oath or affirmation to tell the truth. Which would you prefer?---I'll have the Bible.

**THE COMMISSIONER:** The Bible? Very well. Will you stand up please and take the oath.

**JABBOUR, SUSAN EVELYN** sworn:

**THE COMMISSIONER:** Thank you. Please be seated. I will now tell you of your rights and obligations under the CCC Act. The act says that if you fail to answer any question relevant to the investigation that I require you to answer, you will be in contempt of the Commission. You are not excused from the requirement to answer the question on the ground that the answer might incriminate or tend to incriminate you or render you liable to a penalty. When Ms Stamp asks you a question she will be doing so on my behalf and you must answer. If I take the view that a question is not relevant or not appropriate I will intervene. In the absence of that intervention, however, you must answer the question. I may ask you some questions myself in the course of the examination but for the most part the examination will be carried out counsel assisting. However, the Corruption and Crime Commission Act provides protection for you in the following way: anything you say in your evidence here is not admissible and cannot be used in evidence against you in any criminal prosecution. There are really only two exceptions to that. The only circumstances in which what you say here can be used against you are where you are charged with contempt of the Commission, which is punishable as a contempt of the Supreme Court should it happen, or where you are charged with an offence against the Corruption and Crime Commission Act itself, such as giving false or misleading evidence. What you say here cannot be used as evidence against you in any prosecution for any other criminal offence. However, if you give evidence later in any civil or criminal proceedings which is not the same as what you say here, evidence may then be given of what you did say here. You must tell the truth here, you must give truthful answers to the questions asked of you and you have promised to do so by taking the oath. If you do give false or misleading evidence you may be committing a crime under the Corruption and Crime Commission Act and the maximum penalty for giving false or misleading evidence to the Commission is a fine of \$100,000 and five years' imprisonment. Do you understand all of that?---Yes.

Yes, very well. All right, Ms Stamp?

**STAMP, MS:** Thank you, Commissioner.

Your full name is Susan - - -

**VANDONGEN, MR:** Can I just interrupt? Sorry, Commissioner, sorry to interrupt.

**THE COMMISSIONER:** I'm sorry. Yes?

**VANDONGEN, MR:** Could I just indicate that Ms Jabbour is four months pregnant, Commissioner?

**THE COMMISSIONER:** Yes.

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**VANDONGEN, MR:** I think the Commissioner is aware of that.

**THE COMMISSIONER:** Yes, I am.

**VANDONGEN, MR:** I have told Ms Jabbour if she feels at any time necessary to leave the hearing room she is to do so and I would explain to you, sir, why that has occurred.

**THE COMMISSIONER:** Yes.

**VANDONGEN, MR:** I doubt that will occur but it may be that it does.

**THE COMMISSIONER:** No. That's perfectly fine. That's appropriate, so don't feel inhibited by that, Ms Jabbour?  
---Thank you.

**VANDONGEN, MR:** Thank you, sir.

**THE COMMISSIONER:** Yes, thank you, Mr Vandongen. Yes, Ms Stamp?

**STAMP, MS:** Thank you.

Ms Jabbour, your full name is Susan Evelyn Jabbour?  
---That's correct.

And your date of birth is 15 January 1985?---Yeah, that's correct.

Is it correct that you are married to Jimmy Jean Jabbour?  
---Yes.

Is it correct that you own and operate a business called Eurotyres?---Yes.

Do you own and operate that business with your husband?  
---That's correct, yes.

I understand that that business is under the banner of a company called J and S Jabbour Holdings?---That's correct, yep.

How long have you been operating the business of Eurotyres?---We opened the business on 5 July is when we got all our company - 5 July 07. 07 I think it was, yeah.

Whereabouts is the business located?---It's 202 Star Street in Welshpool.

What sort of business is it?---A tyre retailer.

Do you do any car repairs at all?---Very minimal. Just all basic stuff, like a service or change the brakes or anything like that. Just real minimal stuff.

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Is it correct that your father previously owned that business?---That's correct.

Was it also called Eurotyres when he owned it?---Yeah, he traded as Eurotyres but he had like a private company that was A and J Roufail Auto Repairs.

What is your father's name?---Abraham Roufail.

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When he operated Eurotyres, was that carrying out the same type of business?---Very similar, yes.

Is it correct, Ms Jabbour that Commission officers executed a search warrant on Eurotyres in December last year?---I think so, yes.

Do you recall that taking place?---I remember it taking place, yes.

Do you have anyone helping you with the work of Eurotyres apart from your husband?---My husband and I basically run the business, but I've got my auntie that helps us out with the books.

What is your aunt's full name?---Coralie Ann Raphael.

Is she known by any other name?---Coralie Ann Brown.

Is it correct that she's also known as Coco?---That's correct, yes.

What does she do you a the business?---She just helps me at the end of the month when we just type out our statements for the car yards and just lets me know - little things that I'm not aware of, she helps me out with.

Is it correct that she would do your bookkeeping then?---Yeah, basically.

And how long has she worked for Eurotyres?---Since we opened she has sort of been helping out and then towards the end we sort of put her on the books a bit, just to help her out, because she was doing it out of - just because she cares about us, but financially she has been in trouble so we are just trying to help her out.

So Coco is formally paid by Eurotyres?---That's correct.

Do you employ anybody else, apart from her?---We had a couple of contractors, but it just wasn't working with them. It was - they want smoko every 10 minutes and - which is no good. We need to find someone soon, yeah.

So at the moment you don't have anyone working?---We don't have anyone, no.

You have mentioned that you sell tyres. Do you do any other sort of work on cars? Can you tell me what sort of repairs you do?---Mainly tyres or we lower suspension of cars, just like major - like minor things.

Is it correct that your husband would mainly do the tyre changing and repair work?---Yes, that's correct.

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What sort of duties would you do at Eurotyres?---Pick up cars from car yards and just answer the phone whenever I'm there, all that sort of stuff.

Is it correct to say that you would be mainly organising most of the administration of Eurotyres?---That's correct, yes.

So would it be correct to say that you would do more of the paperwork, so to speak, than your husband?---Yes, that's correct.

Do you actually need a licence to sell tyres or to run that sort of business?---As of July this year there's a new law that has come out that you need a certificate to run a tyre shop now; so we had some people come out and examine us and we have passed all that. We're just waiting on all the certificates to come through.

Who are your usual customers? Who comes to Eurotyres?  
---Mainly car yards.

Do you have any private people who come for help?---We've got a few, but just mainly car yards. It's mainly all accounts that we deal with, like a lot of - - -

How do your customers hear about Eurotyres? Do you advertise?---We just started actually advertising, because the car yards have slowed down a little bit, so we've started trying to get some more work through private people and we started advertising in the Quokka.

Prior to you advertising, how did the private people hear about you?---Just knowing my dad from before probably, and it's just word of mouth.

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What fees do you charge people for tyres and for car repairs?---Depends on the car. Depends on the size of the tyre. All sort of stuff comes into it.

Would it also depend on how much time you have to spend on a car?---That's correct.

Can you just explain to me what you would normally do on a normal work day? What do you have to do each day?---I sort of wait for phone calls to come through. If a car yard needs some tyres I'll go down, pick it up, leave my car there, come back. Jimmy will change the tyres. I do an invoice and I drive the car back and drop it back up to them.

Do you provide any other services apart from what you have told me about?---Not really, just - it's mainly tyres. A lot of it's just tyres.

Are you involved in the licensing of vehicles?---Yes; yep.

How long have you been involved in doing that?---Since we've sort of been open I think. We just do a couple of car yards that ask to get their cars over the pits, so we do that for them.

Just to clarify, when you talk about over the pits, is it correct that you are referring to the government licensing department?---That's correct.

And the pits, are you referring to the examination centres where you take a car?---Yes, that's correct.

**THE COMMISSIONER:** Ms Jabbour, could I just ask you to move the base of that microphone, the bottom of it?---Yeah.

No. The bottom of it. No?---Okay.

Thank you?---No problems.

**STAMP, MS:** If you can just remember to speak into that, that's great?---Yeah.

Thank you. The cars that you assist people with licensing or taking over the pits, are those private people who bring the cars to you or is it the car yards?---Both.

And how does that normally work? How do they contact you? ---The car yards normally ring me up by mobile phone or the private customers drive their car in and say, "Look, this car needs to be taken over the pits," and we go through the car and see what's wrong with it. We fix it and then we take it over the pits.

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What sort of condition are these cars in? Are they new or are they second-hand?---They're sort of - some of them - like there's two different sections at the pits. There's under 60,000 K's and I think three years old; there's a different section which we do a lot of those, or there's the second-hand ones that are over that that gets the full inspection, whereas the other ones don't get a full inspection. They just get a quick look over. So we do both of those types.

Just to clarify, the cars that you have talked about that I think have less than 60,000 kilometres on them, do they still need to be inspected?---They get inspected but it's not a full inspection, like they don't drive the car. All they do is basically write down the VIN numbers, check all the VIN numbers out on the computer, look at the tyres, just look at the condition of the car and that's about it. It doesn't go over the pit or anything, just because they're like new cars. It's - they're the regulations over there.

The cars that you have just spoken about that are older, they need a more thorough inspection?---That's correct.

Is that correct?---Yes.

In relation to both types of cars, so the newer cars and the older cars, do all of those cars have to go to the licensing centres to be inspected?---Yes.

So there's no difference between them. They all have to go to the licensing centre to be inspected?---Yes; yep.

Those cars that are brought to you for licensing, have any of them ever had yellow stickers?---Yes; some of them have.

Do you understand what I mean by a yellow sticker?---Yeah. The cops have pulled them over; it might be like a smoky exhaust or bald tyres or something like that, and they've stopped the car and they want it to go over the pits to be roadworthy.

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Have you assisted people in relation to a car with a yellow sticker?---Yeah, we've fixed a couple of yellow stickers; yeah.

Would it be correct to say that you are involved more in helping people with licensing cars than your husband is? ---Yes.

Why is that?---Because he doesn't have the time to go there, whereas all I do is pick up cars and stuff. So when I'm at the pits there's some days I might be there for three or four hours. He's still at the shop still able to sell the private customers. It's just the car yards have to wait for me to go pick up cars and if they're urgent they'll drop the car off and he can still fix them, whereas if he was at the pits no-one could fix the tyres.

When people bring a car to you for help with licensing, do you also repair the car if that's needed?---Yes.

What sort of work is normally needed on a car - can you give me examples - before it goes over the pits?---Mainly they've got bald tyres or a dirty motor or something, like leaky oil. So we clean the motor, make sure that's all fixed. Light globes have been blown, so we change the light globes. All that sort of stuff. Real minor stuff. We don't touch any of the heavy stuff.

What paperwork do you need in order to have a car inspected at the licensing centre?---You need an MR number, which is like a receipt you get from the pits; and there's like a greenie form that you can pick up from the pits and you just fill it out with the VIN numbers and stuff and it just makes it easier for the examiners when you take it down because everything's filled out so they just check it all and it just saves time.

Can I just clarify with you? You talked about an MR number?---Yes.

Can you explain to me what that is?---It's just - it's like the receipt of purchasing a ticket to inspect the car.

Is that a fee that you have to pay to have the car inspected?---Yes.

How much does that cost?---It's 83.30 if it's a full inspection or 58.10 if it's one of those 60,000 K's or less, when it's just like a semi-inspection.

When a person comes to you for help with licensing, do you buy the MR number or receipt for that person?---Yeah, that's correct. I buy in bulk. I buy about 10 at a time, because it takes a long time to line up to get the MR so I just buy a bulk buy and I leave them at the shop so every

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time a car comes through I've got them ready to take them over the pits.

How do you purchase those receipts?---I go into a licensing department, I write a cheque and purchase them from there.

Can anybody buy them in bulk? Do you, yourself, when you want to buy a number of them, do you have to give a reason why you want so many?---No, I never been asked. Just - you can just buy as many as you want.

How many do you normally buy?---10.

Have you bought more than 10 in one lot before?---I may have. I'm not sure. I may have bought like 10 of those and one of just the minor inspections or something like that.

Where do you normally buy your MR receipts?---From a vehicle examining centre just at Welshpool.

Do you buy them from anywhere else?---No. I don't know anywhere else you can buy them.

How long have you been helping people license cars?---Just from when we started the business.

What is the process when someone wants your help in having a car licensed? Do they contact you by phone?---Depends on who it is. If it's a car yard, yes. Private people rock up to us, and that sort of stuff. Just depends on who wants to get their car inspected.

Do they then bring the vehicle to Eurotyres?---Yes.

Then what do you do with the vehicle?---We look at the vehicle. We inspect to see if there's anything wrong with the car and, if so, we fix it. If not, we just take it over the pits because it's all ready to go.

53/12/sjr

So for every car that comes into Eurotyres that needs that assistance, do you then take it to the licensing centre?  
---Yes.

And that's for each car, you take it to the licensing centre?---The majority of the cars, yes.

But some of them you don't?---Some of them the vehicle examiners come to our shop. If we are really flat out, they will come out and they will help us out.

That's a point I want to explore with you a bit later, but can you just advise me, when people come to Eurotyres for help with licensing, do they pay you a fee for you having to do that?---Yeah, the car yards or whoever comes, it's \$200 our labour and \$83.30 for the pit pass.

Is that the same fee charged to everybody?---Yes, depending if it needs work.

So there could be additional costs on top of that if it needed work?---That's right. If it needed a light globe or tyres or something, that's all extra; just our time to be at the pits.

Is it correct to say that fee is charged for all your services involved in having that car passed over the pits?  
---Not necessarily passed, just our time when we're there, it's just our time spent at the pits that - it's not a guaranteed pass, it's just our time that we spend.

You have stated before that you go to the Welshpool licensing centre. Is that correct?---That's correct.

Is that because it's close to your shop?---That's correct.

In respect to taking a car to Welshpool to take it over the pits, do you need to make an appointment to do that?---No.

What do you do?---You just rock up, so it's just pot luck. If you rock up and there's no cars there, you're lucky, you go straight through. If not, you have to wait.

Do they take appointments at all there?---Not that I'm aware of, no.

Would you often have to wait quite a long time at the pits?---Sometimes I do. Sometimes I've been there from like - there was a stage where it was quite busy. You would have line up outside the gates, go in about 6 o'clock in the morning, never leave until 11.30, 12 o'clock in the afternoon, so there were some days - that was at one stage, and then there are some days that you can just drive straight through and there's no-one around.

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Do you know how many examiners they have at Welshpool?  
---I'm not sure. There's always different guys there all the time. There's normally about five or six guys that I can see, but I'm not sure how many there are there.

Is that the only licensing centre you have used?---Yes.

Ms Jabbour, I just want to ask you some questions about a person called George Badih Raphael?---Yes.

Do you know this person?---Yes.

How do you know him?---He's my first cousin.

How long have you known him for?---All my life.

You obviously know him as a relative?---Yes.

Do you know him also in a professional sense at all?  
---Sometimes we buy parts off of him, or sometimes he buys tyres from us.

What sort of work does Mr Raphael do?---He's got a wrecking yard, so he gets a lot of second-hand tyres and just parts and stuff in general.

Do you know the name of the wrecking yard?---Safeway Autos, I think it's called.

And where is that located?---7 Rees Street in O'Connor.

Just to clarify, would he sometimes buy tyres from you?  
---Yes.

And would you sometimes buy parts from him?---Yes.

Has he ever helped you with the licensing of vehicles?---I think there was one stage he did a couple for us. It was just that we were so busy we couldn't do them, so I asked him to do them.

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Do you remember how long ago that was?---I'm not too sure. It was a little while back, probably - probably like August or - I'm not too sure; September or something, I'm not too sure, last year.

How many cars did he help you with?---It was only two, two or three. I'm not too sure but it wasn't very many.

Can I just clarify, are these cars that come to Eurotyres and people are seeking assistance for them, you then send them to George for the licensing - Mr Raphael, excuse me? ---Only - there was only a couple that we did because we've got a lot of customers that we help out with - like take cars over the pits for them and we were so busy we didn't want to tell them, "No, we can't do it." So we just asked George to help us out when we were really busy at that stage.

Do you know which licensing centre Mr Raphael uses?---I'm not too sure. I think Kelmscott but I'm not a hundred per cent sure.

Are you aware of which examiners he might go to?---No. I never knew that.

Do you pay Mr Raphael a fee for helping you license the cars?---Yeah. I think we paid him \$250 at the time.

Is it correct that even when Mr Raphael helps you with a car you still charge your customer the \$200?---That's correct, because it's not their fault that we couldn't take it over, so they shouldn't get charged for it.

Is it correct then that your customer pays you the \$283.30 and you pay Mr Raphael the 250 anyway?---That's correct, yes.

Do you know a person called Barry Tanner at all?---No, I've never - I've only heard him on the TV now but I've never met him or anything like that.

In respect of the Welshpool licensing centre which is the one that you have told us that you use, you have stated in your evidence that you don't have to make an appointment. Is that correct?---That's correct, yes.

You simply wait in a queue to be looked at. Is that correct?---That's correct.

How long does it normally take for an inspector to examine your car when you finally are seen by an inspector? ---Probably about 10 minutes or five minutes or so, not very long. They normally just check the lights. You drive over the pit, they look underneath, you drive up forward,

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they jack it up and then they take it for a test drive. Probably with the test drive about 15 minutes.

Would it ever be the case that an inspection that you have been present at would take more than 15 minutes?---Yeah. If we're searching for engine numbers or if there's someone in front of us that's still searching the car - like still checking the car and we're just behind waiting for the pit to free up or waiting for the guy to move when he's jacking up the car.

Do they always take the car for a test drive after the inspection - - -?---Yeah.

- - - or before the inspection is complete?---Yes.

And what documents do you need to give to the examiner at the time of the inspection?---Just the receipt for the MR number and just the green form that we filled out. You have to sign your name at the top and then you fill out the VIN number, the engine number and all that sort of stuff and you just give them that, and then they will just check it off.

Is that the certification of inspection form that you are referring to?---I think so. I think that's what it's called, yes.

Who is responsible for filling out that form? Is it the examiner?---I think anyone can fill it out, because you have to sign your name at the top. So I just fill it out just to save them time, because it just saves a lot of time. Instead of them writing it in and then checking it, all they do is check it and then - it just saves that first process.

55/16/glj

Does the examiner sign that form?---Yes.

Is it correct that the examiner uses that form to note down any problems with the car?---That's correct.

After the examiner has inspected the car and filled in that paperwork, what does the examiner do after that?---He goes inside and then just types it all out. Checks all the VIN numbers and everything on the computer and - and then he comes out after - that takes about 20 minutes and then he comes out and gives you the form that it's either passed or failed.

So as far as you are aware the examiner enters details into a computer?---Into a computer. That's all I see, them in a computer. I don't - don't know what they do.

Is it correct that the examiner needs to do that before completing the inspection?---That's correct.

You have already given evidence that you have to pay for an MR receipt?---Yes.

Do you have to pay anything further when you go to the examination itself?---No. That's - that's the whole thing. That's everything. That's the inspection and everything.

So there's no need for you at the time of the inspection to pay a further fee?---No.

Is that correct? Do you keep any documents after the inspection? Does the examiner give you any documents back?---He gives us a receipt that it's either passed or failed and that's given to the customer; and if it's passed that customer will go in and pay a rego, or if it's a yellow sticker it just - there's no receipts after that because they just take the yellow sticker off the computer.

In relation to a car which has been examined and passed which had a yellow sticker on it, is it the job of the examiner to remove the sticker physically?---Yes. I've never taken it off myself but I don't - I don't know if there's any rules against taking it off even it's been taken off by the examiner. I don't know but - - -

But in your experience it's the examiner who takes that off?---Yeah; yes.

What happens, what's the procedure if a vehicle fails the inspection?---They'll give you a list of what's failed with the car. You take it back. There's some days where you've gone in the morning and it might only be a minor thing so they'll keep the paperwork with them. I'll go fix the car and bring it straight back through in the afternoon; and so it's only cost me one pit pass, and just fix the car then

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or sometimes they'll give you a list.

Do you normally have to pay to have a car re-examined?  
---Yes.

How much do you pay?---58.10.

Is that a fee you have to pay every time you have to come  
back - - -?---Yes.

- - - for it to be re-inspected?---Yes.

You have given evidence earlier that the majority of cars  
that you license you take to Welshpool licensing centre,  
but some of them are inspected at Eurotyres?---That's  
correct.

Can you explain to me how that happens?---We'll have a  
couple of cars say at the front and we'll just ask them if  
they were able to come out and help us out with them and  
they normally come through because there's a drive-by,  
they've got like a team that drives around to car yards  
sometimes and check - inspects cars. So sometimes they'll  
come by and help us out.

Okay. We will just take this step by step so we can fully  
get your explanation. Do you actually contact the  
department to arrange these inspections at Eurotyres?---No.  
I call either the examiner's mobile phone or if I see them  
I'll ask them if they could come by.

56/18/sjr

Okay, and is this a call you make to particular examiners?  
---Yeah, there are some examiners that help.

What are their names?---There's Brent.

Do you know his full name?---No. Then there's John.

Do you know his full name?---No. And Peter, but Peter has never come to the shop. It's always been at the examiners' place.

Do you know Peter's full name?---Peter Howard I think it is.

Are there any other examiners who come to Eurotyres to inspect vehicles?---No.

I just want to show you a couple of photos of people, because you haven't been able to give me full names of two people?---Yeah.

What I will do is, the photo will come up on the screen in front of you in a moment. If I could have 01 - B01, I'm sorry. Do you know that person?---Yeah, that's Brent.

How do you know him?---I've seen him at the examiners and sometimes he bought some tyres off of us.

When you say at the examiners, what do you mean?---At the pit - at the Department of Infrastructure, licensing department.

Where is that located?---At Welshpool.

Thank you for that one. If I could have J01 please.

Do you know that person?---Yeah, that's John.

How do you know him?---Same way I know Brent, just at the licensing department and he has also come and bought tyres off of us as well.

When you say licensing, is that at the Welshpool - - -?  
---Yes.

Thank you for that. Is it correct then that you telephone either Brent, John or Peter when you would like them to come to Eurotyres to inspect a vehicle?---Yeah, mainly Brent, and yeah there has been occasions where the other two have helped out, but very rare, like hardly ever; mainly just all at the licensing department.

How often would either Brent, John or Peter come and inspect vehicles at Eurotyres?---Hardly ever. Probably

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like, 10 per cent of the time or even less, very rare occasions.

Is there a reason that you ask them to come to Eurotyres rather than you go the licensing centre?---Yeah, just because we don't have time to just - because some days you can spend like five hours at the pits, and if you spend that long it's just not worth it. You waste your whole day there.

The cars that you asked them to come and look at at Eurotyres, are they usually new cars or second-hand cars? ---Mainly they're cars that have done 60,000 K's or less, just because they are not a full inspection, so it's quite quick - it would be quick at the pits anyway, so it's just nice and quick.

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Are you aware of whether other car repair places also have inspectors come in to look at cars at their premises?---I know some car yards have vehicle - there's a special - there's a little Lancer that they've got that two examiners go out and they inspect cars on site, but that's - I don't know who they are or anything like that.

So you are aware of car yards who have that service provided to them?---Yeah, there's some car - I'm not sure which car yards but because they've got so many cars the examiners go out in a car and they inspect it on site, just because it's quicker and they don't want to make too much traffic at the pits.

Are you aware of whether examiners go to private shops like yourselves?---I'm not sure. I don't know that.

Do you have a formal arrangement with the licensing department for the inspectors to come to Eurotyres?---No.

So is it an unofficial arrangement?---Yeah, you could say that; yeah.

When you ask them to come to Eurotyres, do they normally come on a week day?---Yes.

Would they normally come at a certain time during the day? ---Just depends when they can come through. It's no certain time or anything like that. It's when they can come through.

Do the examiners wear uniforms when they come to Eurotyres to inspect?---Yes.

Do the examiners ever come to Eurotyres on a weekend to inspect cars?---No, never to inspect cars. Only to - if they need tyres or anything like that they'll come during the week - the weekend.

**THE COMMISSIONER:** Are you open on the weekend, are you? ---Not normally, but there have been the odd Saturday that we'll open and there's been occasions where they're just driving through and they'll come through.

**STAMP, MS:** When they inspect the cars at Eurotyres for you, do you put those cars on the hoist?---We've - we have put them on the hoist and checked them ourselves, but I can't remember any car being put on the hoist. There might be occasions where it has been on the hoist when they've come by and they've just had a look at it, but very rare.

So is it correct that for the majority of the inspections when the inspectors come to Eurotyres, the tyres are not put on a hoist?---That's correct; but some of the cars are 60,000 K's and under, so even at the pits they don't go

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over a pit or anything like that. They don't get jacked up or anything. They just get the VIN numbers and all that written down.

When the inspectors come to Eurotyres, how long does it normally take for them to examine a car?---Sort of same thing, 10 minutes or so. They just look through the car, have a look at it and that sort of stuff.

**THE COMMISSIONER:** I just want to get one thing clear. Are you saying that in relation to them inspecting vehicles at Eurotyres that you can't recall one occasion on which the inspector asked to put the car up on the hoist?  
---That's correct.

I see.

**STAMP, MS:** When the inspectors come to Eurotyres, what paperwork do you need to give them?---Just the same paperwork as I give them when I go down to the pits. It's all the same - same procedure.

So you provide them, is it correct, with an MR receipt?  
---That's correct.

Is that to show them that you have paid the fee?---That's correct.

Do they bring along the certificate of inspection with them?---I've normally got them in the shop, because I fill them out. So when they come in they just check - check it off the car.

Would you always fill out their certificate of inspection when they come to inspect a vehicle at Eurotyres?---Yeah, and even if I go down to the pits it just saves time.

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Is it normal that the person having the vehicle inspected fills out that form, or would it normally be the examiner who would do that?---I'm not sure. I've always filled it out. Sometimes the examiner, if I haven't filled it out, they will want me to sign it off, so it always has to sort of come into our hands eventually; so I didn't think that there was any dramas with filling it out.

**THE COMMISSIONER:** I think we should be clear about what we mean when we're talking about filling out the form.

**STAMP, MS:** I will actually show you one of the forms and that will probably be the easiest way to do it?---Yes.

If we could have 1079.

It will come up on your screen shortly. Is this the form that you're referring to?---Yes.

And that's a certificate of inspection?---Yes.

You have just given evidence that you fill out the form. I can see that at the very top there's a section for the person who's the applicant to fill in?---Yes.

So that's the person who wants their car inspected?---Yeah.

And then the rest of the form looks like it's for filling in the details of the car and then the second part is for anything wrong or what needs to be worked on on the car. Is that correct?---That's correct.

Do you fill out most of the form?---I just fill out like the VIN number, just what colour it is and all that sort of stuff, just that front first one, not the second one.

**THE COMMISSIONER:** Let's just do it bit by bit, shall we. Could we have that expanded at the top please. Just looking at the top part.

**STAMP, MS:** Ms Jabbour, if we could just look at what I will call page 1, which is the first part?---Yes.

Do you see where - I'm hoping the pointer will go down to the first part of the form.

**THE COMMISSIONER:** I just want the top of the form expanded, that first part. All right. Thank you.

You see name in full, family name, et cetera?---Yeah.

Is that something you fill in?---Yes.

Driver's licence number, is that something you fill in? ---Yes, we fill all that in.

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Plate number?---Yes, that's if it has a plate.

And the MR number?---Yeah - no, I don't fill out that MR - that's a new thing. I've never seen that before on the ones that I've got.

Okay. Residential address?---I just - because I've got a stamp, it says Eurotyres with all the details, so I just stamp that over the top of it all.

So basically, apart from the MR number which you haven't seen before on that form, you fill out that top section of the form. Is that it?---That's correct.

Under that, do you fill out anything under that next blue line?---Yeah, I just fill out the VIN number, the body, the year, the make and the model, the odometer reading, how many cylinders it is, what colour it is, and that's it, and the engine number, that's it.

These are all under the line which says "Vehicle details to be completed by examiner"?---That's correct, yeah.

Yes, thank you.

**STAMP, MS:** Thank you, Commissioner.

**THE COMMISSIONER:** Yes.

**STAMP, MS:** I'm finished with that one, thank you.

Do you pay any fees to the examiners when they come to Eurotyres to inspect the tyres?---No.

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So the only fee that you have actually paid is the actual MR receipt. Is that correct?---That's correct.

What is the benefit to having the inspectors actually come to Eurotyres?---Just to save time because, yeah, you could waste your whole day there just to inspect one car and it's just not worth it if you spend the whole day there.

When you say "there", you are referring to the Welshpool licensing centre?---That's correct, yes.

You have mentioned some examiners; Peter, John and Brent. How have you got to know those people?---You just - when you see them at the pits you just - they start like examining a few cars and you start talking to them, and you just get to know them that way.

Do you only know them in a professional sense with licensing or do you know them on a social basis as well? ---Just in the professional sense.

Do you know a person called William Burrows?---No. Is that Billy or - - -

I think he is also known as Billy, yes?---Yes, I know Billy.

How do you know Billy?---Just from the pits. Whenever I go in I say hello and that's about it.

Does he work at the Welshpool licensing centre?---Yes.

Did you meet him when you went to the licensing centre? ---Yeah. You see them all there.

How long have you known him for?---Just like - just every time I go to the pits I used to see him, so, yeah.

You mentioned earlier in your evidence that your father used to operate Eurotyres?---That's correct.

And your father's name is Abraham Merched Roufail?---Yeah, that's correct.

Does he still work at all?---Not really, no. He's just mainly at home or - he's doing like little things at the moment but no real job at the moment, no, just retired.

Does he do any work for you at all, for Eurotyres?---There was a stage where we were really busy that he used to take a couple of cars for us over the pits, but then we slowed down a little bit so we started taking them but it wasn't really - not like - just like a casual sort of thing, like just helped us out, take a couple of cars over the pits.

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Can you recall the last time that your father helped you do that?---It would've been the beginning of this year or something. It was quite a while back.

Sorry, when was that?---The beginning of like last year, sorry.

2008?---Yeah, 2008 or mid-2008, I'm not too sure but it was a while back.

Has he helped you since that time?---No.

Do you know if your father licenses cars for other people? ---I think he does. I think he helps out. He's got a couple of car yards that he does them for.

I would like to play a call to you now. It's T2159. We will play the call to you, Ms Jabbour, and you will also have a transcript that appears on the screen in front of you?---Yep.

This is a call between yourself and Coralie Raphael, your aunt?---Okay, yep.

Start of TI transcript, exhibit number T2159:

C RAPHAEL: Hello.

S JABBOUR: Hi.

C RAPHAEL: Hi.

S JABBOUR: I hope we haven't had a fight with Dad again. We asked him to license us a car Dad keeps going on and on about all his friends are at Welshpool. I said take

C RAPHAEL: Right.

S JABBOUR: this car and license there's nothing wrong with the car. Car's

C RAPHAEL: Yeah.

S JABBOUR: got one hundred percent nothing wrong with it.

C RAPHAEL: Yeah.

S JABBOUR: ....but I won't pass a hundred percent I said why are we paying you a hundred dollars. He said your mates are there can you pass it or not he goes nuh I don't know maybe not. I said well leave it let me take it.

C RAPHAEL: Yeah.

S JABBOUR: And well I had to come a special trip to do it I said sorry but I need it to pass he said I can't guarantee it I said don't worry. I've taken it I've been I skipped the whole line went and saw John come and did it and he's passed it already. And Dad's got noone there.

C RAPHAEL: Well, but but why would you have

S JABBOUR: ...

C RAPHAEL: a fight with him love?

S JABBOUR: But he's probably uhm I didn't fight with him but he's probably gonna be upset that I made him come to the workshop and not even give him the job.

C RAPHAEL: But he said he couldn't do it.

S JABBOUR: He said he he said he can't a hundred percent pass it. I needed him to hundred percent pass it. It's fair enough isn't it?

C RAPHAEL: But did he go away and no don't worry just leave it don't panic about it sweetie.

S JABBOUR: I ...

C RAPHAEL: Don't worry

S JABBOUR: dramas anymore it seemed like Mum was pissed off but I need it to pass a hundred percent I said where's Billy well Billy not there when does he come back I can give you jobs then. He goes he's not gonna be doin' it anymore he's got noone. I don't need him to go drivin' there just to fail with him.

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C RAPHAEL: No well don't ask him to do some runs until you ... stop with something then.

S JABBOUR: I'm just gonna do 'em myself look Coco how I went I've only been a half an hour I skipped the line there was 20 people in the line skipped a whole line parked on the side called John did it, did the paperwork and I'm on my way back and the people that I've skipped in front of haven't even been touched yet.

C RAPHAEL: Yeah yeah.

S JABBOUR: I don't need him to do it anymore really.

C RAPHAEL: No well don't don't ah just don't ask him but if he says he can't do it and you've got someone waiting for it you have to try and do it yourself alright so don't

S JABBOUR: ...

C RAPHAEL: you can't

S JABBOUR: He can

C RAPHAEL: you can't have a fight over that love.

S JABBOUR: He can take it to the pits but he can't pass it a hundred percent I need it to pass a hundred percent why people, the guy's paid us five hundred dollars.

C RAPHAEL: Yeah yeah yeah.

S JABBOUR: We want to pass.

C RAPHAEL: Yep. Yep yep. No well don't panic about it. I mean if he gets upset with that if he said he's not a hundred percent sure well he can't blame you for that.

End of TI transcript.

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**STAMP, MS:** Thank you. Ms Jabbour, do you accept that that's a conversation between yourself and your Aunt Coco?  
---Yes.

And the date of that conversation is 27 August 2008. Was your father still licensing cars at that time?---He was taking a few over the pits, yes.

You refer to someone called Billy in that telephone call. Is that the same Billy we just spoke about, the examiner?  
---Yes.

Was Billy someone that your father was using?---I'm not too sure about that but I do know like it's just some people that we're used to going there so it's just - you feel confident in going to an examiner that you know than an examiner - like a new examiner because the new examiner they'll pick on any little thing, whereas some of these examiners - like if the aircon's missing a knob or something the examiner might fail it, whereas these guys - they sort of help you out with little odd things.

As far as you are aware does your father still go to see Billy for licensing?---I'm not sure. I don't know.

It's also mentioned - - -

**VANDONGEN, MR:** Sorry, sir. Just before - is my friend about to go on to a new topic?

**STAMP, MS:** No, just one more question.

**VANDONGEN, MR:** All right, I will deal with it when the topic is finished.

**THE COMMISSIONER:** Yes.

**STAMP, MS:** Just in respect to that telephone conversation, you also mention an amount of money, \$500?  
---Yes.

Is that more than you usually charge someone?---We might have done some work to the car. Sometimes we - because I was saying the car's a hundred per cent, nothing's wrong with it, we might've fixed globes to it or something and the customer says, "You've charged me this much money to fix the car. I want it to pass." So it's not guaranteed with the examiner but it's just guaranteed that I tell the customer that I'm charging you this much to fix the car to make it roadworthy so it will pass.

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**STAMP, MS:** Thank you, Commissioner. I'm not sure if my friend wants to - - -

**THE COMMISSIONER:** Yes?

**VANDONGEN, MR:** I was sitting in during the evidence of Mr Jabbour and now I notice also with this witness that only part of the telephone calls are being played and only part of the transcript obviously because in the top of the transcript it clearly says in this particular case that the call lasted at least five minutes.

**THE COMMISSIONER:** Yes, some of them can be quite long.

**VANDONGEN, MR:** I understand that.

**THE COMMISSIONER:** Yes.

**VANDONGEN, MR:** If adverse findings are to be made against my client at some stage I presume that we will be provided with the full telephone intercept.

**THE COMMISSIONER:** Yes, you will have access to the whole of it.

**VANDONGEN, MR:** Thank you, sir.

**THE COMMISSIONER:** Yes. Yes, Ms Stamp?

**STAMP, MS:** Thank you, Commissioner.

Ms Jabbour, I just want to ask you now some questions about the examiner you have called Peter in your evidence?---Yes.

In your evidence you knew him as Peter Howard. Is that correct?---That's correct.

And again, he is from the Welshpool licensing centre. Is that correct?---That's correct. They move around all over the place, sometimes they're in O'Connor and all that; but I know him from Welshpool.

How long have you known Peter for, or Mr Howard?---Since we've been at the business.

Since you started Eurotyres? Is that correct?---That's correct.

How did you actually meet him? Was it at the Welshpool pits?---Yes.

How many inspections, approximately, has he carried out for you where you have actually bought the MR receipt? Can you give me an indication?---I wouldn't have a clue, to be honest. I'm not too sure.

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Would it be a large number?---We haven't done that many cars and there's a lot of different examiners that have done the cars so I'm not a hundred per cent sure. I wouldn't know.

You have said in your evidence that Peter has attended at Eurotyres to inspect cars. Is that - - -?---No, he's never inspected cars at Eurotyres. He's just come to Eurotyres for tyres.

So the only occasions was when he wanted to purchase something?---Yeah.

**THE COMMISSIONER:** I think she said Brent and John would come to Eurotyres. Is that correct?---That's correct, occasionally.

To do inspections?---Some. Sometimes, not - very rare. Like really rare times.

I see.

**STAMP, MS:** And in respect of Peter, he would come to purchase tyres. Is that correct?---That's correct.

Would he come during the week or on the weekend?---Mainly during the week because we're not normally open on the weekends, but there have been the odd occasion where he's come on a Saturday just because we've been there doing some work.

What has he purchased from you?---I'm not sure. Just - just a few tyres. I don't know how many or - - -

Do you provide him with a discount for those tyres at all? ---Yeah. We give him like about 15 per cent. We just charge him 15 per cent on top of what they are. Just like a good customer, like any good customer that comes in.

**THE COMMISSIONER:** What's your normal charge-up rate? ---About 25, 30 per cent.

**STAMP, MS:** And for regular customers do you always give the same discount to everybody?---Depending on who they are. Like sometimes - because the examiners sometimes send cars that have gone to the pits that have failed because they've got bald tyres or something and they'll send them our way; so they send us more work so just to say thank you like you're saying to anyone thank you, you just give them a discount.

So is it correct to say you provide a discount to the examiners in appreciation for what they do for you?---Yeah, when they send work over from their pits.

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And has it been a number of occasions that Peter has come to obtain tyres from you?---Very rare. No, there's only been a couple of occasions. I can't recall how many.

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Have there ever been any occasions where he has been provided with tyres free of charge?---No.

Can you give me an indication of what the tyres would normally cost Peter when he buys them from you?---I'm not sure, I can't remember what size. Normally, if we charge 550, we might charge him 520 or 510 or something like that, to save him 40 bucks or something.

I just want to play a call to you now. It's T2177. This is a call between your husband and Peter about tyres, and again the transcript will come up on the screen?---Yeah.

Start of TI transcript exhibit number T2177:

HOWARD:                   Yeah, Jimmy, is it?

J JABBOUR:                Yeah.

HOWARD:                   Yeah, Peter here, mate. How you doing?

J JABBOUR:                Good, good mate. Good.

HOWARD:                   Listen, uh, the young bloke, uh, he's got a, a Surf. A h, uh, four-by-four Surf.

J JABBOUR:                Yeah.

HOWARD:                   And uh, he's sort of looking at putting some new tyres on it.

J JABBOUR:                No problem.

HOWARD:                   No, we, uhm, I'm just wondering, what have you got there? Have you got any thirty-one by ...

J JABBOUR:                Ten fifty-fifteen.

HOWARD:                   Fifteens?

J JABBOUR:                Yeah, yeah, yeah.

HOWARD:                   He's got, he's got uh, looks like the, the, the factory seven inch rims, can you, how far, how wide can you go with those?

J JABBOUR:                Seven inch?

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HOWARD: Yeah.

J JABBOUR: Uh

HOWARD: Could, can you put elevens on them or you gotta stick to ten and a half?

J JABBOUR: Nah, nah, uh, this one is ten and a half for thirty-one ten fifty-fifteens. That's the maximum.

HOWARD: That's the maximum, is it?

J JABBOUR: Yeah, that's the maximum wide he can

HOWARD: What, what brand of tyres are they?

J JABBOUR: I have actually Nixon. But I have two pattern. I have high, highway and all-terrain ...

HOWARD: All-terrains. Yeah. That's what he's got on now. He had a good run out of them.

J JABBOUR: Yeah. Yeah.

HOWARD: So what's the price

J JABBOUR: Nixons very, very good tyres actually.

HOWARD: What's the price on them?

J JABBOUR: Uh, you, you give them the price, you *(laughs)*.

HOWARD: *(Laughs)* Aye?

J JABBOUR: Don't worry mate, don't worry.

HOWARD: No, no, no, we gotta, we gotta, we gotta pay for the bloody things.

J JABBOUR: No problem. Bring me car. How, how your shoulder now?

HOWARD: Oh, it's still, I've been off. I've still got another, I've got the rest of this week, but

End of TI transcript.

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**STAMP, MS:** Ms Jabbour, that's obviously a call where Peter is coming over to Eurotyres?---That's correct.

Do you recall at all why he was coming to Eurotyres?---I'm not sure. Probably just to put some tyres on his car, like just to purchase some tyres.

I want to show you 0403A. This is on the same day but approximately half an hour later, after that phone call.

(DVD played)

**STAMP, MS:** That's all we need to play at this stage. Thank you.

Ms Jabbour, do you recognise who is in that video?---Yes.

Who is it?---That's Peter.

Do you recognise where that is?---Yeah. That's in our shop.

Do you recall that event? Were you present?---Yeah. I think he was putting on some tyres on his own car.

Had you provided the tyres to him?---Yeah. He'd purchased the tyres and we were just fitting them for him.

Do you recall if he paid the full rate or the discounted rate? ---He paid the discounted rate I think but he's just like any normal good customer that gets a good discounted rate. You just help out people, then they bring you more customers and you can make money off other customers. You look after your friends.

Did Peter ever ask you to provide a discount to friends of his for tyres?---He just - as you would say to anyone - if you're sending someone to your shop you just say, "Just look after them." It's just something that anyone would say. You just give them - you just help out. You want them to look good that they've sent you a customer and you've given them a good price, and you also want to feel good to your mate that you've helped them out and given their friend a good price.

Is it correct then that Peter would refer other customers to you?---Yes, sometimes; yes.

Would you give these customers a discounted rate?---Yeah. We give them a better discount than what they could get from any Bob Jane or anything like that but because Peter was sending them to us, Peter would always get a better price because he was giving us the customers, but they'd also get a cheaper price than what they could get off anyone else.

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Is it correct that you would provide a discount to Peter and a discount to his friends because he could help you with licensing?---Not necessarily. Just - just to help us out because he used to give us customers; like if you've got people that send you customers all the time, you always want to help them out just because they keep giving you work.

Would it have something to do with the fact that he does help you with the licensing?---He's just like a friend who - she just wants to help out. You know what I mean? It's not just all of that reason. It's just he helps us out. That's the way he can help us out sometimes by saving us time, and we can help him out by helping his friends out and helping him out when they need tyres.

I want to ask you now some questions about John?---Yes.

And as you have given evidence of you know John as a licensor or examiner at the Welshpool licensing centre. Is that correct?---That's correct.

How long have you known John for?---Since we've - actually he started after we'd had the business open, so probably about a year.

How did you meet John?---Just at the pits.

You have given evidence before that John comes to Eurotyres?---Yes. He's come on a couple of occasions.

Is that in order to inspect cars for you?---There may have been one or two but very little, not very many at all.

Has he also come to Eurotyres to purchase tyres or - - -?  
---Yeah, I think he purchased four tyres.

But it's your evidence today that he has inspected one to two vehicles. Is that correct?---At our shop, yeah.

At Eurotyres. Is that correct?---Yes. Yeah, there's not very many.

And would he often inspect vehicles that you take to the licensing centre?---Yeah. If I see him like - because how it works is when you line up, if you see your friend you sort of give them a wave and they might come over just to get you through quicker and you sort of - it's just a way of pushing in basically. You're just hurting the customer that's next to you that's been waiting a little bit longer. You just push in.

I want to play a call, T2156. This is a call between yourself and your aunt, Coralie Raphael, and it's on 21 August 2008.

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Start of TI transcript, exhibit number T2156:

C RAPHAEL: Yeah it dropped out again, bloody thing it's getting worse.

S JABBOUR: Yeah. Uhm, what was I gonna tell you,

C RAPHAEL: Mm.

S JABBOUR: I licensed two cars this morning.

C RAPHAEL: How many?

S JABBOUR: Two.

C RAPHAEL: Ah good. Who for?

S JABBOUR: Motorama and Motown.

C RAPHAEL: Okay. That's good love, did they go through quickly?

S JABBOUR: One of them was very easy and the other one was a bit dicey. But 'cause I did the easy one first I spoke to the guy there who said just make sure you get me, it's a new guy. And I got him and he passed it for me, so he says whenever you come through if there's something a bit dicey come and see me. So now I got a new one, so I've got Peter and a new one.

C RAPHAEL: Okay, okay that's good.

S JABBOUR: ...now and once I get a few of them it'll be good Coco.

C RAPHAEL: Yeah, yeah oh yeah, you should be right love.

End of TI transcript.

**STAMP, MS:** Ms Jabbour, do you accept that's a conversation between yourself and your Aunt Coralie?  
---That's correct.

You are talking there about licensing cars?---That's correct.

And you are talking about the new guy. Who do you mean by that?---I can't remember who it was. It might've been - I think it was John at the time.

You have also said in that conversation - you are talking about a car that's a bit dicey. What do you mean by that? ---What had happened, I'd taken one car over the pits. There was another one that I had that was an older car, a car that'd done about 200,000 K's. The car - we checked through the car; it was all top, there was nothing wrong with the car but you just - you're scared to go and get an examiner because some of the examiners might just pick every little thing, like they can pick like knobs on the aircon, they want knobs on the aircon, or the windscreen, the motor might be a little bit oily so you need to degrease it or something. They just pick on little things, and when the cars are old they can pick on anything. So I'd like to go to someone that's just going to look at the car as it is. The car might be 20 years old so they're just going to inspect it as it's merit, like it's just an older car that's a little bit run-down. There might nothing be wrong with the car, it's just a little bit run-down.

Is your evidence then that some of the examiners are more lenient than others?---Yes, some of them - basically, they've got a heart, you could say, because they're not going to pick on every little thing that could be wrong with the car.

When you refer to Peter, are you referring to Peter Howard?---Yes, because he's a little bit lenient as well; so when you drive in if the car's a little bit loud exhaust or something, it might just be like a standard exhaust, a V8 that someone has put extractors on, some of the examiners just pick on it and there's nothing wrong with the car, just some of the examiners and quite strict and they could pick on something and you could take it over the next day to someone completely different and they will just pass it. It just depends on the examiner that you take it to.

Is your evidence then that some examiners conduct more thorough inspections than others?---Not just that, I think some of them are just mean. They just - it's like a power thing. Some of them just think it's - you drive up, "I can do whatever I want to do." Like, it's just a power - some of them you feel like, I don't know, just a power thing that they can fail the car and do whatever they want to do with the car.

You have also said in that conversation, "So now I've got a new one, so I've got Peter and a new one." When you say "a new one," are you talking about a more lenient examiner? ---Yes, someone that's just nice, you know what I mean. It's - someone who's not going to be so like - just hard on some little things that could be wrong, just like - anything, you know what I mean, just someone that's going to help out.

What does it actually mean when you say, "I've got a new one"? Does that mean you now have an arrangement with these people?---No, I've just got someone there that I like, that I can trust, that if I see when I'm at the pits I just feel safe that they've inspected the car, because I know that they're going to inspect it and be nice about it, you know what I mean. They're not going to pick on every little niggly thing that's wrong with the car, because some cars - like the seat belt might be a little bit like tearing away. All you need to do is you get a lighter. You burn it away then the seat belt, there's nothing wrong with it. It just - sometimes it just de-threads or something. Just some examiners are a lot nicer than others.

You have also mentioned obviously that John comes to Eurotyres to inspect cars. Is that correct?---Very rare.

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When did he do that?---I can't remember when, but he come by once or twice just to help out.

Would he come there by himself or with someone else?  
---Normally by himself.

Would he be in uniform then?---Yes.

Would you provide him with a fee for doing this or would you provide him with some sort of benefit, like a tyre or parts of a car?---No, not really, no.

What do you mean, not really?---No, like you just help him out with tyres and all that sort of stuff.

How do you help him out? Do you provide him with a discount?---He needed some tyres. He'd asked me the price. I've given him a price. It took about a week for the tyres to come in, and then he had to get his rims repaired so the tyres were sold over a couple of weeks and then it sort of just went by without - he never actually paid for it, but it just sort of went by just over a couple of weeks, it just went by without paying, but it wasn't just for that reason. He was just a nice guy, like just to help out.

Is it your evidence that John received free tyres?---Yeah. He didn't receive it - he received tyres and he never paid for them, but it was - the agreement between us wasn't that he was going to get them for free, it was just something that just went by without further investigating, and then you sort of realise he hasn't quite paid, we will just wait till he pays, and then it just sort of got forgotten, and they are only cheap tyres, so it wasn't really worth - - -

So in essence he has received the tyres free. Is that correct?---Yes.

How many tyres did he receive?---Four.

Do you know how much they were worth?---Not very much. I can't remember exactly how much, but they were only 15-inch, only small tyres.

I would like to play you a call now, T2133. It's a call between yourself and your aunt, Coralie Raphael, and it's on 1 September 2008.

Start of TI transcript exhibit number T2133:

S JABBOUR: The guy for Licensing's coming to our shop 'cos we had a couple of cars, he's gunna come and do 'em in the workshop.

C RAPHAEL: Oh my god.

S JABBOUR: (*Laughs*).

C RAPHAEL: Alright. Alright.

S JABBOUR: .....going on a trip.

C RAPHAEL: Hey?

S JABBOUR: He even saves me taking a trip to drop the paperwork off.

C RAPHAEL: (*Laughs*).

S JABBOUR: Hm.

C RAPHAEL: Alright love. Okay

S JABBOUR: But he's he's a very good one he even gives me his mobile number and everything so he's gonna be ten times better than Peter.

C RAPHAEL: Mm. Well okay well just ah, just be careful with everything alright?

S JABBOUR: Yeah but it's good to have a second one, like now I've got two.

C RAPHAEL: Yeah. Well don't play 'em against each other or anything, don't let the other one know what you're doin' with the other one.

End of TI transcript.

**STAMP, MS:** Do you accept that that's a call between yourself and your aunt?---Yes.

And in that call you're talking about a guy for licensing coming to our shop. Do you know who that is?---I think it might've been John, I'm not too sure. It might've been Brent. I can't remember.

You say in that call, "He's going to be 10 times better than Peter"?---Yeah, I just - to be honest I just stir my auntie up a little bit. Like, I ring her up and I just - yeah, just sometimes have random conversations. I get bored during the day so - - -

Can you recall now who you're referring to? "He's going to come and do them in the workshop, and he's going to be 10 times better than Peter"?---Honestly, I can't remember the conversation.

What does this actually mean, this conversation? Are you in some sort of arrangement with this guy from licensing? ---No. Just because I think he's coming to the shop to help us out, it's just a lot easier than me having to go wait in a line or do all that sort of stuff, so it was just - it wasn't really an arrangement, it was just something that I assumed would happen, so it was just a conversation between my auntie and I.

You have stated here, "He even gives me his mobile number and everything." Is this not an arrangement?---As a friend; you know you take your friend's mobile number. Not necessarily it means there's any benefits or anything, you just take your friend's number that you can ring up, contact whenever you need.

**THE COMMISSIONER:** Did you have anything at all to do with him other than through his work at the licensing centre?  
---No, not really, no.

**STAMP, MS:** Can you explain at all why you stated he is going to be 10 times better than Peter?---Just stirring my auntie up basically. There's nothing - just conversations I have with my auntie are random, I don't know if you hear any of my other phone calls. I ring her up over random stuff all the time; so - - -

You have stated in that phone call, "He even saves me taking a trip to drop the paperwork off." What do you mean by that?---He might have been driving by when he was picking up his tyres and just dropped off our paperwork, so - because what I'd normally do is when I drive up to the pits, get the car inspected and then leave the paperwork and come back later; so instead of me having to drive back up there and pick up the paperwork, he might've been coming by and just dropped off the paperwork when he was picking up tyres or something like that. I'm not too sure.

And you're not sure who this particular person is that you're referring to?---It might've been John or Brent. I'm not too sure which. I can't remember the actual incident.

Commissioner, I'm mindful of the time. Perhaps if we could just have a short adjournment just for the witness's sake.

**THE COMMISSIONER:** Yes, very well. We will just take a short break. Just five minutes will do.

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**THE COMMISSIONER:** Yes, Ms Stamp?

**STAMP, MS:** Thank you, Commissioner.

Ms Jabbour, I want to play you a further call, T2134, and this is a call between yourself and John?---Okay.

Start of TI transcript, exhibit number T2134:

PIERCEY: Hello?

S JABBOUR: Yeah hi John it's Susan, how are ya?

PIERCEY: Good, how are you?

S JABBOUR: Yeah not too bad. Uhm, I've got a, a couple of cars, I'm just bringing one down now, uhm I dunno if you could help me out with a couple of other ones as well? Once uhm, yeah I'll come I'll see you anyway once I get there.

PIERCEY: Yeah uhm, I'm just gunna go and pick those tyres up in about, uh those rims up in about twenty minutes or somethin' too so.

S JABBOUR: Oh okay

PIERCEY: He's just finished 'em so. I'm

S JABBOUR: Yep.

PIERCEY: here 'til then.

S JABBOUR: Yep.

PIERCEY: So yeah.

S JABBOUR: Okay, should I uh, or do you wanna meet me at my shop and do 'em all there?

PIERCEY: Uhm

S JABBOUR: Would that be

PIERCEY: Yeah.

S JABBOUR: easier?

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PIERCEY: Yeah okay.

S JABBOUR: Okay no problems. I'll I'll

PIERCEY: I'll get, I'll get these rims and uhm,

S JABBOUR: Yep.

PIERCEY: I'll catch up catch up with ya.

S JABBOUR: No problems that'd be good. Thanks

PIERCEY: Okay.

S JABBOUR: Thanks John. See ya later.

PIERCEY: Alright, see ya.

S JABBOUR: Bye.

End of TI transcript.

**STAMP, MS:** If you just scroll up to the top of the transcript you will see that that call was at 12.24 on 2 September?---Yep.

And is it correct you were asking John for help with licensing some cars?---That's correct, yes.

Do you recall how many cars you needed help with?---I think it was just a couple. Just two cars.

I would like to play now T2135. This is on the same day but approximately one hour later.

Start of TI transcript, exhibit number T2135:

PIERCEY: Hello?

S JABBOUR: Yeah hi John it's Susan, how are ya?

PIERCEY: Ah mate I'll just pick these wheels up and I'm just comin' over now 'cos I've had bloody hold ups at work so.

S JABBOUR: Okay yeah no problems.

PIERCEY: I'll be there in about ten minutes.

S JABBOUR: Yeah no probs, thanks John.

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PIERCEY: Okay, ta.

S JABBOUR: See ya later, bye.

End of TI transcript.

**STAMP, MS:** Do you accept that in that call John is stating that he's coming over to your shop?---That's correct.

I would now like to play 1259. This is video taken on the same day, approximately less than 10 minutes after that phone call.

(Video played)

**STAMP, MS:** Can you explain to me what's happening in that video? Is that Eurotyres?---That's correct. That was before how I said he had a couple of rims that he was getting repaired and then he needed the tyres for those, he'd picked up two of the rims and the other two rims were still getting repaired. So we'd fitted these tyres for him and he was just picking up the tyres.

So you were providing tyres to John?---That was those tyres we spoke about before. It was over like about two weeks that it was getting these tyres.

And these are the tyres he didn't pay anything for?---Yeah.

So these tyres in the video are the ones he got free of charge? ---Yeah, that was just - we just forgot about it. Just passed our minds.

Did he inspect any cars at Eurotyres for you, do you recall, on that day?---He might've. I'm not too sure. I can't remember. I can't remember the - I can't remember anything more than just picking up the tyres.

I would like to play now a call T2136. This is a call between yourself and your aunt and it's approximately less than 10 minutes after that video was taken.

Start of TI transcript, exhibit number T2136:

S JABBOUR: Guess what?

C RAPHAEL: What?

S JABBOUR: I have three cars to license.

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C RAPHAEL: Eh?

S JABBOUR: I've got three cars to license.

RAPHAEL: Yeah.

S JABBOUR: I ring up John, he comes here, de tick tick tick, don't even have to drive down and he's dropping me off the paperwork on his way home (*laughs*).

C RAPHAEL: It's amazing isn't it.

S JABBOUR: But he, he

C RAPHAEL: Don't tell everyone all this sort of stuff, ...

S JABBOUR: No, because

C RAPHAEL: I wouldn't even trust your Dad with it. You know?

S JABBOUR: Nah, I'm not gunna tell him, coz he, he would, make out that he got him.

C RAPHAEL: Well, the the thing is that he could talk.

S JABBOUR: Yeah.

C RAPHAEL: Y'know? So, yeah. Just be, just be careful.

S JABBOUR: Dad's dangerous.

C RAPHAEL: I know he's dangerous.

S JABBOUR: Because you know what he did, he found out who was help, he knows George is

C RAPHAEL: Yeah, and he told em off didn't he, because they..

S JABBOUR: Yeah

C RAPHAEL: not to do it for him. I know, it it it's, Susan it's ah, it's it's very bad. Yeah. So ah, yeah, you gotta just make out you're not doing much.

End of TI transcript.

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**STAMP, MS:** Do you accept that's a call between yourself and Coralie Raphael?---That's correct, yes.

And what were you talking to your aunt about?---Just that when John had picked up the cars he might've licensed a couple of cars for me at the time. When he picked up the tyres he might've licensed a couple of cars.

**THE COMMISSIONER:** Can I just ask you to move the base of that microphone to your right again, thank you? Yes, thank you.

**STAMP, MS:** Can you recall whether or not he inspected some cars when he picked up those tyres?---Honestly I can't remember. It sounds like he might've with the phone call, but I can't remember it happening.

And you are told in that phone call to be careful. Why is that?---Because my auntie is careful about everything. She's careful when you wake up in the morning, everything, just with her. That's why some of these phone calls I might be just stirring her up saying, "Guess what I did," and then she gets freaked about it and I just like to stir her up all the time. I ring up like 10 times a day just to - random phone calls to stir her up.

And you say in that phone call, "Dad's dangerous." What do you mean by that?---No, because he talks a lot and he just - like that's just what we say. Just like random stuff, you know what I mean? Like she knows what I mean. It's just at the time it might be, "Dad's dangerous, he'll tell mum," or you know what I mean? Just random stuff that we talk about.

What does Coralie - what is she talking about when she says, "And he told them off didn't he"?---Yeah, because like - because whatever I tell dad, if I say, "Don't tell anyone, don't tell mum," he'll go and tell mum and say - so he always - like he's just dangerous because he doesn't know - he always says the wrong thing and does the wrong thing sort of thing so - and she's like, "He'll tell them off," sort of thing. It's just - just random stuff. I don't even know what we were talking about at the time.

Were you talking about licensing and your dad's involvement in it?---No, I don't think so. I think it was just random stuff at home or - to be honest, I can't remember. It's just - we speak about all sorts of stuff.

And is it correct to say that you are saving time by using John to license vehicles?---That's correct. That's the only benefit that anyone sort of gets out of it. It's just the time.

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Do you save money by having vehicles passed on the first inspection rather than going back?---No, if anything we lose money by getting that on the first inspection because if it has to go back again we'll charge the person 200 plus the 58.10. So it just saves us time. Instead of us trying to - it's just easier when we take the car when the examiner comes out and tests it, just because it just saves us our time. That's most important.

**THE COMMISSIONER:** But you don't get the 58.10 do you, because that's the re-examination fee?---That's right, but we still charge our 200 if we take it over again.

Okay?---So it doesn't affect us in any other way except time.

So you charge 200 to take it over the first time and if you have to go back for re-examination you charge another 200?

---That's correct. Just for our time to go again.

**STAMP, MS:** Do your cars often have to be re-examined?

---There have been the occasions. Yes, there has been a few.

And in that telephone conversation you state, "Tick, tick, tick." What does that mean when you are talking - - -?---It just means the cars were all fine. There's nothing wrong with the cars; they're all fine, ready to go.

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So does that mean that they were passed by the inspector?  
---Yeah, because there was nothing wrong with the cars.  
They test out the cars to check if there is anything wrong  
with them and it's up to them to pass them or not pass them.

Do you recall whether the inspector actually inspected those  
vehicles that you talk about, tick, tick, tick?  
---Yes, he does look at them. He opens up the bonnet, has a  
look at it, goes through the car.

Is your evidence that from what you can recall that he  
actually inspected those vehicles on that day?---I can't  
remember the actual day or anything like that, but I do know  
that they inspect the cars.

On every occasion? Is that correct?---Most occasions, yes.

But there are some occasions where they don't?---Yeah, the  
car might be like a newish car that they don't do the full  
inspection on.

I would like to play now T2137. This is the same call that  
we just played, it's just a little bit further. It's  
between yourself and your aunt?---Okay.

Start of TI transcript exhibit number T2137:

S JABBOUR: ... cars for me, there's three cars  
Coco, takes me like half a day.

C. RAPHAEL: Oh yeah.

S JABBOUR: Cause he's done em here,

C. RAPHAEL: Mm.

S JABBOUR: it saves me bloody four hours. And

C. RAPHAEL: Well

S JABBOUR: one car we've taken seven hundred  
and fifty dollars, other car we've  
taken four hundred, and the other  
one we took three hundred.

End of TI transcript.

**STAMP, MS:** Do you accept in that call you're talking about  
three cars that were inspected?---That's correct, yes.

Can you recall whether he actually inspected all three?---I

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assume so. I can't remember. I honestly don't remember the incident.

And you're talking about three different amounts of money?  
---That's correct.

Can you explain to us the difference in those amounts at all?---One of them might've needed four tyres, that might've been the \$700 one. Each one is different, it just depends on what it needs, you know what I mean. One might need a couple of tyres. One might've needed just anything, you know what I mean. I'm not quite sure what the work was, but each one is different on what work it needed.

Was that a significant amount of money for you to make from licensing in one day?---Yeah, because it creates extra jobs for us. It creates more tyres and it just gives us a better day so that we've got more work.

So is it correct that the more vehicles that are licensed more quickly create more income for you?---Yes, sort of. Yeah.

I now want to ask you some questions about a car and it's a Falcon that had an air bag light that flickered on and off?  
---Yes.

I'm going to play you some calls and then ask you some questions about that. T2138. This is a call on 10 September 2008 and it's a phone call between yourself and John?---Okay.

Start of TI transcript exhibit number T2138:

PIERCEY: Hello.

S JABBOUR: Yeah hi John it's Susan how are ya.

PIERCEY: Good, how're you?

S JABBOUR: Not too bad. You guys busy down there at the moment, or?

PIERCEY: I don't know, it's my rostered day off today.

S JABBOUR: Oh is it? Oh okay.

PIERCEY: Yeah.

S JABBOUR: *(Laughs)* Sorry John I didn't realise.

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PIERCEY: That's alright, I never even thought to tell you yesterday *(laughs)*.

S JABBOUR: *(Laughs)* Uhm, when you gunna be there, tomorrow, or?

PIERCEY: I'll, yeah I'll be back tomorrow, so.

S JABBOUR: Oh okay no problems, I'll wait til you get back then I've just got a Falcon that's got a, uhm the air-bag light flickers on and off?

PIERCEY: Ah okay.

S JABBOUR: But uhm, everything's alright with it, it just, I dunno what's going on with it. The guy's gunna get it checked out by Holden and stuff but he just wants to get it licensed first.

PIERCEY: Yeah. Oh we'll get him sorted out, so. Yeah no dramas.

S JABBOUR: Alright, I'll see you tomorrow then.

PIERCEY: Alright.

S JABBOUR: Alright, thanks John.

PIERCEY: Okay then, see you Sue, bye.

End of TI transcript.

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**STAMP, MS:** Ms Jabbour, are you able to recall this particular car that you had to sort out?---I can't recall the car but normally when they're - I try and get them licensed and then we get them sent to Holden. Holden's normally booked out for three or four days, so that's why sometimes we just try and take a shortcut before we - - -

Can you just confirm for me that you accept that this is a call between yourself and John?---That's correct.

When you talk about sending them to Holden, what do you mean by that?---Like Brian Gardner Holden, just - because they've got a special computer that you can put into the car that can take air bag lights off.

So is it correct that in relation to air bags they need some sort of special work on them?---Not necessarily work, just the computer that resets it, because the guy might've changed the air bag or something like that and it just needs to be reset and it's just special equipment that Holden have.

Is it only certain places like Holden that would have that equipment?---To - what I'm aware of, yeah. I don't know anyone else that can do it.

And is it correct that a car shop normally wouldn't have that type of equipment?---I don't think so. I'm not too sure. Repco or stuff like that have some sort of servicing computers that they use but I don't know if they take off air bags or not, I'm not too sure.

Is there a delay in having Holden look at cars like that?  
---Yeah. There's quite a long delay. It's a couple of days. You normally just have to book it and just wait for it.

Were you looking to have a shorter period of time for that car to be licensed rather than wait - by Holden?---Yes. We were just trying to - the car was fixed but it was just trying to take a shortcut instead of having to wait to get it licensed and then get the air bag light off it when it was flickering on and off, so it was just something minor.

What do you mean by a shortcut?---Just so when the car - like instead of waiting for Holden to get the car done and the car has to sit in our shop for a couple of days to get the air bag light off, we tried to shortcut it so that we just get it licensed and then straightaway take it to Holden and get the air bag light off and then the customer can take it.

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So your intention was to have it licensed and then have it taken to Holden. Is that correct?---Yeah; just because they might've been booked out at the time, you know what I mean. Sometimes we can't get it in on the same day so you just need to book it to get it off.

Wouldn't there be the same delay even if you took it after licensing the vehicle?---Because sometimes when you licence the vehicle you might spend five hours waiting for it to get licensed, so you could lose a couple of days just by waiting after the air bag light has been off and that day we might've not been busy so we were able to take it to the pits and wait.

I would like to play T2139. This is a call between yourself and your aunt and it's on the same day that we just heard that last call from - about the air bag.

Start of TI transcript, exhibit number T2139:

S JABBOUR: Hi.

C RAPHAEL: Hi.

S JABBOUR: I've got you know that new licensing guy we got John.

C RAPHAEL: Yeah

S JABBOUR: He's godsent.

C RAPHAEL: Is he really?

S JABBOUR: He passes, he passes cars ah there's a car with the airbag light on and I told him I'm straight out with it and Jimmy says don't tell him I said no cause he's gonna drive it he's gonna see it and I don't want him to think we bullshit to him.

C RAPHAEL: Yep yeah.

S JABBOUR: But yeah he had no problems as long as the airbag's not hanging out I'll pass it cause he goes I drove around with a car with the airbag light on (*laughs*).

C RAPHAEL: Oh good yeah love that's great.

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S JABBOUR: I'm a hundred percent honest with him  
everything. Airbag light's on this is  
this is what's wrong with it.

C RAPHAEL: Yeah yeah yeah.

S JABBOUR: He's know that's off me it's not like I  
never told him.

End of TI transcript.

**STAMP, MS:** Can you recall, or firstly do you accept that that's a call between yourself and your aunt?---Yes.

It appears from that that you're discussing the car with the air bag problem?---Yes.

And you refer to John as a Godsend. What do you mean by that?---He's just - he just helps us, like, you know what I mean. He saves us a lot of time and that sort of stuff, so he just helps.

Can you recall if John actually inspected that vehicle? ---Yeah. He did look at the car and it was just the air bag that was just on, but what could happen - I could've drove up to the pits. It might not have been on the whole time and then when I drove away it might have flickered on. It was just on and off the whole time. It was just something - it was very minor. It just kept on flickering on and off, so it wasn't a major thing.

Do you recall where that car was inspected? Was it at Eurotyres or at the pits?---I can't remember, to be honest. I think it might have been at the pits.

In that conversation you say, "Jimmy says don't tell him, and I said, 'No, he's going to drive it.'" Was Jimmy concerned about the vehicle not passing?---Yeah, he was a bit, because a lot of guys won't pass it just because, just a lot of them won't pass it, so I just wanted to make sure that they knew exactly what the car - what was wrong with the car and he had seen the car, so - - -

From your experience, would cars with this problem usually fail an inspection?---Some of them do, yeah.

You also said in that same sentence, "No, because he's going to drive it." Is that because if you didn't tell him about it he would notice it?---That's correct.

From your experience, would you consider that to be a serious defect with the car?---No. It's just - because it was flickering on and off, it just could have been a fault in the fuse or something. It wasn't, wasn't anything major.

**THE COMMISSIONER:** Could it also have indicated a fault with the air bag?---Yeah, because I think the car had changed the air bags, so it just needed to be reset. That's all it was, I think.

But do you know?---You can never know; not sure.

So potentially could it have been the case that the light was flicking on and off because there was actually something with the air bag system?---It could've been, but

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I think we did take the light off and it came straight off once Holden serviced the car, so there was nothing wrong with it.

But you wouldn't have know that until it was serviced, would you?---That's correct, yes.

So it was possible the air bag system might actually have been defective?---Could have been, yes.

And if there had been an accident the air bag may not have deployed?---Might've, no.

Yes.

**STAMP, MS:** Do you know if that car was looked at by Holden?---Yes, it would've eventually had the air bag taken off, the air bag light taken off.

Did you arrange for that to be looked at with Holden?---I think the customer did.

Can you recall that particular car, who filled out the certificate of inspection form?---I wouldn't - no, I can't remember.

I just wanted to confirm with you, do you know whether the customer actually did take it to Holden or not?---They said they did. I just - it was a friend of ours, I think, so you just normally trust that they are going to do the right thing.

Is it possible that that car was never taken to Holden? ---It is possible, but I doubt it, because the gentleman - I think he wanted to sell the car and you can't sell a car with an air bag light on, so he would have had to have taken it off.

So if he can't sell it with an air bag light on, would you agree it's a serious defect?---Not necessarily. It's just the customer that's buying the car might be scared because the air bag light is on. It doesn't necessarily mean it's that dangerous. It just means the customer might not be happy to buy the car with an air bag light on.

Is it correct that your last knowledge of that car was that it was going to be taken to Holden? Is that what the customer told you?---Yes, he promised us that that's what would happen and that he had booked it in and that's where it was going.

But you have no knowledge of what happened to it in that respect afterwards?---No.

Commissioner, I notice that it's coming up to 4 pm.

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**THE COMMISSIONER:** Yes.

**STAMP, MS:** I still have some way to go with this witness.

**THE COMMISSIONER:** That's probably a convenient time, I think.

We will have to get you back tomorrow morning, Mrs Jabbour?---Okay.

Do we need to start earlier?

**STAMP, MS:** Commissioner, if I could indicate, I have spoken with my friend, he is available but has inquired if we could start at 9.30 instead, if that suits you.

**THE COMMISSIONER:** Yes. You would prefer that, would you, Mr Vandongen?

**VANDONGEN, MR:** I would, if that's at all possible, Commissioner, yes.

**THE COMMISSIONER:** Yes, all right.

Can you be here by 9.30, Mrs Jabbour?---Yeah, no problems.

All right, we will start at 9.30 tomorrow.

**VANDONGEN, MR:** Thank you, sir.

**THE COMMISSIONER:** All right, we will now adjourn then till 9.30 tomorrow morning.

AT 3.58 PM THE MATTER WAS ADJOURNED UNTIL  
WEDNESDAY, 18 FEBRUARY 2009