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CORRUPTION AND CRIME COMMISSION
OF WESTERN AUSTRALIA

ACTING COMMISSIONER HERRON

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON THURSDAY, 24 MARCH 2011, AT 10 AM

Continued from 23/3/11

MR P.D. QUINLAN SC, with him MS M.S. HARRIES and
MS N.D. PANTANO, counsel assisting.

1 **ACTING COMMISSIONER:** Yes, Mr Quinlan?

2
3 **QUINLAN, MR:** If it please you, sir, this is a
4 continuation of the public examinations. The next person
5 to be examined is Mr Abdul Kader. I call Abdul Kader and I
6 can advise you, sir, that Ms Greville acts for Mr Kader.

7
8 **THE ACTING COMMISSIONER:** Yes, can you please come
9 forward, Mr Kader, and take a seat in the witness box
10 please.

11
12 **KADER, ABDUL** called:

13
14 **THE ACTING COMMISSIONER:** Good morning, Ms Greville.

15
16 **GREVILLE, MS:** Sir, good morning. I seek leave to appear
17 on behalf of Mr Kader.

18
19 **THE ACTING COMMISSIONER:** You have that leave, thank you.

20
21 **GREVILLE, MS:** Thank you, sir.

22
23 **THE ACTING COMMISSIONER:** Mr Kader, by section 138
24 subsection (1) of the CCC Act before conducting an
25 examination of you for the purposes of an investigation
26 under the act, I am required to inform you of the general
27 scope and purpose of the investigation, unless in the
28 circumstances I consider it is undesirable to do so. I do
29 not consider it is undesirable and I now propose to explain
30 the general scope and purpose to you. The general scope
31 and purpose is to determine (1) if any public officer or
32 former public officer employed by Curtin University of
33 Technology has engaged in misconduct in connection with the
34 conduct of the International English language testing
35 system; (2) whether the policies, practices and operating
36 environment of the Curtin English language centre were
37 sufficient to detect misconduct in a timely manner; and (3)
38 whether the International English language testing system
39 has been compromised at testing centres operated by any
40 other public authorities. Do you understand the terms of
41 that general scope and purpose?

42 ---Yes.

43
44 Before I commence the examination of you I require you to
45 take an oath or an affirmation to tell the truth. Which
46 would you prefer to take?---I'll take an oath.

47
48 Take an oath? Can I ask you to stand please and take the
49 oath.

2/1/lar

KADER, ABDUL sworn:

THE ACTING COMMISSIONER: Thank you. Can you take a seat again, please? Mr Kader, when you were served with a summons to appear here, I think you were also provided with a notice to witnesses. Is that correct?---Yes.

And that notice explained your rights and obligations in giving evidence here?---Yes, sir.

Have you read the notice?---Yes, sir.

Did you understand what it said about your rights and obligations?---Yes.

Have you signed the notice?---Yes.

Thank you. Yes, Mr Quinlan?

QUINLAN, MR: May it please you, sir.

Mr Kader, is your full name Abdul Kader?---That's right.

What is your occupation, Mr Kader?---I'm an accountant.

Are you currently working as an accountant?---Yes.

Do you have particular qualifications in accounting?
---I have just completed my chartered accounting program but I'm not a member as yet, because I'm just waiting for my three years to be completed.

Is there an academic qualification that you obtained prior to beginning to work as an accountant?---Yes, I did.

What was that and where did you obtain that?---I did a masters of professional accounting from the University of Notre Dame in Fremantle.

Did you have a bachelor's degree before you did that?
---Yes, I did a bachelor of commerce in India.

So you were born there?---I was born in Mumbai, in Bombay, in India.

When did you come to Australia?---I came in August 2005.

What was the purpose for you on the basis upon which you came to Australia?---I came as a student when I started - I essentially came as a student, part of Notre Dame and I did my masters of professional accounting there.

So you came on a student visa at the time?---That's correct, yes.

24/3/11

KADER, A. XN

405

10.04

2/2/lar

1 When you came to Australia on 2005 on the student visa, was
2 it specifically to study for the master of professional
3 accounting?---That's correct.

4
5 Were you required, as part of that student visa, to satisfy
6 any particular English language requirements?

7 ---Yes, I did. I had to give an exam when I first came,
8 and I had to give that exam again when I applied for my
9 permanent residency.

10
11 What was the kind of exam or test that you took for the
12 purposes of your English qualification?---The first one was
13 taken in India before I got here, and the second one was
14 taken at ECU when - before, just before I applied for my
15 permanent residency.

16
17 Were they both IELTS tests?---Yes.

18
19 So you first took an IELTS test in India prior to coming to
20 Australia in August 2005?---Yes.

21
22 You're familiar, then, with the way in which the IELTS test
23 operates?---Yes.

24
25 What band scores were you required to have for your student
26 visa and - well, I'll ask you that first?

27 ---I think at that time it was six, I believe, but I did
28 receive a 5.5 in one of the categories but the university
29 had accepted it and they had granted me to become a part of
30 the university there.

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KADER, A. XN

406

1 So you received then in the test that you took in India -
2 did you receive sixes for the other categories?---I had
3 received six and above but only for one category I received
4 a five and a half.

5
6 Then you said you took an IELTS test again at ECU when you
7 applied for permanent residency. When was that?---My
8 permanent residency was granted - I finished my course in
9 September - I think I applied in September 2007 because my
10 course took two years to complete, and then my permanent
11 residency came through in 2008, I think mid-year sometime,
12 and had given my PR between that period. I don't remember
13 the exact date but I haven't brought any evidence regarding
14 the date or anything, but I do have a copy of that.

15
16 But it was towards the middle of 2008 that you were granted
17 permanent residency?---That's correct, yes.

18
19 So you obviously took the further IELTS test prior to
20 that?---Yes.

21
22 And you took that at ECU?---Yes.

23
24 What were the band scores that achieved when you took the
25 IELTS test at ECU prior to your permanent residency being
26 granted?---I think the minimum in one of the categories I
27 received I think was six. I don't remember off the top of
28 my head but I had received six and six plus in the rest of
29 the other categories.

30
31 Was that sufficient for the purposes of the granting of
32 your permanent residency?---Yes.

33
34 Have you since changed the status upon which you are in
35 Australia?---I'm an Australian citizen now.

36
37 And when did you become an Australian citizen?---I think it
38 was towards starting or middle of last year.

39
40 Towards the start or middle of 2010?---Yes.

41
42 I want to ask you about some other persons to ask you
43 whether you know them. Do you know a person by the name of
44 Keith Low?---Yes.

45
46 What is the correct pronunciation of his surname?---Low.

47
48 How do you know Keith Low?---We were housemates when he
49 moved over in 2006, middle; midyear 2006 he moved over into
50 the house I currently live in.

51
52 So in the middle of 2006 you said he moved over?---He came
53 from Malaysia to be a student in Murdoch University.

3/2/rk

1 So he came from Malaysia in the middle of 2006?---Yes.

2

3 On a student visa?---Yes.

4

5 Did you say that he moved into the house you were living
6 in?---That's correct.

7

8 And is that the house you still live in?---Yes.

9

10 How did it come that he moved into your house when he came
11 to Australia? Did you know him before?---No, I didn't know
12 him. It's essentially across from the Murdoch University,
13 and it's a student house.

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KADER, A. XN

408

4/1/rds

1 Yes?---So the landlord - I mean, you don't pay for the
2 whole house; you just pay for the room that we occupy.

3
4 I see?---So the landlord brings whoever he can find and ask
5 them to come in and live in the house and they pay rent
6 sort of thing; so it's more like me knowing him after he
7 moved in rather than knowing him before.

8
9 Yes. So the arrangements that he made to move into that
10 house were made directly with a landlord who individually
11 rented to the occupants of the house?---That's correct.

12
13 Did you say you were still in that house?---Yes, I still
14 live in that house.

15
16 So you are still renting in that house?---Yes.

17
18 But Mr Low doesn't live there any more?---No; he's moved
19 out.

20
21 How long were you living with Mr Low?---He moved in
22 mid-2006, because I had completed one year before he came
23 in that house, and I don't remember the exact day or time
24 but I think he's moved out maybe a year and a half or maybe
25 two but I'm not hundred per cent sure when he moved out.

26
27 So he might have been there - he was there throughout 2006
28 and - - -?---Mid-year he came in.

29
30 Yes, sorry, from mid-2006. He was there for the balance of
31 that year?---That's correct.

32
33 And then for the following year?---Yes.

34
35 And he may have been sometime into 2008?---Maybe 2009, I
36 believe he might've moved out.

37
38 Might have moved out even as late as 2009?---Yes.

39
40 Did you establish a friendship with him?---Yes; yeah. He
41 was a very good person and yeah, we used to hang out
42 together.

43
44 While you were doing your studies, were you working
45 part-time as well?---Yes.

46
47 Where - - -?---I was working for Coles Express.

48
49 Coles Express?---Yes.

50
51 In what capacity was that?---Just as a customer service -
52 CSO.

53

54

55

56 24/3/11

KADER, A. XN

409

57 10.13

4/2/rds

1 Coles Express, is that the supermarket or - - -?---The
2 petrol station.
3
4 The petrol station, so one of the Coles Express petrol
5 stations?---Yes.
6
7 Did you ever work with Mr Low?---No.
8
9 I will ask you about another person. Do you know a Pritesh
10 Shah?---Yes.
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58 24/3/11 KADER, A. XN 410

5/1/sjr

1 How do you know Pritesh Shah?---We met at that petrol
2 station, because he was working there as well.
3
4 So you met at the Coles Express petrol station where you
5 were working?---Yes.
6
7 When did you meet him approximately?---Could have been
8 2007.
9
10 In 2007?---From the top of my head, yes.
11
12 You're obviously not employed there any more?---I am
13 working there on Sundays.
14
15 You still work there on Sundays?---Yes.
16
17 From when you first met him in 2007 working at the Coles
18 express, for what period of time after that did you know
19 him and work together - sorry, I should have asked that
20 more clearly. For what period of time after that did you
21 work together at Coles Express?---I mean, it was more - I
22 mean, we knew each other because he first came and he
23 started working there, but the way things work in a petrol
24 station is usually you're by yourself.
25
26 Yes?---Until and unless someone comes to cover up the next
27 shift and you maybe see them for an hour or something; so
28 we used to see each other for like that hour or something
29 and became good friends.
30
31 Yes?---And because he's from India as well, so we sort of -
32 you know, you talking, you get to know each other and sort
33 of, yeah, it was a friendship and so on. Yeah.
34
35 So you first met as work colleagues?---As a work colleague
36 and then - - -
37
38 You developed a friendship?---Yes.
39
40 And you have remained in that friendship since that time?
41 ---Yes.
42
43 I take it that you having a friendship with Mr Shah means
44 that both you and he have exchanged telephone numbers?
45 ---Yes.
46
47 And you would contact one another on the telephone quite
48 often?---Yes.
49
50 Both him calling you and you calling him?---That's correct.
51
52 You understand I take it what the Commission's inquiry in
53 relation to this matter is about?---Yes.
54
55
56 24/3/11 KADER, A. XN 411
57 10.19

5/2/sjr

1 Are you familiar with any of the evidence that has been
2 given by other witnesses to date in the course of this
3 week's public hearings?---Yes.

4
5 Have you been in the hearing room at all?---No.

6
7 Or you have followed it in what way? On the media?---Yes.

8
9 You would be aware then that there has been evidence in
10 relation to students paying for false IELTS test report
11 forms through the Curtin University English language
12 centre?---Yes.

13
14 Can you tell the Commission what knowledge you have of that
15 conduct taking place?---I was involved.

16
17 You were involved?---Yes.

18
19 I'm coming to the detail in a moment, but in a general way
20 you were involved in that process of the test results being
21 obtained falsely in exchange for money?---Yes.

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58 24/3/11

KADER, A. XN

412

6/1/lar

1 Approximately how much money did you receive for the test?--
2 --I - we never - I sort of never kept account of how much
3 was there but from the top of my head, a figure that comes
4 out is about eight to twelve thousand, in the whole
5 process.

6
7 Eight to twelve thousand?---Yes.

8
9 How many people?---I don't remember. It could be anything
10 between 20 to 25, but that number is just the top of my
11 head because I don't - I mean, my involvement was only
12 taking up - taking as an envelope from Pritesh and because
13 Keith was living in that house, just pass it on to him and
14 that was it.

15
16 So in relation to your involvement - and I'll ask you about
17 the detail in a moment - you obviously don't have a record
18 of the persons that you were involved with?
19 ---That's correct. The people who actually sat, I didn't
20 know them.

21
22 And you think that it could be about 25, but it could be
23 more than that?---It could be less. I wouldn't think it
24 would be anything more, as far as I'm aware. If Keith was
25 doing anything on the other side that I'm not aware of, I
26 have no idea.

27
28 You have mentioned Keith and I take it you're referring to
29 Keith Low, who you were living with?---Yes, who I was
30 living with.

31
32 You said that you provided envelopes to Keith Low, is that
33 right?---Yes.

34
35 What was it that you provided to Keith Low?---The names on
36 a piece of paper, and the money.

37
38 When you received money from Mr - - -?---Pritesh Shah.

39
40 - - - Pritesh Shah, was it always from Pritesh Shah that
41 you received money?---Yes.

42
43 Generally, how much money would you receive?---On - it
44 ranged between 300 and maybe 1500 dollars, but it was
45 initially 1500 for myself but that number came down pretty
46 quickly to 300, 400 depending on what Pritesh had received
47 and what he was ready to give me, and - because Keith, what
48 we passed to Keith was \$1500 a person, with a name, and
49 anything above that, what Pritesh would give me - say if he
50 gave me 2000, I would keep the 500 and give Keith 1500.

51
52 So on every occasion, was it the case that the amount that
53 Keith would be paid would be \$1500?---Yes, except for the
54 first one.

55
56 24/3/11 KADER, A. XN 413
57 10.16

6/2/lar

1 Except for the first one?---Where he only got, I think,
2 900.

3

4 On every occasion in which you were involved, you gave the
5 \$1500 to Keith Low?---That's correct.

6

7 Other than the first occasion where - - -?---It was only
8 900.

9

10 A lesser amount?---Yes.

11

12 On every occasion, the amount of money that was given to
13 you by Mr Shah was greater than \$1500?---That's correct,
14 yes.

15

16 And you would take whatever the difference was?---That's
17 right.

18

19 When the money was given to you, in what form was the money
20 given? Were you given - if you just tell us, how was the
21 money given? In what form?---In cash.

22

23 In cash. What would you receive, if anything, with the
24 money?---There would be a piece of paper, just the names
25 written on them with their candidate numbers or passport
26 numbers, date of birth at the most, just to make sure the
27 person whose score was going to be changed, Keith could
28 match it up.

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58 24/3/11

KADER, A. XN

414

7/1/rk

1 The piece of paper with the candidate numbers and the
2 person's name and the other details that were needed in
3 relation to them, who would you get that from?---They would
4 all come from Pritesh.

5
6 Would it already be written down when you got it?---Yes.

7
8 Do you know whether he wrote it or somebody else wrote it?--
9 --Most of the time it was his handwriting.

10
11 It was his handwriting. So you recognised his handwriting,
12 that it was his handwriting most of the time?---Yes.

13
14 Would the names and details be given to you with the money
15 in a form where you could see the names and details?
16 ---Yes.

17
18 So it wasn't in a sealed envelope and passed to you to pass
19 on?---No.

20
21 You would be given cash with the name and then you would
22 take out anything in excess of \$1500 and then do what with
23 the name and the cash?---Just pass it on to Keith.

24
25 Were there occasions upon which you provided more than one
26 name at a time?---Yes.

27
28 To Keith?---That's correct.

29
30 So that for particular tests there might be more than one
31 candidate who had provided their details plus the money?
32 ---That's correct.

33
34 And you would go through the process of identifying how
35 many there were and then determining how much money needed
36 to go with them. Is that right?---Yes. I mean, Pritesh
37 knew how much Keith was taking. He would just say, "This
38 is for Keith and this is for you" sort of thing and he
39 would just give it to me and I would just pass it on to
40 Keith.

41
42 So Pritesh knew that Keith would be receiving \$1500 per
43 candidate?---That's correct.

44
45 How did he know that?---He was a friend. He knew what was
46 going on. I had told him. There was nothing hidden
47 between me and Pritesh as to who was taking what and how
48 this was all working and stuff.

49
50 You told him?---Told Pritesh, yes.

51
52 How much was required for Keith?---Keith taking - yes,
53 exactly; that's right.

54
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56 24/3/11
57 10.20

KADER, A. XN

415

1 To the best of your recollection, how many persons were the
2 most that you arranged the test results for on the one
3 occasion? Do you understand what I mean by that?---There
4 were about three maybe; could have been four. I'm not
5 sure.

6
7 More than two?---Yes.

8
9 Were there occasions in which multiple persons would come
10 in at the same time for the test; that is, that you would
11 be given a number of names for the same time with more than
12 \$1500 obviously?---That's correct.

13
14 What I want to ask you is this: when was the first time
15 you were involved in arranging for false test results to be
16 produced at Curtin University?---Pritesh rang me up once, I
17 think he was just talking, you know, just chatting and
18 stuff and he discussed about his housemate applying for his
19 permanent residency and I said, "Oh, good," and that's it,
20 and then he goes, "But I don't think so it's going to
21 happen because he's not going to be meeting the IELTS
22 requirements for permanent residency, so I was like, "Oh,
23 okay" and I didn't even think about it much, and he goes,
24 "Do you know anybody who works in there?" so without even
25 thinking I just said, "Yeah, there's a housemate of mine,
26 Keith Low, who works there" so he's like, "Can you check
27 with him can he do anything?" and so I just went out,
28 knocked on his door, asked him, and he said, "Yeah, I can
29 do something" and that was it, and then we came up with an
30 amount and the first person was Vishal Pundya. I believe
31 he was one of the witnesses.

8/1/rds

1 So Vishal Pandya you said was - - -?---He was a - he is or
2 was a housemate of Pritesh Shah.
3
4 Had you met Vishal Pandya?---On certain occasions, yes.
5
6 Where had you met him?---At Pritesh's house.
7
8 At Pritesh's house?---That's right.
9
10 After you had become friends with Pritesh?---That's
11 correct. I might've met him maybe twice or thrice or four
12 times since I've known Pritesh maybe.
13
14 Do you remember approximately when that was?---Meeting -
15 sorry?
16
17 Do you remember when it was that the idea was first raised
18 of Mr Pandya getting assistance in relation to his English
19 language test?---I don't remember the date or the year or
20 anything of that sort.
21
22 Approximately how long ago was it?---I'm not
23 hundred per cent sure but you should be able to find out
24 based on his IELTS result, the last one that he must have
25 sat.
26
27 The test that he sat in which he received seven band scores
28 was on 27 June 2009; that is, the year before last. Does
29 that sound consistent with your memory as to when this
30 happened?---I seriously don't remember but if that was the
31 date he sat, then that should be the date when this started
32 because I remember Vishal was the first person.
33
34 You say that before you spoke to Keith about the matter;
35 that is, about some assistance in relation to the IELTS
36 examination, you spoke to Pritesh. Is that right?---Yes.
37
38 Do you remember where you were when you spoke with
39 Pritesh?---I was at my house. Pritesh had rung me up and
40 we were just having a chat and that's when he discussed or
41 he said that his housemate was applying for his permanent
42 residency.
43
44 Is it possible that when you first discussed that matter it
45 was at the service station where you and Pritesh were
46 working?---No; no. I remember the way it started was on
47 the telephone and I believe I was at home because I ask
48 Keith on the spot. So I just knocked on the door and I
49 asked him.
50
51 When you had the conversation with him about getting
52 assistance for the test, what sort of assistance were you
53 talking about?---He said he was not going to meet his test
54 - the test core that is required to get a permanent
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56 24/3/11 KADER, A. XN 417
57 10.25

8/2/rds

1 residency, so the assistance was obviously to bring it up
2 so that the PR will be granted on that basis, so yeah.

3
4 So the discussion you had was clearly a discussion as to
5 whether or not the tests could be falsely altered?---Yes.

6
7 You said that in that conversation - you had that
8 conversation before you had spoken with Keith Low about
9 it?---That was a conversation I had with Pritesh at the
10 time and then I had a chat with - a conversation with Keith
11 Low, that, "Is there something you can do?" and he said,
12 "Yes."

13
14 I'm just going to read to you some of the evidence that
15 Mr Shad, Pritesh Shah, gave when he was called before the
16 Commission yesterday and then I will ask you to comment on
17 it. This is what he said - in the first part of the
18 question he is referring to Mr Pandya, Vishal Pandya?
19 ---Yes.

20
21 So he was asked the question:

22
23 So he told you that and what did you do once he told
24 you that?

25
26 Mr Shah's answer was - this is at page 309 of the
27 transcript:

28
29 ---I was a bit sad too because he was a very good
30 friend of mine and I was like, "You can join the
31 English class at Curtin which is going on," but he
32 said it was too late. "Then you can practise more
33 and get more CDs from the book shop or go to Curtin
34 library or ECU" - because he was a student of ECU -
35 "and practise at home." He said, "Yeah," and that's
36 what I did. Then I went to a petrol station where I
37 used to work and one of my mates said, "Why, are you
38 serious?" and I was like, "One of my friends has got
39 to go back to India because he couldn't get the band
40 and he mentioned that he knows one guy and everything
41 can be done."

42
43 Then he was asked:

44
45 So who is this friend that you work with?
46 ---Abdul, Abdul Kader.

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58 24/3/11

KADER, A. XN

418

9/1/sjr

1 Then it continues:

2

3 So when you say that he knew a person who could help
4 him get the seven bands and he had to pay, do you
5 mean somebody that was a tutor or do you mean
6 somebody that could get him false scores?
7

8 Mr Shah's answer was:

9

10 I used to work with Abdul more than three years so I
11 knew what he does and everything, so he said, "Look,
12 he's a good friend of mine and he's staying with me
13 right now." So he said, "Don't worry, everything is
14 - and if he wants then I can go home tonight and ask
15 that guy and see what he says.
16

17 Do you remember a conversation happening like that?---All I
18 remember is a conversation happen on the phone when he
19 mentioned about Vishal Pandya applying for his PR and not
20 being able to get it, get his PR based on the score that he
21 was going to receive because he felt he was not competent
22 enough to get a seven in each band and all I remember is
23 this was on the phone, not - maybe something he might have
24 discussed with me at the petrol station which I don't
25 remember, but I remember this was a conversation that
26 happened on the phone and I said, "Yeah", I mean I asked
27 Keith, and said yes he can do it, so I said to Pritesh,
28 yeah, I mean have a chat with Vishal if he wants.
29 Obviously, Keith is going to take some money for doing it,
30 it won't be a free thing. This is all I remember.
31

32 Mr Shah's evidence appears to be that it was you who raised
33 the possibility of obtaining false scores from somebody
34 that you knew, based on asking Keith, I would have asked
35 Keith, because on the phone Mr Shah said, "Are you going to
36 be" - I mean, "My friend is applying a permanent residency
37 and he's not going to get it." So I was like, "Okay,
38 shame." And he said, "Is there anyone you know?" And I
39 said, "Yeah I know of Keith who works in (indistinct)
40 centre in Curtin University and I will ask him whether he
41 can help out." That's when I asked Keith and he said,
42 "Yeah, I will see what I can do" and that's what I conveyed
43 to Mr Shah regarding the thing. All I remember is this was
44 on the phone, but I'm sure I would have discussed this
45 thing when I must have met him again in the petrol station
46 or something like that, so - - -
47

48 Really, my question is, between you and Mr Shah in this
49 conversation, who was it who first brought up the
50 possibility that false scores might be obtained?---It would
51 be me because I knew Keith and I just had to ask him
52 whether he could do something; so obviously Mr Shah
53 wouldn't have know, unless I told him, "Look, there's a
54 friend of mine who lives with me at my house, we share a
55

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KADER, A. XN

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57 10.30

9/2/sjr

1 house together. He works there and he said he can do
2 something."
3 Mr Shah also gave this evidence - at page 311 of the
4 transcript - and the question relates to the conversation
5 between you and Mr Shah. I will read you the earlier
6 question. Ms Harries asked:

7
8 Are you saying in essence that because you had known
9 Mr Kader for a number of years you trusted him?
10 ---Yeah.

11
12 So when he told you about this method of paying to
13 get the scores, you trusted what he told you?
14 ---Yeah, first time, like when he say, I said, "Are
15 you serious" and he said yeah, and I was like, "You
16 sure?" And he said, "Yeah, don't worry, and this
17 person, I know him, and he has done that before too."
18 So I said, "Okay, I'll tell Vishal and if he's happy
19 you can do it."
20

21 And then he was asked:

22
23 Was this the first time that you knew that Mr Kader
24 knew somebody who could get scores changed for
25 money?---Yeah, that's my first time I knew.
26

27 And the answer was:

28
29 So despite the fact that the he told you that,
30 Mr Kader told you that this person had done it
31 before, you had never had any experience doing it
32 before or knowing about Mr Kader doing it before?
33 ---No, never.
34

35 Did you know whether Keith Low had done this before?---No.
36 It only came to light when I went and asked him - when
37 Pritesh told me about his housemate applying for a PR.
38 That's the only time I actually went and asked him can he
39 do something and he said yes. So if he's emphasising - I
40 think when Mr Low said he could do it, I knew Keith
41 wouldn't lie to me or wouldn't - I don't know if he's done
42 it before. I'm not sure, but when he said he could do
43 something, obviously there's a goodwill attached to when a
44 friend tells you something. You rely on that thing and you
45 go and tell that to another friend.
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KADER, A. XN

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10/1/rk

1 Yes?---You rely on that thing and you go and tell that to
2 another friend.

3
4 Yes?---So that's on the basis of it happening. I don't
5 know if Keith ever did anything before and I don't know -
6 because I remember Vishal was the first person who got it
7 done and this is how it all started.

8
9 Certainly Vishal was the first person that you were
10 involved in?---That's correct.

11
12 Are you saying now before the Commission that to this day
13 you don't know whether Mr Low had done this before?

14 ---That's correct. I don't know whether - I didn't know
15 before that if Keith was ever involved in falsifying it.
16 I'm not sure, but from my knowledge Vishal was the first
17 person because that one came through Pritesh.

18
19 When you asked Keith after Mr Shah had raised with you the
20 problems that Vishal Pandya was having and you asked Keith
21 whether he could do something, I think you said you knocked
22 on his door or something like that?---This is all I
23 remember: him being on the phone and he's asking me, "Do
24 you know somebody who works in IELTS?" and I said, "Yes, I
25 have a housemate who works in Curtin and he works for
26 IELTS" so he's like, "Oh, okay. Can he do something?" So
27 I said, "Hold on." I don't know whether it happened on the
28 phone, while he was on the phone. I might have even
29 disconnected and said, "I'll ask him later" or something
30 and I might have just gone, knocked on his door and asked
31 him, "Can you do something?" and then maybe he would call
32 back to Pritesh saying yes, he can do something or whatever
33 the case may be.

34
35 What I'm interested to know is, when the issue was raised
36 with you, did you ask Keith Low straightaway?---I would
37 have, yes.

38
39 Do you remember the occasion that you asked him?---Yes. He
40 was in his room and that's when I asked him and he said
41 yes, he should be able to do something.

42
43 So I take it when you say his room you are talking about
44 the house that you shared?---Yes.

45
46 And when you asked him was he able to say yes immediately?--
47 --He didn't say like a yes or something. He said something
48 like - he just sort of nodded. That's all I remember. I
49 don't remember exactly because it was two and a half years
50 ago or something, but he did say yes. He gave a green
51 signal saying "I should be able to do something."

52
53 Really the point of my question is this: it was in the
54 single conversation that you asked him and he confirmed

55
56 24/3/11 KADER, A. XN 421
57 10.35

10/2/rk

1 that he should be able to do something or something along
2 those lines?---That's correct. Yeah; it's not like I asked
3 him today and he came back five days later and he said,
4 "Yeah, I should be able to." It happened on a face to
5 face. I asked him and he said, "I'll see what I can do" or
6 "I should be able to do something" and we said okay, good.

7
8 And you were able to tell Pritesh you were able to do
9 that?---Yeah.

10
11 And you said that Mr Pandya - you then arranged for that to
12 happen. Is that right?---That's correct.

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422

11/1/lar

1 What happened after that? Because I presume that you
2 didn't talk about details at that point with Mr Low. How
3 long after that was the next contact that you had about how
4 it would be done?---For Vishal Pandya, or are you talking
5 about someone - - -

6
7 Yes, for Vishal Pandya. I'm just talking about the first
8 occasion it happened?---I don't remember, but if - once he
9 must have said - all I can think of, once Keith Low must
10 have told me, "Yes," I would have gone and conveyed that
11 message to Pritesh and I believe Pritesh would have gone
12 and told that to Vishal and Vishal would have gone and - I
13 don't remember if Vishal already had a date and he was
14 going to sit, or he went and got a date to sit for an exam
15 after that. I'm not sure on that part.

16
17 When was the price discussed or organised?---I believe I
18 went - this is all I can remember, is being in Keith's room
19 and ringing up Pritesh on the phone at the same time and
20 asking how much he wanted, and then fixing up a price and
21 then conveying to Pritesh, saying, "This is what Vishal has
22 to give to get this done."

23
24 So you remember asking how much Keith wanted?---That's
25 correct.

26
27 Asking Keith?---I mean, asking or - it was a friendly thing
28 so it was more like saying, "How much do you need?" and he
29 came up with a figure or something, maybe he kind of said,
30 "This much," or - I don't remember the exact thing, but
31 this is what I remember from the top of my head, that I
32 must have asked him or I asked him and - it was like, I
33 remember Pritesh was on the phone at the same time and I
34 said, "Okay, this is what your friend should be - you
35 should go and tell your friend to give, because - yeah, and
36 then that should be enough."

37
38 So you were in Mr Low's presence?---That's correct.

39
40 You were together?---Yes.

41
42 And you also - - -?---Had Pritesh on the phone, and I was
43 discussing that with Mr Low as to how much he thought he
44 would need, or how much he wants, and then we coming up
45 with - "Okay, you want this much, and then you should be
46 telling this much to Vishal to get it all - - -"

47
48 What did Mr Low say was the figure at that time, the amount
49 of money - - -?---I remember the first one was, he took 900
50 and we charged Mr Pandya, I think, 1500.

51
52 1500?---And I believe I must have taken three or four
53 hundred and the remaining Pritesh took it, but that figure
54 could be either or, but I know - I think Vishal gave 1500
55 but I could be wrong.

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57 24/3/11
58 10.40

KADER, A. XN

423

11/2/lar

1 That conversation that you remember about Keith saying 900,
2 and 1500 having to come from - - -?---Mr Pandya.

3
4 - - - Mr Pandya, was that conversation at the same time as
5 when you initially asked Mr Low whether he could do it or
6 was it on later occasion?---I don't remember, seriously.
7 It could be on the - I mean, if I had asked Mr Low then
8 then I believe there would be some time because I had to
9 obviously deliver that message to Pritesh, Pritesh would
10 have gone and had a chat with Vishal, Vishal would have
11 thought about it maybe. I don't know know whether it
12 happened on the same spot, on the same day, or did it
13 happen maybe after a couple of days or something. I'm not
14 a hundred per cent sure.

15
16 But at any rate, there was discussion with Mr Low as to how
17 much he wanted and then a figure was come up with to come
18 ultimately from Mr Pandya?---Vishal, yes.

19
20 After that was done - and let me go back a little - when
21 you were talking with Pritesh Shah about this and you had
22 said, "I know somebody in Curtin University," did you tell
23 Pritesh who the person was?---Yes, I would have told him
24 that it is a housemate of mine.

25
26 Would you have told him his name?---I would have.

27
28 So between you and Mr Shah there was no secret, if you
29 like, as to who you were dealing with?---No. There was no
30 secret regarding the money that Mr Keith would want and
31 there was no secret regarding who was doing it, so Pritesh
32 was essentially in on - he exactly knew what was going on.
33 So at the end, towards the end, I was just like a middle
34 person, taking it from Pritesh and Pritesh knew exactly how
35 much Keith wanted, so he would essentially just come with -
36 saying, "This is for Keith, this is for yourself," and just
37 leave and I would just pass it on.

12/1/rds

1 Once the price had been talked about, was there discussion
2 in relation to when the money would need to be paid?---It
3 used to be before the person sitting but I think - - -
4

5 Just so I'm clear, I'm talking at the moment about when you
6 first arranged it for Mr Pandya, so the first time that you
7 are talking about it. What was discussed in relation to
8 when the money would need to be paid?---I think it was paid
9 before Mr Pandya sat for his test. That's all I remember
10 but - because I think Keith was - Keith was adamant that
11 obviously it shouldn't be after because if he had to - he
12 just wanted an assurance basically in terms of the cash,
13 that, "Yes, I'm going to do it." If obviously there was no
14 cash, he would not do it because what's the point doing
15 something and not getting paid for it or something, so.
16

17 So in your discussions with Keith, he was adamant that the
18 money had to be paid upfront?---Yes, before the - maybe
19 90 per cent of the time that was the case where people
20 obviously were sitting, say, for example - I think the test
21 usually used to run on a Saturday and he would get the
22 money maybe on a Friday or even a week before, depending on
23 who was giving it and where it was coming from and stuff,
24 so.
25

26 Did Mr Low, when the arrangements were being made on this
27 first occasion, tell you how he was going to do it?---This
28 wasn't - I think not - may not have been discussed on the
29 first instance but all the period of time when this was
30 happening I obviously had to talk with him and, you know,
31 in a conversation he did mention how he was changing it.
32 Like I remember asking him, "How are you doing it?" It may
33 not be on the first instance but over a period of time that
34 this was happening, and he said he was changing the scores
35 in the system and he did mention something about him using
36 different person's login IDs, to log in into a computer or
37 - I think which was not his and changing the scores from
38 there.
39

40 Did he say why - it might sound obvious but did he say why
41 he was using different person's logins?---I mean, when he
42 said he was using I think he just hint that obviously he's
43 trying to avoid - if something had to go wrong later on
44 they wouldn't completely come and blame him for it sort of
45 thing, but it wasn't like - it may not have been spoken for
46 word to word but I suppose it's commonsense that you pick
47 it up and say, "Why is he using it?" because his name
48 doesn't show up anywhere.
49

50 Did he - and I appreciate that this might not have been
51 before the first occasion but later - tell you anything
52 else that he did in relation to the records of the tests
53 when he was arranging for the scores to be changed?---In
54 one of the occasions he did mention that - I think - like
55

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57 10.44

KADER, A. XN

425

12/2/rds

1 I think the question then I suppose we thought about was,
2 "If he's going to change it, then if someone picked it up
3 and said" - if the test score is saying four but on the
4 system it's showing a seven, then obviously someone would
5 ask a question from the internal side of things, like, "How
6 is someone getting a four on the script but you have given
7 a seven on the system?" and he did say that he was trying
8 to do something to rectify that problem, and I believe - I
9 don't know exactly how he did it but he did mention or was
10 trying to - I don't know, maybe change the answer or change
11 the score on the piece of paper or something, I don't know.

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KADER, A. XN

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1 So while he said to you that he definitely was able to
2 change the scores in the computer system using other people
3 logons, he was also trying to find a way that the test
4 result forms would actually match what was in the computer
5 system?---That's where essentially a person has written the
6 answers, change it over there as well, so if someone picked
7 it up - - -

8
9 And in your discussions with him were you informed whether
10 he was actually able to achieve that in any case?---To be
11 quite honest, I suppose that was really not my concern and
12 I was really not bothered how he did it I suppose, yeah.

13
14 Did you communicate what you'd understood about that to
15 Pritesh in terms of the way he was able to do it?---I don't
16 remember. I must have spoken about it or him when present
17 with Keith, and when Keith must have mentioned it and he
18 must have heard it as well.

19
20 When was the last occasion that you recall being involved
21 in arranging for these results to be changed?---This was, I
22 think, in June last year. I was flying to India. I flew
23 to India that night and I remember meeting him and giving
24 him the names and the cash because the exam I think
25 happened after I had gone to India, and that was the last
26 instance where he was supposed to change it because when I
27 got back I think he had already left his job or he had
28 resigned and he was finishing up over there. I'm not sure,
29 but that was the case; that was the last instance. I think
30 it was June 2010.

31
32 Do you remember when you went to India?---It was sometime
33 in June.

34
35 Do you remember whether it was the beginning or the end?
36 ---I think it could have been - I should be able to find
37 out from my passport. I don't have it here but I think it
38 was 9 or 10 June or something. I'm not sure.

39
40 There was a test taken on 5 June 2010 by a number of
41 persons. Could it be that occasion which was the one you
42 are referring to when you - - -?---No. I think it was
43 after that. I'm not a hundred per cent sure but I remember
44 when he quit - I think the last one was just before he
45 quit. I'm not sure.

46
47 There were also some tests taken at the end of June, I
48 think on 26 or 27 June. You don't remember?---I came back
49 I think in - I was gone for exactly 30 days and I think I
50 came back in July sometime.

14/1/sjr

1 Right?---So by the time I got back the test was actually
2 done.

3
4 The occasion that you went to India, do I understand you to
5 say that you were involved in part of the arrangements for
6 that but not all of them. Is that right?---I don't
7 understand.

8
9 You said that the test was taken while you were away?
10 ---Yes.

11
12 But you remember giving the money before you left?
13 ---That's correct.

14
15 On that occasion were there a number of persons? Was it
16 more than one lot of \$1500?---Yes.

17
18 It was?---But I remember Keith, I don't know, something had
19 gone wrong and Pritesh had to pay back, that's what I
20 remember. I'm not a hundred per cent sure, but I think I
21 might have gone and even taken some cash from Keith, or
22 maybe it could have been a different occasion altogether.
23 I'm not sure.

24
25 Something went wrong on that occasion?---Maybe that
26 occasion, or maybe an occasion before that or - not sure.

27
28 I may come to the detail of that one later, but do you
29 remember in particular that there was an occasion when a
30 person came from interstate to take the test, a woman came
31 from interstate to take the test?---I remember Pritesh
32 mentioning that there was someone coming from interstate to
33 do it, but I don't have the specifics of who that person
34 was and when that person came in to do it. I mean, I
35 really - to be quite honest, I kept my knowledge as short
36 as possible because Pritesh was the one who was getting it
37 and Keith was doing it, so I was sort of just the middle
38 person, passing the names and the money from one hand to
39 the other; so the specifics of how it happened, what Keith
40 did, what he was doing inside and how Pritesh was getting
41 people, I kept my knowledge very little in that regard.

42
43 I have jumped forward a little, so I will just go back to
44 the first occasion and just confirm this: after you had
45 talked about price and what was involved and so on, did
46 Keith tell you what needed to be provided to him in order
47 for this to be done?---I think it was just a name and maybe
48 an candidate ID number, because I think every individual
49 who sat I think had a unique candidate ID number or
50 something; so I suppose he was happy to get that and we
51 could match it up saying, "Okay, yeah, this is the person."

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KADER, A. XN

428

14/2/sjr

1 Other than the occasions on which the payment was made
2 after the test was taken, was the money and the candidate
3 number and the name provided to Keith at the same time?
4 ---Sorry, say that again.

5
6 Leaving aside the occasions where there was a payment made
7 after the test was taken, I think you said 90 per cent of
8 the time the payment would be made before the test was
9 taken?---Yes.

10
11 So on those occasions when the payment was made before the
12 test was taken, were the names and candidate numbers always
13 given to Keith with the money?---There were times when,
14 maybe it must have happened once I believe, I don't know,
15 but the money was given first and I remember asking Pritesh
16 what are the names, and he said he doesn't have them yet
17 because the guy hasn't given it to him or something, and
18 then later it might have come through a piece of paper or
19 an SMS or something like that, so then it was passed on.

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KADER, A. XN

429

1 Other than Keith Low and Pritesh Shah, do you know other
2 persons who were involved in this arrangement?---Pritesh
3 did mention, talking about a guy called Rajesh Kumar and I
4 think I met him maybe on two occasions, I believe. Because
5 when it started, Pritesh had a few friends who wanted or
6 who were applying for their PRs and could get this done,
7 but Pritesh's friends sort of dried up very quickly and I
8 don't know how he found this guy, but he found this guy who
9 had, I suppose, a number of people who wanted to get their
10 results falsified, and Rajesh Kumar, I think I met him, I
11 think maybe two times or three times. I don't remember
12 exactly, but he was the one who had the persons and so from
13 there - so Rajesh gave it Pritesh and Pritesh came and gave
14 it to me and then I gave it to Keith.

15
16 So in the times when Rajesh Kumar was involved, the money
17 would effectively pass through from the test taker to
18 Rajesh, to Pritesh Shah, to you, to Keith?---That's
19 correct.

20
21 So there would be five persons, effectively, who would have
22 had the money at one point?---That's right, unless Rajesh
23 got it from somewhere else. I wouldn't have a clue. If
24 there was someone else passing on to - like, not the test
25 taker but someone else was passing on to Rajesh, I wouldn't
26 have a clue.

27
28 Yes. Where did you meet Rajesh? You said you met him one
29 or two times?---Maybe a few times or something. I think it
30 was in the night. Maybe I met him outside his house in
31 Kardinia, outside on North Lake Road or something. One of
32 the apartments or something somewhere, because I remember
33 going with Pritesh. We had - once I went to get the cash,
34 I went with Pritesh. Pritesh said, "Do you want to come
35 along?" and I said, "Okay," and he got the money and the
36 names, I believe, then. Then I met him a couple more times
37 after.

38
39 Did you have any direct contact with Rajesh Kumar in
40 relation to organising particular test results to be
41 changed?---No.

42
43 So there weren't occasions upon which you - - -?---Which I
44 would not contact Rajesh Kumar directly, no. I mean, it
45 always went through Pritesh but like I said, I have met
46 Rajesh on a couple of occasions but obviously Pritesh was
47 always present there. It was never me calling up Rajesh
48 directly and saying, "Let's keep Pritesh out or something."
49 No.

50
51 But you certainly had met him?---Yes.

52
53 Is it possible that you had some very limited telephone
54 contact with him?---With Rajesh?

55

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57 10.55

KADER, A. XN

430

15/2/lar

1 Yes?---I did, I think, contact him once or twice on request
2 by Pritesh.

3
4 Right?---Yes.

5
6 So there would be occasions upon which Pritesh would ask
7 you to contact Rajesh Kumar?---Something - I think maybe
8 once or twice or something, on one or two occasions or
9 something, Keith wasn't able to falsify them properly or
10 something, where the original mark sheet or something had
11 gone to the person's place so obviously there was an
12 uproar, saying, "We have paid and you haven't done it," so
13 Rajesh was a bit hesitant to bring any more in considering
14 the fact that it wasn't happening what was supposed to
15 happen and Pritesh, I think, made me the scapegoat in that,
16 to ring up Rajesh saying that he worked for the university
17 or something, just to try and explain him that, "Look, it's
18 not a problem, this will be fixed and you should have your
19 original one at your place or he can come pick it up from
20 Pritesh or something like that."

21
22 Do I understand by that answer, when that happened - and
23 I'll identify the occasion a little later - on the
24 occasions where there had been a problem and Keith hadn't
25 been able to change the scores and the correct scores had
26 gone out, Rajesh Kumar was upset about it?---Yes. Well, I
27 mean, if someone is making you upset you're going to take
28 it out on someone else and it sort of passes on the line, I
29 guess.

30
31 Yes, so Pritesh asked you to ring him, in effect, to say,
32 "Well, look, I know that it's going to be okay," to give
33 some assurance to Rajesh Kumar that Pritesh might not have
34 been able to give?---Yes, exactly. That's right.

35
36 Was there anybody else that you met in relation to these
37 arrangements?---What do you mean? I mean, as in people
38 sitting the test or people being involved in - - -

39
40 People involved in organising it or people sitting the
41 test?---The only people I really knew was Pritesh and
42 Keith, but on occasions I met Rajesh and then a couple of
43 the people who actually took the test, I knew them because
44 I either work with them or they were friends with Pritesh
45 or something, so like, the people I actually knew was
46 Vishal Pundya - knew him as in I've seen him, I said, Hi,
47 hello," to him but nothing more than that - and then there
48 was another guy called Harinder Jit, he used to work at the
49 petrol station as well.

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58 24/3/11

KADER, A. XN

431

16/1/rk

1 He worked at the Coles Express where you were - - -?---I
2 think he still works there, just maybe a different store or
3 something, yeah.

4
5 And I think Harinder Jit - am I right in understanding that
6 he was one of the earlier ones that you organised?
7 ---I believe so, yes.

8
9 He took his test on 5 September 2009?---Okay.

10
11 And Mr Shah indicated that Mr Jit paid \$3000 and that
12 Mr Shah gave \$2800 to you. Does that sound - - -?---Could
13 have been.

14
15 Do you remember?---I don't remember but could have been.

16
17 Before I go on to some of the others, you've described
18 effectively your involvement beginning in June of 2009 when
19 Mr Pandya took his test?---Yes.

20
21 And ending in June 2010, so a year during which this
22 occurred?---Yes.

23
24 During that year, as the year went by, was it a constant
25 number of persons that you were obtaining money from or did
26 the numbers grow as time went on?---It grew as the time
27 went on. I mean, initially I remember on starting, I think
28 there was like one, then one came after maybe a few weeks
29 or something but I think when Rajesh got involved - and
30 this is what I remember from Pritesh - the number got
31 higher because I think Rajesh had a fair few people that
32 were going to be applying for their PRs or something.

33
34 So at first it would have more occasionally and it would be
35 friends of Pritesh?---Pritesh.

36
37 Later it became more of an operation where strangers were
38 coming into the picture?---That's right. I mean, the
39 strangers were to us, but they could have been friends with
40 Rajesh I believe or Pritesh. I don't know.

41
42 You mentioned Harinder Jit was somebody you knew?---That's
43 correct.

44
45 Do you also remember there being an occasion where Mr Jit's
46 wife wanted to obtain a IELTS result?---Yeah. I remember
47 Pritesh talking about it, saying Harinder's wife needed it
48 as well when he gave the money.

49
50 Do you remember her name?---I think her name - I read it in
51 the news. I don't remember it like I know her because I've
52 never seen her before but from the news her name was I
53 think Simarpreet Kaur.

54
55 In relation to Simarpreet Kaur, I think she took the test

56
57 24/3/11 KADER, A. XN 432
58 11.00

1 on 6 March 2010. For most of the people who were taking
2 the test, what did you understand they wanted the test
3 for?---I was believing they required it for their permanent
4 residency or some occasions where they were trying to
5 extend their student visa, and I think there was a
6 requirement there for extending their student visa, and you
7 have to sit for that test again as well, so, yes.

8
9 Were there particular scores that you were aware they
10 required for the purposes of those?---It was more based on
11 what they sort of wanted. So if they said they wanted a
12 seven, then seven it was, and I believe, I think,
13 Simarpreet wanted a higher score or something and she said
14 - I'm not a hundred per cent sure but I suppose that's what
15 she got or something, yeah.

16
17 I think she wanted a higher score because she was wanting
18 it for an education or something along those lines, but do
19 I understand that the people who were paying would actually
20 request particular scores?---That's correct.

1 How was that communicated, how was the particular score
2 arranged and communicated to be provided?---Most likely on
3 most of the instances it would usually be a seven score. I
4 think that was the minimum required or something, and then
5 I think people - you know, any person would think that if
6 you got seven in each one of them, I suppose because
7 towards the end I remember seeing someone asking for seven
8 in one band, seven and a half in the other one, I think
9 just to keep it up and down so that maybe someone picked it
10 up straightaway, then we would not think, "Why has this
11 person got seven in each one of them" or something, or
12 something of that sort, but initially or most of the time
13 it was a seven, that's what they were after, but on certain
14 instances I remember on a piece of paper when the names
15 were given the little scores were written down as well and
16 this person needs this sort of score in whatever category,
17 whether listening, reading or whatever, and that's what it
18 was.

19
20 So in addition to the names, the candidate number - - -?
21 ---Initially, it wasn't, but towards the end there were -
22 on a piece of paper there would be written as well saying,
23 "This person requires a seven in this, a seven and a half
24 in the other one, six and a half in the other one," I'm not
25 sure, but whatever it was.

26
27 So initially at first there weren't particular scores asked
28 for, but later on you would see it written down?
29 ---Yes.

30
31 After, on 24 October 2009, a Mr Vimal Majithiya - - -?
32 ---Yes, that was the other housemate of Pritesh Shah. I
33 think he moved out now.

34
35 That was somebody that you knew of?---I met him as well.

36
37 Yes?---Like same relation sort of with, like what is with
38 Vishal Pandya.

39
40 And in relation to that, do you remember how much you
41 received? Mr Shah has indicated that he received \$2500
42 from Vimal and he paid 2300 to you. Would that sound all
43 right?---Yes, because I remember it was never more, I've
44 never taken more than 1500, from the top of my head. It
45 was initially that way, but I think soon the thing changed
46 where I suppose maybe Pritesh wants to realise I'm doing
47 all the hard work, so why is he taking so much, or whatever
48 the case may be, and it sort of went down to 300 and he's
49 like, "That's all you're going to get" and it was like
50 that, whatever.

51
52 On that occasion, if you received \$2300 would it still be
53 the case that 1500 would go to Mr Low?---Yeah.

54
55

56

57 24/3/11

KADER, A. XN

434

58 11.05

17/2/sjr

1 And other than the occasion with Mr Pandya, is that the
2 case with all of the transactions you were involved in,
3 that Mr Low would always get \$1500?---There might be one
4 occasion when he might have taken more than 1500, but I'm
5 not exactly sure what that figure was. It could be 1600 or
6 17, I mean maybe a couple of hundred dollars more.
7

8 On 7 November 2009, tests were taken by two persons, a
9 Chirag Dhirwani and Punit Kanjiya. Do you recognise those
10 names?---No.
11

12 As friends of Pandya?---I don't know anybody, I don't know
13 anyone, I mean Vishal was friends with.
14

15 But you don't dispute that you may have been involved in
16 that because you didn't keep a record of the names?
17 ---That's correct. I'm not saying I wasn't involved or
18 anything, I'm just saying I don't personally know that
19 person.
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58 24/3/11

KADER, A. XN

435

18/1/rds

1 On both of those occasions Mr Shah has indicated that he
2 received \$5000 and that he paid 3000 to you which would be
3 divided each way with Mr Low?---Mm.
4
5 Does that sound consistent with what you were doing?
6 ---Yeah; yes.
7
8 What were you doing with the money?---Just essentially
9 paying off the regular, you know, rent and groceries and
10 everything and maybe bought a few clothes or something with
11 it, yeah.
12
13 So do I take it that it was all received in cash
14 obviously?---That's correct.
15
16 For the most part did you spend the cash rather than put it
17 in the bank?---That's correct.
18
19 On some occasions did you put cash in the bank?---I might
20 have.
21
22 After 7 November the next test taken was on 21 November
23 2009. A person called Navin Bhudiya took the test. Do you
24 remember that person's name?---No.
25
26 Again he I think - Mr Shad indicated that he received 4000
27 or 4500 dollars from Mr Bhudiya and retained part of it and
28 paid the rest to you. You would agree that that could have
29 happened and you just don't remember the name?
30 ---That's right. I mean, whatever people actually sat
31 through, Pritesh had always gone through me.
32
33 Yes?---So if he is saying - I mean, probably his memory is
34 really good, mine is just maybe shabby or something but
35 yeah, I agree with - if Pritesh had passed it on to me, it
36 will have come through me and would have gone to Keith.
37
38 As far as you knew Pritesh always had to go through you?
39 ---That's correct.
40
41 And that he didn't deal directly with Keith Low?---No; no.
42 I mean, he was available or he would have come at certain
43 occasions along with me as well but he wouldn't - I mean,
44 there was always a conversation between me and Keith and he
45 was part of it but he wouldn't go by himself, ringing up
46 Keith himself and saying, "I've got two (indistinct)," or
47 something. He would never do that.
48
49 On 5 December Rajesh Kumar - - -?---Yeah, that's the guy.
50
51 - - - took the test?---He would have.
52
53 Do you remember being involved because - you met him
54 because he became involved?---I remember Pritesh once told
55 me that this guy's a person who sat before as well, so
56
57 24/3/11 KADER, A. XN 436
58 11.10

1 that's all I remember but when he sat, I wouldn't have a
 2 clue or I wouldn't know him then.
 3
 4 You would have just got the piece of paper and passed it on
 5 without looking at the name?---That's correct. I mean, I
 6 could've even looked at it. It just meant gibberish to me
 7 because I had no idea who these people were.
 8
 9 I'm having some difficulty hearing you. Could you just
 10 adjust the microphone or sit a little bit closer and it
 11 might be easier to hear? Thank you. I have taken you to
 12 the end of 2009, through that first six months of 2009 and
 13 the ones that Mr Shah has indicated have been about nine
 14 people in that six-month period?---Okay.
 15
 16 Which, as you said, was - it wasn't as often?---It was very
 17 occasional, here and then sort of.
 18
 19 Very occasional?---There were more coming through.
 20
 21 Do you remember something happening at the end of 2009 or
 22 discussing with Mr Low at the end of 2009 that there might
 23 be changes to the IELTS system that would affect what you
 24 were doing?---I vaguely remember him talking about they
 25 could become - I think they were trying to revamp the
 26 system or something of that sort and it was a general
 27 conversation, saying it might be harder or something to do
 28 it and he probably wouldn't be able to do it or something.
 29 That's something I remember that Keith mentioned, but I
 30 think it never happened or it didn't go through, I don't
 31 know what happened but yeah, I remember something of that
 32 sort Keith mentioning.
 33
 34 Was that towards the end of 2009?---I don't know.
 35
 36 He raised that there might be a problem as a result of
 37 changes that might be happening which would mean you would
 38 need to stop but in fact it didn't stop?---No, it didn't
 39 stop.
 40
 41 So whatever he thought might have - whatever he had said to
 42 you might be going to occur as far as you know didn't?
 43 ---It probably didn't or even if it did and he got a way
 44 around it, I don't know.
 45
 46 On 9 January there was a test taken by a Poojan Khakhar.
 47 Does that name mean anything to you?---No.
 48
 49 On 6 February there was a test taken by a Dalwinder Singh.
 50 It doesn't mean anything to you?---I'm probably hearing
 51 that name again but I don't know what that person looks
 52 like or - - -
 53
 54
 55
 56
 57

18/3/rds

1 Dalwinder Singh gave evidence earlier this week to the
2 effect that he paid a person called Lovejeet Singh who - he
3 didn't know where the money went from there. Do you know a
4 Lovejeet Singh?---I never heard of the name before.

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24/3/11

KADER, A. XN

438

1 So if that was the arrangement, that he'd paid a person
2 called Lovjeet Singh, and the money ultimately came through
3 to Mr Low, that would be an additional person in the chain,
4 if you like. You didn't know about Lovejeet Singh, if
5 Lovejeet Singh was dealing with Mr Kumar or Mr Shah?---
6 Yeah.

7
8 I've asked you about Mr Jit's wife. You remember her
9 because she had asked for higher scores than sevens?---And
10 apart from that, Pritesh had mentioned that I think she was
11 the first woman - put it this way: she was the first woman
12 or something and Pritesh mentioned that she was Harinder's
13 girlfriend, wife; I'm not sure what the status is like but
14 he did mention that.

15
16 I think he said in relation to her that he received \$3200
17 from her, and as was often the case he paid \$3000 to you
18 which was divided equally between you and Mr Low?---Okay.
19 Would have been - I don't remember.

20
21 When you would receive money from Mr Shah, did you know how
22 much he had received in the first instance?---Some
23 occasions he did mention but towards the end I don't know
24 whether - I mean, if he's coming and telling me I've got to
25 - say, \$2500, so I'm taking \$500 and giving you \$2000, I
26 wouldn't be a hundred per cent sure whether he was actually
27 getting 2000 because there was no way I would have gone and
28 checked how much he got because I never went with him to
29 get the money in the first instance.

30
31 I want to ask you about - and most of the examples I've
32 given so far have been about one or two people taking the
33 test at a particular time?---Mm'hm.

34
35 I want to ask you about a test that was taken on 6 March
36 2010, and on 6 March 2010 in addition to Harinder Jit's
37 wife Simarpreet Kaur there were three other persons who
38 took the test on that occasion, a Sukhdeep Buttar, a
39 Satinderpal Sidhu and a Satinderpal Gil, three men. Do you
40 remember any of those names?---No.

41
42 You may not remember the names but I want to ask you some
43 things about the occasions. Mr Shah has given evidence to
44 the Commission that these were people who I think for the
45 first time asked him to arrange the test. They had been
46 introduced by Navin, but they wanted to pay after they had
47 taken the test?---I think there was an occasion once where
48 I think they paid half first and they said, "You are going
49 to get half later" or something but I think - I'm not sure
50 if I communicated that with Keith. I'm sure Keith would
51 have declined it because he obviously wanted to get
52 whatever he was going to get up front rather than do half
53 now and half later. I'm not sure how that went but I
54 remember there was an occasion where someone came up and
55 said, "They're not going to give you the whole thing right
56

57 24/3/11
58 11.15

KADER, A. XN

439

19/2/rk

1 now but they'll give it to you later" like, half now, half
2 later or something like that.

3
4 **THE ACTING COMMISSIONER:** Can you speak up? You are
5 speaking very quietly.

6
7 **QUINLAN, MR:** Excuse me, sir, I'm just looking for a
8 transcript reference. While I find that reference, sir, I
9 notice the time and it might be appropriate for a
10 five-minute morning break.

11
12 **THE ACTING COMMISSIONER:** Certainly, Mr Quinlan. We'll
13 adjourn for 10 minutes.

20/1/lar

1 **THE ACTING COMMISSIONER:** Yes, Mr Quinlan?

2
3 **QUINLAN, MR:** Thank you, sir.

4
5 Mr Kader, the occasion I was asking about before we took
6 the break was in relation to three individuals who proposed
7 that they not pay up-front, and I think you said you
8 remember that happening on one occasion?---Yes.

9
10 I just want to read to you again what Mr Shah said in
11 relation to those individuals and then I'll ask you some
12 questions about it. He was asked this question by
13 Ms Harries:

14
15 I want to ask you about the three people that you say
16 were part of the three person deal, Mr Buttar,
17 Mr Gill and Mr Sidhu. Can you just explain what
18 happened and who you dealt with in relation to that?

19
20 and Mr Shah's answer was:

21
22 Navin came to me one day and he said he knew three
23 people, they study with him and he said they're happy
24 to pay, like, 18,000 or 16,000 for three people and
25 he said, "I know these people but at this time I'm
26 going to India, so I'm giving you this number and
27 make sure you deal with them and keep money for
28 myself too, because I want to get my money back what
29 I paid to you," so I said -

30
31 this is Mr Shah -

32
33 "Okay, but I have to ask them," because he said,
34 like, these people, they're probably not going to pay
35 in the beginning, no amount. I said, "I'm not sure,
36 but otherwise this guy, he's not going to help," so
37 he said, "But he had already taken a date on my
38 saying because I told them that, 'Okay, look, do take
39 a date and I'll probably help you.'"

40
41 and Mr Shah responded:

42
43 "But you shouldn't have done that because I'm not the
44 one doing this thing. I have people, you know, in
45 front of me. I have to ask to ask them. If they're
46 happy, they can help. If they're not, I'm sorry,"
47 and he said, "Please request them." So I made a
48 phone call in front of him but I speak Hindi, but he
49 doesn't know who I'm talking to and I told him, like,
50 "This is going on -"

51
52 and this is a reference to you -

53
54 and he said, "I'm at work. When I go home, I talk to
55 Keith and I'll let you know," so he came back in

56
57 24/3/11

KADER, A. XN

441

58 11.30

20/2/lar

1 the night-time or the next day and he said, "Yeah, he
2 happy to do that but make sure they're not going to
3 get their results in their home. Keith going to keep
4 their results with him and once you got the money
5 then you can pass it to me, and then after that
6 they're going to issue the results."
7

8 That was the evidence he gave. Do you remember
9 something along those lines happening?--Not clearly, but
10 something of that sort from that occasion, yes.
11

12 That Mr Shah effectively reverted to you before confirming
13 that it could be done, that they would not pay before the
14 test?---I don't remember clearly, but I know there was
15 something going on where someone came along the way and
16 said they're not going to pay up-front, or they want to pay
17 half or something of that sort, and I believe that got
18 sorted because they did sit and ended up paying us and the
19 money did get transferred over.
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58 24/3/11

KADER, A. XN

442

1 In relation to those persons that took the test on 6 March
2 2010, one of them, Mr Gill, gave evidence before the
3 Commission on Tuesdays that he paid but then he received in
4 the mail - he received a certificate and he didn't receive
5 the certificate that he wanted. Do you remember there
6 being any difficulties associated with somebody having got
7 a certificate that they - - -?---I don't remember whether
8 this was that instance but I do remember maybe on one
9 occasion or maybe on one occasion or maybe a couple of
10 occasions where the actual certificate had gone home and
11 Keith was obviously made aware and he said he was going to
12 reprint a new one with the scores requested and he's going
13 to deliver those ones. It could have gone through the mail
14 or he could have given it to me and I could have gone and
15 passed it on to Pritesh and so on and so forth.

16
17 Do you remember that on occasion there were occasions where
18 you would actually be given the test certificate in order
19 to give to Mr Shah?---That's correct, yes.

20
21 And how many times, to your memory, would have happened?---
22 Maybe twice. I don't know, but it did happen, yes.

23
24 On 27 March two more persons sat the test, Ajit Singh and
25 Jatin Dutta. Do those names mean anything to you?---No.

26
27 But you wouldn't question, for example, Pritesh Shah's
28 memory that they were two persons who were arranged as
29 well?---Yes.

30
31 That month, the month of March, therefore seems to have
32 been - and I think there was another person on 27 March -
33 there were two more people on 27 March as well, Anuj Vaidya
34 and Keyurkumar Patel. Do those names mean anything to
35 you?---No.

36
37 That suggests that in the month of March there were eight
38 people who took the test in that month on two separate
39 occasions. Is it fair to say that by March this activity
40 was getting pretty busy?---Yes. I'm not going to say March
41 or April or whatever but I know towards the end of it he
42 did get - there were quite a few on each test date. It
43 wasn't like on person on one test date or something. It
44 could've been two, could've three, something of that sort.

45
46 On 17 April 2010 there was a Jaswinder Sidhu who sat the
47 test, and a person by the name of Maninder. Do you
48 remember either of those names?---No.

49
50 They were both in April. In May it doesn't appear this
51 happened at all on any occasion in May. Do you remember
52 whether or not you or Mr Low or Mr Shah were away at all

53
54 24/3/11

KADER, A. XN

443

55 11.35

21/2/rk

1 in May of 2010?---I was away in June I am not a
2 hundred per cent sure if Keith was away, but - because
3 Pritesh and I coincidentally happened to go on the same
4 time, maybe different dates, to India in June, I believe.

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24/3/11

KADER, A. XN

444

22/1/sjr

1 Yes?---I'm not sure what time he left, but we did meet up
2 over there. I'm not a hundred per cent sure if - - -

3

4 But May you're not sure about?---No.

5

6 In June I think you said that you went to India and Pritesh
7 went as well, but he went a little later than you?---Later
8 or before me, I'm not a hundred per cent sure.

9

10 Do you remember at that time whether, because you were
11 leaving before Pritesh that Pritesh for that reason dealt
12 directly with Mr Low? Was there a discussion about that?
13 ---I met Pritesh, on the day I left, Pritesh was still
14 here. I think Pritesh left after me.

15

16 Yes?---If I'm not a hundred per cent wrong. Yeah, there
17 was an occasion - yes, that was the occasion when Pritesh
18 went directly to Keith to hand over the money, names,
19 whatever the thing was. Yeah, and I wasn't there.

20

21 Do you remember, I have been reminded in relation to a
22 person called Maninder that the first report from he
23 obtained or gained, this is one of the persons who was in
24 April, the test report form he received was not signed, so
25 that was one where you were - - -?---Yes, I remember that
26 happening and I think Pritesh might have come along with me
27 and I went to Keith's house. That's the time I think he
28 had moved out.

29

30 Yes?---And gave it to Keith. Keith signed it on the spot
31 and gave it back.

32

33 Keith signed it and gave it back?---Yes.

34

35 In your presence?---Yes. I think, yeah - - -

36

37 It seems that at that time, and that was for a test that
38 was taken in April, there were, if I can put it, a few
39 mistakes being made or test results not getting out in the
40 way that you were planning. Do you remember that starting
41 to happen?---There was an occasion, maybe two occasions,
42 where this happened where the people were getting the
43 wrong, or getting the actual result, and then coming back
44 and telling us that's happened and Keith issuing a new one.

45

46 When that happened, and I take it that that was later on in
47 the year that we're talking about when the volume became
48 larger, if you like, did you discuss with Keith whether or
49 not you should continue doing this because mistakes were
50 being made?---No. I don't remember discussing whether we
51 should stop it or he should stop doing what he was doing or
52 something, but he said - I think it was getting really busy
53 for him or something

54

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56 11.40

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445

22/2/sjr

1 and, or I suppose the staff over there were getting a bit
2 more proactive in getting the work done quickly. I don't
3 know what happened, and they were sending it out without
4 him sort of keeping him in the loop, I don't know what it
5 was, but - - -

6
7 But you didn't have any discussion, or he didn't say to you
8 something along the lines of, "This is getting - mistakes
9 are being made, this is getting too risky, we better
10 stop"?---I might have told him but I don't know, I don't
11 remember.

12
13 On 5 June that was another occasion upon which there were a
14 number of people who took the test, and I will just read
15 you the names and ask you whether you remember any of them.
16 There was a Surjeet Kumar? No, you're shaking your head?--
17 -No, I don't remember the name.

18
19 Ankitkumar Patel?---No.

20
21 Amandeep Kaur?---I don't know.

22
23 Amandeep Kaur was a person who travelled from Queensland to
24 sit the test?---Might have, but I don't recollect, I don't
25 remember.

26
27 If I tell you this about Amandeep Kaur, she was a colleague
28 or an acquaintance of Mr Gill, that is Satinderpal Singh
29 Gill, who had taken the test on 6 March 2010, and she
30 received the wrong results. That is she received the
31 correct results, and steps had to be taken to issue a new
32 test report form. Do you remember that particular
33 occasion?---Like I said, not the particular occasion, but I
34 know this has happened maybe once or twice or something
35 where the original one had gone in and had to be rectified.

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57 24/3/11

KADER, A. XN

446

1 When that happened, when you remember that happening, that
2 the original one had gone out - that is the one with the
3 person's correct scores but not the scores they had
4 wanted - was there any discussion or did this happen, that
5 when the false report was handed to them they would have to
6 give back the other?---Yes, that's what Keith had asked
7 for, to give it back.
8
9 So Keith had asked, when that happened, to your knowledge,
10 that the false one, when that was handed over, the true one
11 would be given back?---Yes.
12
13 What happened with it?---I don't know. He - Keith took it
14 back. I don't know what he did with it but he just said,
15 "I want it back," and we were like, "Okay."
16
17 Back to 5 June, there was a Tusharkumar Patel?---Don't
18 remember.
19
20 Rikenkumar Vaishnani?---Don't remember.
21
22 Okay. Mr Vaishnani, as I indicated, took the test in June
23 and you were away for at least part of June. I'm going to
24 ask you some questions about what happened with him and
25 whether you remember any of this?---Sure.
26
27 Mr Vaishnani paid \$10,000 through Rajesh Kumar originally?--
28 --Okay.
29
30 He gave evidence. After he took the test, he received the
31 test report form that had the true scores on it, ie the
32 ones that he didn't want?---Okay.
33
34 He contacted Rajesh Kumar and Rajesh Kumar told him to go
35 back and get another one, that is pay for another test
36 report form, and that one was the correct scores as well?
37 ---Mm'hm.
38
39 So he had got two, and that he then was told by Rajesh
40 Kumar that Rajesh Kumar would arrange for another one and
41 another one was produced on the same day which had the
42 false scores on it. Do you understand the description of
43 what I'm giving to you? And that second occasion, where he
44 got two that are marked the same date, is 28 June 2010. Do
45 you have any recollection of being involved in that?
46 ---No. I remember there were a few calls made to me while
47 I was in India by Pritesh, when he was in India as well,
48 saying something along the lines that something had
49 happened wrong. I don't remember the names or anything but
50 I do remember contacting Keith and saying, "Look, something
51 has gone wrong. You haven't changed it properly or
52 something like that." I did notify Keith about it.
53
54 You do remember that while you were in India in June of
55 2010, when Pritesh was there as well, something had gone
56
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1 wrong back in Perth?---Yes.

2

3 With the wrong results coming out, and you contacted Keith

4 Low to speak to him about that?---Yes.

5

6 As it happens, Mr Vaishnani, when he did get the false
7 form, still had and still retained the two correct ones.

8 Do you understand what I mean by that? So he had all
9 three?---Okay.

10

11 I take it that that's not what you had understood was to be
12 the process if somebody had accidentally got the correct
13 form?---That's correct. He would have - Keith would have
14 requested them back. What he did with it I don't know, but
15 he would have said, "I need them back," but the chances -
16 because we were all away, Keith wouldn't have anyone to
17 request it so I'm not sure. I don't remember whether Keith
18 asking them back and me handing it over, but if he had them
19 then I suppose I don't know what he did with them.

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1 If that's what occurred - as Mr Vaishnani said, that he
2 retained all three - that was not part of the arrangement
3 you had understood, so that the correct ones weren't out
4 there in the public, as it were?---That's correct. I mean,
5 Keith didn't want two copies of the same thing with
6 different scores on it, so yes.

7
8 Did he explain why that was to you or was it obvious to
9 you?---It was just obvious that - yeah.

10
11 Finally, on 26 June 2010 three persons took the tests;
12 Jasdeepkaur Deol, Kuldeep Sahi and Talwinder Pannu. Do you
13 know those three names?---No.

14
15 Are there any other occasions that you can recall, that I
16 have not referred to, where you were involved?---No. This
17 is all.

18
19 You said earlier that most of the cash that you received in
20 the course of these transactions was spent by you without
21 being put into the bank?---That's correct.

22
23 In relation to your finances otherwise, you were working at
24 the time so you received some salary into your bank
25 account, I take it?---That's correct.

26
27 There were occasionally large transfers from other - and
28 perhaps if I can ask you about this. If I put up 0424.
29 You see this is a copy of your bank statement?---Mm'hm.

30
31 If there hasn't been an order already, I would ask that
32 both Mr Kader's address and the actual bank account details
33 not be the subject of publication, sir.

34
35 **THE ACTING COMMISSIONER:** I make a suppression order in
36 those terms.

37
38 **QUINLAN, MR:** Thank you, sir.

39
40 Mr Kader, if I can ask you to go to - if I can ask the
41 operator to go to page 3 of that document.

42
43 You will see on 28 August 2009 there's a large credit?
44 ---Yes.

45
46 PDSWBC Pakamudin Sarkudin?---Yes.

47
48 What's that?---That is my brother-in-law in Bahrain. He
49 gave me sort of money to - I was going to be buying a
50 house. Obviously that didn't happen as yet. That was a
51 deposit against that, sort a helping hand.

52
53 So in relation to deposits like that, you obviously
54 received them in your bank account but that wasn't a cash
55 deposit in any way. That's a direct transfer from another

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1 bank account, from another person - - -?---In terms of
2 this, no; no.

3
4 Other than the payments that you received in relation to
5 the arrangement of test rests with Mr Low, was there any
6 other source of cash you were receiving at the time?---I
7 don't understand.

8
9 Can you repeat please?---You would receive your salary as a
10 direct input into your - - -?---Bank account?

11
12 - - - bank account?---Yes.

13
14 Large deposits like that where your family, for example,
15 were assisting you, would go directly into the bank
16 account?---That's correct.

17
18 You were receiving some cash as a result of these
19 transactions involving Mr Low?---Mm'hm.

20
21 And it can be up to 1000 or 1500 dollars at a time?---Yes.

22
23 Other than your receipt of cash in those transactions, was
24 there any other source of cash that you were receiving over
25 this year?---No.

26
27 No?---It was just the salary and that's it.

28
29 Looking at that bank statement - if I can ask to go to
30 page 4; scrolling down - there's a cash deposit at Nedlands
31 on 9 November 2009 at 12.05 pm, do you see that, of a
32 thousand dollars?---Yes.

33
34 A cash deposit of that size, would that be a cash deposit
35 of the cash that you were receiving as a result of the
36 transactions with Mr Low?---Could be.

37

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1 There is no other source of a thousand dollars in cash that
2 you can think of for that period of time?---No.

3
4 If we can move forward to page 8 of that - stopping there -
5 you can see that on 25 March 2010 there is a cash deposit
6 of \$2000 and on 29 March 2010 there is a cash deposit of
7 \$1900. Do you see them?---Yes.

8
9 Do you agree that those cash deposits in that four-day
10 period or five-day period of \$3900 are likely to be from
11 the cash that you had received as a result of these
12 transactions involving Mr Low?---Yes.

13
14 Indeed, that deposit of that \$3900 in the two amounts
15 happened in a month in which there was a lot of activity,
16 that is a lot of persons went through the process?---Yes.

17
18 Then, finally, if I can ask you to go to the last page,
19 page 10, you can see on 8 June 2010 there's a cash deposit
20 of Willetton of \$3000?---Mm'hm.

21
22 Would you agree that a cash deposit of that size is likely
23 to be cash associated with the transactions involving
24 Mr Low?---Yes.

25
26 Again, that cash deposit happened shortly after the large
27 number of persons taking the test on 5 June?---That's
28 correct.

29
30 Judging by those cash deposits over that period of time
31 that I have identified, there seemed to be a total of \$7900
32 that was deposited in your bank account in relation to
33 these transactions. Would you agree with that?---I would
34 say so yes.

35
36 Given your evidence earlier that most of the money that you
37 received you actually spent and didn't put in the bank,
38 that would suggest that the total amount of money that you
39 received was significantly in excess of \$7900?
40 ---Yes. I would agree with that, yes.

41
42 You don't know exactly how much you received because you
43 didn't keep a running total.

44
45 **GREVILLE, MS:** (indistinct) it does disclose information
46 that isn't relevant to these particular proceedings,
47 including identifying persons and entities and things like
48 that.

49
50 **THE ACTING COMMISSIONER:** We have made suppression orders
51 for similar documents earlier where the residential address
52 is suppressed and the bank account number is suppressed,
53 but we have not suppressed the contents of the document,
54 but perhaps I will hear from Mr Quinlan first.

1 **GREVILLE, MS:** Thank you, sir.

2
3 **QUINLAN, MR:** I have certainly taken the witness to
4 particular entries in the course of the document. There's
5 no necessary requirement for the disclosure of the balance
6 of it for the purposes of a proper understanding of the
7 document. It's not clear from looking at the document, as
8 I said, on the screen that there are particular matters,
9 however, that are likely to cause any prejudice or
10 difficulty to persons, but if it were your view that the
11 document should otherwise not be the subject of
12 publication, of course that should not apply to anything I
13 have referred to in the transcript.

14
15 **THE ACTING COMMISSIONER:** You don't need any other entries
16 in the bank account statement in the context and to explain
17 the entries that you have taken the witness to?

18
19 **QUINLAN, MR:** I took him to some of the entries for the
20 purposes of the context.

21
22 **THE ACTING COMMISSIONER:** You don't need to rely on any
23 (indistinct)

24
25 **QUINLAN, MR:** No, and I think on the basis that he has
26 accepted that the \$7900 obviously reflects, in all
27 likelihood, the moneys the subject of the transactions, in
28 this particular instance I don't identify any particular
29 other matter which would prejudice the investigation if
30 that were included.

31
32 **THE ACTING COMMISSIONER:** Yes. I make an order that there
33 will be no publication of Mr Kader's residential address,
34 nor the bank account number referred to in Commission
35 document exhibit number 0424, that should be bar code 0424,
36 nor any of the other entries in the document save for the
37 entries to which counsel took Mr Kader, and a written form
38 of that suppression order will issue shortly.

1 **GREVILLE, MS:** Thank you, sir.

2
3 **QUINLAN, MR:** May it please you, sir.

4
5 You said that the last occasion upon which you recall being
6 involved was in June?---Yes.

7
8 Why was June the last time you were involved? Why did the
9 arrangements in relation to changing tests come to an end?--
10 --I believe Keith had resigned, or was in the process of
11 resigning. I don't know the exact date when he resigned,
12 but he had resigned in June or July or something and
13 essentially there was nothing he could do after he had
14 stopped working there, so that was the end of it.

15
16 How did you feel about that coming to an end?---To be quite
17 honest, I was happy that this was coming to an end.

18
19 Sorry, I didn't hear that?---I was a bit happy that it was
20 coming to an end.

21
22 Why was that?---Because I knew that the top was going to
23 fall away any time. It did fall away anyway, but - so
24 because I think it had just gone too big and it was all
25 supposed to be expected or something like that.

26
27 In relation to that, why was it that Pritesh Shah was the
28 primary point of contact for the candidates? That is, why
29 was it only him that you dealt with?---I don't, or I didn't
30 know that many people. I mean, I have very few friends,
31 put it that way, so I think it's not safe to just go out,
32 hang around universities and ask people to - and I suppose,
33 I wouldn't have even been involved if it wasn't for Pritesh
34 being there. If Pritesh wasn't there then this probably
35 would have never happened or - I wouldn't have trusted
36 anyone else to bring in anyone, because obviously it sort
37 of gives a thing that anyone can just go and speak it out
38 to anyone and people will know about it or something like
39 that, so - yeah.

40
41 So from your point of view, you trusted Pritesh that if he
42 was dealing with you and he was dealing with other people,
43 that he was somebody who was not going to reveal your
44 involvement?---Not that, really. I mean, I just mean it in
45 the way that he - because of the time this started
46 happening he was still a student, so obviously he had a
47 fair few students that he was studying with who might want
48 to get this done or something, so he said he should be able
49 to get some, get a few people or something, so yeah, and I
50 wasn't studying then or I was already a PR and the friends
51 of mine were all settled in. Nothing of that sort was
52 going on anyway and I don't have - I don't keep in touch
53 with a lot of people, so - - -

54
55 You obviously trusted Mr Low. I just want to go back and

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1 ask you about when you started. When the issue first came
2 up on your evidence it was involving Mr Pandya, when you
3 were in effect asking Mr Low on behalf of Mr Shah?
4 ---That's correct.

5
6 You had known Mr Low for some time by that stage?---That's
7 correct, yes.

8
9 A number of years?---Yes.

10
11 Did you know what he did at the IELTS centre? What his job
12 was?---No. I just knew he was working and he was running
13 the test, or being the coordinator essentially.

14
15 So you knew he was the coordinator at the IELTS centre?
16 ---That's correct.

17
18 Did you know how many other people worked with him?---No.

19
20 Did you know anybody else at the Curtin English language
21 centre?---No.

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1 Had you ever been there before this happened?---No, no; not
 2 to occur in university, no.
 3
 4 You had not visited him at work or anything like that?
 5 ---No.
 6
 7 But you approached him, having spoken to Mr Shah, about
 8 arranging for particular test results for Mr Pandya?
 9 ---That's correct.
 10
 11 It was being made clear by you to Mr Low when you
 12 approached him that you were asking him to falsify the test
 13 reports. Correct?---I didn't understand the gravity of
 14 what was going to happen. All I knew was Pritesh was
 15 asking if there was something that can be done to
 16 essentially get Mr Pandya the PR or make him eligible to
 17 get his PR, and I without even thinking I just went and
 18 asked him and he said, "I can try, what I can do."
 19
 20 I take it that when you had that conversation with him you
 21 weren't talking, for example, about him finding some
 22 legitimate way for Mr Pandya to get better at English so he
 23 could pass the test, were you?---No, that's correct. I
 24 wasn't asking him for him to - a class or anything.
 25
 26 Put him in touch with a tutor or a class or something like
 27 that?---No.
 28
 29 What you were raising with Mr Low was is there some way we
 30 can get around the system in order to get him the results
 31 that he wants?---That's right.
 32
 33 And when it was raised with you by Mr Shah that Vishnal
 34 Pandya was having these problems, I think on your evidence
 35 you fairly quickly went to Mr Low and asked him?---Because
 36 he was just right there in the house.
 37
 38 Yes. What made you think that you could go to Mr Low and
 39 effectively ask him to use his job to circumvent - to get
 40 around - the proper IELTS system?---I wasn't expecting to
 41 get a positive answer right away. I just went to ask him
 42 whether he could do something or he knew someone who could
 43 do something and he said, "I can try" or "I'll see what I
 44 can do" and that was it. Then he said that, yes, he can do
 45 it.
 46
 47 Would you agree with me that it's quite an unusual thing to
 48 say to somebody - - -?---I mean, I would go to an IELTS
 49 centre and ask someone who could do this but I suppose I
 50 took him as a friend, and since I'd known him for a while,
 51 and asked him that question. Obviously he could have said
 52 no. He could have said yes, depending on what he wanted to
 53 do. I mean, it's like any other friend. You just go and
 54 ask them, whatever, and I think it's up to them to justify
 55 or define or judge for themselves what they're
 56
 57 24/3/11 KADER, A. XN 455
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1 going to be doing is right or wrong, so that was
2 essentially what I had gone and asked on that basis. If he
3 had said no, I would be like, "Okay."

4
5 But there can't have been any doubt in your mind when you
6 went to ask him, that you knew you were asking him whether
7 he could do something which was wrong?---I mean, I hadn't
8 quite thought of it then. Like, it's something that
9 someone's asked you something; you don't sit down, think
10 about what you are going to ask; you just go and ask. If
11 that person said no, then obviously you ask them why
12 they're saying no or if they've said yes, awesome. That
13 was the answer you were probably looking for anyway. So if
14 they said no or something probably I would sit down with
15 them and I'd say why is it no or something, and he would
16 have then gone and explained it to me, but he just said
17 yes, so you don't really think whether, I suppose - okay,
18 yeah, this is probably the answer you are looking for in
19 the first place, so that's what you got from him.

20
21 By asking him, did you have reason to think that there
22 would be some reason that he would manipulate the system
23 where he worked at your request?---Like I said, I hadn't
24 thought of it when I asked him but obviously eventually
25 that came to mind that the only way this can be done is a
26 manipulation of the system.

27
28 Are you saying you didn't think that's what you were asking
29 when you first approached him?---I didn't really think. I
30 just went and asked him. Like, this is a friend, this is
31 what he wants. "Can you do something?" and he said, "I'll
32 think about it" or "Nothing to worry about. Yeah, I can
33 try and do something."

1 Because as you have said, he seemed to have given you a
2 positive response pretty immediately?---Exactly, so I'm not
3 going to - that's the answer that I was looking for because
4 my friend was expecting something, a positive response back
5 from him. Not - if he had said no or something then I
6 would be like, "Okay, fair enough. Why?" and then, because
7 that's the reason why. If I rang up Pritesh and tell him
8 that, "Look, he said no," he's going to - first thing he's
9 going to ask me, "Why is he saying no?" and I need to give
10 him answer, and that would be the answer what I get back
11 from him.

12
13 But you certainly felt comfortable to ask him?---That's
14 right.

15
16 Would you feel comfortable to ask anybody to manipulate the
17 processes at their work?---No. I mean, if it was - if I
18 was at work and I had asked someone, I wouldn't go and ask
19 someone like that. I mean, if it's a friend of mine then I
20 can just go ask them anything, I mean, that's what they
21 are. They are a friend. I mean, you shouldn't have to
22 have boundaries to what you are going to ask them.

23
24 And that includes asking them to do something which you
25 know would be - - -?---Which I later thought that it was
26 manipulating the system.

27
28 In the course of this arrangement that you entered into,
29 did you become aware of any possibility or opportunity to
30 be able to do this at any other testing centres?---No.

31
32 You never heard of any ability to do this at other testing
33 centres?---No.

34
35 After Mr Low left his employment in July, did you become
36 aware that there had been discrepancies identified in the
37 test results that had been provided by Curtin?---Yes.

38
39 How did you first become aware that that had happened?
40 ---Pritesh came and told me that the people who had
41 actually sat the test had got a letter from, I think from
42 the IELTS centre or from somewhere, the immigration
43 department or something, saying that the IELTS test score
44 that he received is due to an inadvertent error or
45 something, there was in error in there and the score that
46 he got is not right, or something of that sort. So I had
47 heard it from Pritesh, I believe.

48
49 So Pritesh told you that various test takers had received a
50 letter - - -?---Had received a letter.

51
52 - - - saying, "Your scores were wrong, they're going to be
53 changed"?---That's - they were wrong, and that's all I
54 heard.

55

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1 What was your reaction to that?---I suppose I felt that
2 they had figured it out, that someone was essentially
3 changing the scores inside or something so, yeah.

4
5 So you were concerned that what had been going on had been
6 discovered?---That's correct.

7
8 Did you speak to Mr Low about that?---I think Mr Low, at
9 the time, was not in Perth.

10
11 Okay?---I think he was back in Malaysia and, yeah, I did
12 have a chat with him on the phone, I believe, telling him.

13
14 So you contacted him on the phone to tell him what Pritesh
15 Shah had told you?---Yes.

16
17 What was his response at that time? And I take it that
18 this is around the time that Pritesh has told you that
19 these letters have gone out?---Yes.

20
21 If I tell you it was towards the end of August that the
22 letters went out, so we're talking some time in September,
23 would that be around - - -?---Could have been.

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1 Just tell us what was said between you and Mr Low?---I just
2 filled him in as in this is what I heard and I think that's
3 all I remember, that I did ring him up. I got his phone
4 number from one of our other friends and called him up and
5 I told him, "I think this is what happened" and I don't
6 remember what happened after that but I just briefed him as
7 in this is what happened; they got letters and stuff like
8 that.

9
10 And what did he say?---I don't remember exactly what he
11 said or how he reacted or anything but I just told him that
12 this had happened.

13
14 Did you express concern to him about the fact that the
15 incorrect nature of the results had been discovered?

16
17 ---I would have told him. I don't exactly remember how the
18 conversation went but I just remember that I rang him up
19 and I told him that this had happened.

20
21 Put it this way: did he say anything to allay your
22 concerns about your and his involvement being revealed?
23 ---We had expected that I think, that if something had to
24 go a different way, then all this would have been revealed
25 as in who was involved and everything of that sort.

26
27 Did he say whether he thought he had done enough so that
28 your and his involvement wouldn't be revealed?---I think it
29 was more like he had done enough, that his involvement,
30 what he was doing in there wouldn't be revealed based on
31 the fact that he had used different logon names to log into
32 the system to change it.

33
34 So he did express to you that from his point of view he
35 thought that while they may have discovered the results
36 weren't correct, they wouldn't work out who had done it or
37 if it had been done by manipulating the system?---I mean,
38 not exactly word for word that way but that was the notion
39 I received from him; this is what he was trying to say,
40 that if they had picked it up, they wouldn't exactly come
41 and point fingers at him because of the way he had done it.

42
43 And if they didn't point fingers at him, that is, if his
44 involvement wasn't revealed, how did that make you feel
45 about the prospect that your involvement might be
46 revealed?---I sort of always knew that it might come down
47 anyway, because if it's not going to be picked up from
48 there, they will pick it up from the person who actually
49 sat there and will start pointing fingers to each other.

50
51 At that time was there any talk of the people who had
52 received the letters from IELTS wanting their money back?
53 ---Pritesh did mention that, yes.

1 He did mention that?---Yeah.

2

3 And what effectively did you and Pritesh discuss about
4 that?---There was no money to give back. I don't remember
5 exactly but I remember there was nothing to give back.

6

7 After that conversation that you had with Pritesh and then
8 speaking with Mr Low while he was in Malaysia, did the
9 issue come up again? Did you find out that there was more
10 happening in terms of investigation of these things?---I
11 think it quieted down after that but Pritesh did come back
12 and tell me that whoever's test scores had been changed,
13 there were a team of people who went to their houses to do
14 a house search or something with a warrant.

15

16 Yes?---So that's how I was aware that something was going
17 on.

18

19 So you were aware that there was an investigation taking
20 place in relation to the issue by the authorities or by
21 some authorities?---That's correct.

22

23 And when did you become aware that was happening?---This
24 was I think right about maybe a few days after the search
25 happened I think in Harinder's house. Harinder I think
26 rang up Pritesh and Pritesh came and saw me for that.

27

28 When approximately would that have been?---I don't remember
29 exactly the date but I know it was right after - - -

30

31 A while after you had the first - - -?---No, not a while,
32 right after, right after when Pritesh, not Pritesh, sorry,
33 Harinder's house was searched.

34

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1 Was it this year or last year?---It could've been 2010,
2 towards the end, I don't know.

3
4 It could have been towards the end of the last year? Could
5 it have been early in this year?---That's correct.

6
7 Did you speak with Mr Low again about the fact that there
8 was an investigation going on in relation to this?---Yes.

9
10 What did he say at that time in relation to whether or not
11 he thought there would be any prospect of him being
12 identified?---He just said that he had done enough to
13 change it, but obviously when this came through, he knew
14 that they obviously would have had a person in mind who
15 they were looking at as well regarding to the whole thing.

16
17 Do you remember that there was one person who had their
18 test results changed that dealt directly with Keith Low?
19 ---Keith mentioned there was one girl, I believe.

20
21 There was one girl?---That's what he said.

22
23 And you remember him contacting you after that woman had
24 contacted - - -?---There was someone from immigration -
25 yes, Keith mentioned that this girl rang me up as well, and
26 he said - I think it was a friend, I think she used to live
27 in the other house or something. He did bring that up,
28 saying she did receive a call from the immigration
29 department regarding results or something.

30
31 Did he tell you what he told her to do?---No, I don't
32 remember.

33
34 Is it possible that he told you that he told her
35 essentially, "Don't freak out, act innocent, play dumb"?
36 ---He could have said that, but I don't remember.

37
38 Earlier this year, do you remember meeting with Mr Low and
39 Mr Shah at the Garden City carousel?---That's right, yes.

40
41 And talking about this issue, these investigations?---Yes.

42
43 I think, we saw this yesterday, but you may not have been
44 in the hearing room - 1127. Do you recognise the persons
45 in that photo?---Yes.

46
47 The person on the left is you?---That's correct.

48
49 The person in the middle?---Keith.

50
51 Is Keith Low?---Yes.

52
53 And the person on the right?---Pritesh Shah.

30/2/sjr

1 Pritesh Shah? I think that photograph was taken at the
2 Garden City shopping centre at the end of January,
3 29 January 2011?---It was a Saturday, I remember the day,
4 the day but not the date.

5
6 I think you arranged to go there because Mr Low was having
7 a haircut there?---That's correct.

8
9 Do you remember that?---Yes.

10
11 And you met him after he finished the haircut and you
12 talked about these issues again?---Yes.

13
14 Again, in that conversation what did Mr Low say in relation
15 to the prospect that his involvement would be identified or
16 revealed?---I mean, when this had gone that far, we were
17 pretty sure that something was going to come and knock,
18 someone, we were - essentially, I was just waiting someone
19 knocking on my door at any time.

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1 You were pretty sure that somebody was going to come and
2 knock on your door?---Yes.

3
4 Was Mr Low still saying that there was no trail; that is,
5 whatever he had had been destroyed and he had used other
6 people's passwords so that - - -?---I don't remember the
7 exact conversation, but I think we had gone and told him -
8 that is, Pritesh and myself had gone and told him that the
9 people have been - gone and searched people's houses
10 regarding this and this is what is coming up or like we
11 know the CCC was getting involved and that's all I
12 remember.

13
14 So it was a matter of speaking with him about the fact that
15 this had happened, what was going to be done in the future
16 and at that time there was still discussion about whether
17 or not it would actually be possible to reveal who had been
18 specifically doing this?---Yes.

19
20 There was another occasion I think that you met with Mr Low
21 and Mr Shah at Murdoch University?---That's right.

22
23 This month?---That's correct. This was recently. This was
24 when - on Monday I received the summons, I don't know the
25 date, but - - -

26
27 Monday last week?---That's right.

28
29 On the 15th?---Yep.

30
31 Yes?---I think it was a Tuesday or a Wednesday that we met
32 up.

33
34 So shortly after you had received your summons you met up
35 again at Murdoch with Mr Shah and Mr Low, again to discuss
36 what your position was going to be because you had all been
37 summoned?---Yes.

38
39 At that point were you - what was your view at that point
40 as to what you were going to need to do?---I mean, the
41 summons was given, "you were on the witness stand" and I
42 had made my - sort of made it clear to him that, "I don't
43 think by putting me on the witness stand I'm going to sit
44 there and lie and defend you in any way." That I don't
45 know more - whatever has happened. I did mention to him
46 that I will be going there and telling the truth.

47
48 Did he express that he still had some confidence that there
49 would be information to tie him in?---What I remember from
50 this is he did mention that he was going to deny it but he
51 said there was no way they can find - "they can put me in
52 place for what I've done" and he said he was going to deny
53 it but I came on strongly - not strongly but I did mention
54 before leaving that I will - I don't think

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1 I'm going to sit there and lie or sit there and deny any -
2 of my involvement, that I've been in there, so.

3
4 May it please you, sir, I have no further questions for
5 Mr Kader and, subject to any questions that you or
6 Ms Greville have, he can be excused from his summons.

7
8 **THE ACTING COMMISSIONER:** Thank you, Mr Quinlan.
9 Ms Greville, do you have any questions?

10
11 **GREVILLE, MS:** No. Thank you, sir.

12
13 **THE ACTING COMMISSIONER:** Mr Kader, you are excused from
14 further attendance?---Thank you.

15
16 (THE WITNESS WITHDREW)

17
18 **THE ACTING COMMISSIONER:** Yes, Mr Quinlan?

19
20 **QUINLAN, MR:** I notice the time, sir, and perhaps if I can
21 ask that we adjourn early for lunch and resume at 2 pm.

22
23 **THE ACTING COMMISSIONER:** Certainly.

24
25 **QUINLAN, MR:** Thank you, sir.

26
27 **THE ACTING COMMISSIONER:** We will adjourn until 2 pm.

28
29 (Luncheon adjournment)

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