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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE JOHN HATZISTERGOS AM
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION HECTOR

Reference: Operation E19/1595

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 11 APRIL, 2023

AT 2.00PM

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

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

THE COMMISSIONER: Thank you. We'll resume. You're subject to the same promise you made at the commencement of your evidence to say the truth. Do you understand?---Yes, Commissioner.

Thank you. Yes.

10 MR ENGLISH: Mr [REDACTED], this document MFI 16, you wrote from, just before the break, on your fourth dot point, you say, "Before the release of the award to RJS, I had conversations with Wakim and said to him that against the program, I cannot understand from the BOQ what is in each package. He agreed in principle but went on to criticise Downer"?---Mmm.

Are you just trying to distance yourself from the fact you released confidential Transport information to Mr Abdi?---No. No, I'm not trying to do that. I'm just trying to highlight that the BOQs are limited in the amount of information you can extract.

20

Yeah. But you said also before the break that you were trying to send him things that didn't incriminate him or incriminate you, do you recall - - -?
---Incriminate me.

Yeah. So - - -?---So limited in the content.

So is some information more confidential than other information, in your view, at Transport for NSW?---I, I, I just weighed, I just weighed up my, my so-called friendship with him versus the documents that I had and I thought
30 in my own estimation that they were limited for his use.

All right. And his use, as you understood it, was for RJS?---It would have been, yes.

All right. Can we go to volume 4.2, page 61, please? This is this email from Brenden Wakim to you and others at Transport on 20 October 2020.

THE COMMISSIONER: Sorry? Something's happened here. Yeah. All right. Sorry. Yes.

40

MR ENGLISH: Thank you, Chief Commissioner. Do you see that there, Mr [REDACTED]?---I do.

This is where Mr Wakim says, amongst other things, that he's worried if RJS might be an example of pyramid contracting?---Mmm.

Something very odd about all this, he says, and he might be feeling paranoid. You see that?---Yeah.

10 And then you say, "I agree with your assessment, Brenden, and share your concerns." Was this something Mr Abdi told you to say to your colleagues in Transport?---No, that, no, that, that came from me.

Okay. Had you learned by that - - -?---'Cause I was onsite and observed it.

Sorry.---'Cause I was onsite, onsite and observed it.

Well, you've gone from doing things to assist RJS to now actively campaigning against RJS. Do you accept that?---Yes.

20

And even on your evidence, we're now in 21 October, which is towards the end of the 2020, when you said you've had that greed discussion with Mr Abdi around that time?---The, the what discussion?

The greed discussion - - -?---Yeah.

- - - where Mr Abdi said greed ruins friendships.---Yeah.

30 And it occurred, didn't it, that you learned that Mr Abdi wasn't going to get paid by RJS for this job and you were told, as well, that you were not getting any money?---No. No.

That's why you've started to turn on RJS. Is that right?---No, no, no. I didn't know anything about payment that Nima was going to have from RJS or anything like that.

40 You go on in your note to Mr Wakim and others, "Maize is another company which they engaged before any Transport for NSW endorsement and they have been working onsite for several months." What were you intending to convey there about Maize?---Oh, well, they were, they weren't procured as yet and they were doing work on site.

Okay.---They were, they were on site.

So was that contrary to the appropriate principle, was it, in your view?

---Well - - -

10 Appropriate procedure, I should say.---I think, yeah. I mean, if you, if you follow it by process, and processes can be modified, you award the contract before you get anyone on site. But for both RJS and Maize it wasn't, I don't think it was the case, so it just seemed that these two companies were going to be procured and maybe because the procurement process was lengthened and it was approaching a possession weekend, and they didn't want to delay or not use that possession weekend, 'cause maybe, and I'm not a hundred per cent sure, Transport would have had to probably pay for that period.

Now, this is the email that you took a screenshot of and forwarded to Mr Abdi.---Yes.

20 And you did that exactly why?---Can I - - -

You've got another note, do you? Why do you feel the need to read these, read this from a note, Mr [REDACTED]?---Because it's more coherent for me. I can give you a clearer answer. I'm finding it very difficult to focus.

Well, we're in, we're all in the Chief Commissioner's hands. It's up to him whether - - -

30 THE COMMISSIONER: Let me ask you this question. What made you prepare these notes?---Just so I can answer potential questions.

Well, when you say to answer questions, you must have anticipated that there would be questions about these matters.---Yes.

And what made you anticipate that there might be questions about these matters that required you to prepare?---Because they were raised previously.

Raised when?---Previously in the private hearing.

40 And what flows from that?---Oh, I'm assuming that they were going to be asked again in the public hearing.

And, what, these were matters that you felt that you weren't able to respond to on another occasion. Is that what you're saying?---Yeah, I'm just giving more context behind them.

I see.

MR ENGLISH: Chief Commissioner, are you happy for Mr [REDACTED] to read this?

10 THE COMMISSIONER: Yes. All right.---I can, are you okay?

MR ENGLISH: Go ahead, Mr [REDACTED].---“I sent the screenshot to Nima so I can talk to him about it as I was concerned RJS would not be up to doing the work, as I agreed with Brenden's comments. I also informed him that I was going to apply with what I thought my understanding of RJS based on observations on site and my contact with Nima was a warning to Nima's associates to perform. It must be noted that I had no control of the procurement of RJS, nor do I have any control of dismissing them from site. Also, it must be noted that I expressed by concerns with the Transport for
20 NSW construction manager some weeks before the first possession as RJS didn't have any experience on this type of work. Before the first possession I conducted a regular risk assessment and the Transport for NSW construction manager verbally noted this lack of experience during that assessment, which I verbally agreed with. On site, running through the methodology with a broader team, it appeared that they had the task planned and that the mitigation to the risk of RJS not having prior experience was documented, however I did not remember what that risk mitigation was.”

30 Well, if that can be produced too pursuant to section 35(2). I seek such a direction from you, Chief Commissioner.

THE COMMISSIONER: Do you want to have a look at that, Ms Hughes?

MS HUGHES: Yes, Commissioner, if I may.

THE COMMISSIONER: I assume you hadn't seen it before.

MS HUGHES: I hadn't, Commissioner. No objection, Commissioner.

40 MR ENGLISH: If that can be MFI'd and copied.

THE COMMISSIONER: Yes, all right. Well, I direct that the witness produce it pursuant to section 35(2) of the Independent Commission Against Corruption Act.

DIRECTION TO PRODUCE: PURSUANT TO SECTION 35(2) OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, THE WITNESS IS DIRECTED TO PRODUCE THEIR NOTES.

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THE COMMISSIONER: It's been produced and that can be MFI - - -

MR ENGLISH: 17.

THE COMMISSIONER: 17. It can be copied and copies distributed.

#MFI-017 – NOTE 3 PRODUCED BY [REDACTED] IN PUBLIC INQUIRY

20

MR ENGLISH: Thank you, Chief Commissioner. Mr [REDACTED], how many other notes did you prepare today?---I had about 10 pages' worth.

Well, what were the other - just tell us, tell the Chief Commissioner what the other topics were you prepared notes on.---Oh, just about my breakdown, about my attempt to go to Parramatta Light Rail. About my work discrimination. About site safety, a couple of site safety incidents in relation to Andrew Gayed. How I got onto the new projects at
30 Wollstonecraft and Canley Vale. And I think that's - and my, my unhealthy attachment to Nima, which I, and my general manipulation.

All right. Can we go to page 64 of volume 4.2, please. Here you can see on 24 October Andrew Gayed sends an email to it looks like the Downer team, saying, "All, no safety, rail reliability, community or environmental issues to report. All critical works complete with final task of scaffolding commenced. Rain has commenced as expected. No impact to hand back anticipated. Please see below progress." Is this in relation to a possession?
---Yeah, if the 24th is a Saturday or Sunday, yes.

40

Okay. And then you feel the need, if we go up one page, to respond in critical terms about RJS's performance. You're talking about poor lighting. You said, "It needs to change. RJS need to provide adequate lighting on their worksites and they have not provided this and it is a safety issue." Do you see that?---Yeah.

And then as we scroll up, Mr Gayed, if we go up, right at the bottom of that page says, "[REDACTED], not too sure why you're adamant on creating a disjointed and dysfunctional work environment." Were you doing that, Mr
10 [REDACTED]?---The, the issue I had with that situation, the previous email, was that it was a, it was a safety issue with no lights, right. So it got highlighted to me by a surveillance officer, who basically reports to the construction manager for Transport for NSW, and I just wanted to be on top of these things because this would come back to me. Now, the site surveillance people would have reported it to, eventually reported it to the safety coordinator or safety manager, and he was a difficult man to deal with but he knew his stuff and he would have made it even worse. Now, I must admit my personality, I was a bit nervous, irate, I needed information from Andrew and I just saw this as a potential issue that I needed to take
20 care of, but I'm not too impressed with my own attitude towards it. And RJS were the main contractor onsite because they were doing the platform works and probably leaving gear in, in certain places and there was no lighting between the pathway from the sheds to, to the actual platform. I, I, I probably should have spoken to Andrew and just talked to him about it rather than send a, an unpleasant email.

All right. You've come before the Commission and admitted essentially that in relation to the Chandler Macleod invoices that you did no work but received the money that was paid to you pursuant to the time sheets that you
30 say were altered by Abdal, is that right?---Yeah, I'm, yeah. I think he must have changed them.

Well, you think. Do you know or do you just think?---Well, I gave him the password, so if you read my statement, I gave him the password, right? And he started changing the time sheets.

Well, when you came before this Commission on 19 October 2022, you didn't say anything about giving Nima, giving Abdal a password, did you?
---No, because it was, there were quick questions in succession and we were
40 running out of time.

Is that your reason, on your oath, for not disclosing that issue with the password, is it?---No. I was scared, scared on any retributions.

Are you protecting Nima or Abdal as you give evidence today?---Well, what I've, what I've provided, no, I'm not protecting them.

Chief Commissioner, I seek a variation of the 112 order in relation to transcript page 1288 of Mr [REDACTED]'s private examination on 19 October 2022 from lines 1 to 12?

10

THE COMMISSIONER: Granted.

VARIATION OF SUPPRESSION ORDER: THE SECTION 112 ORDER IS VARIED WITH REGARD TO PAGE 1288 OF MR [REDACTED]'S PRIVATE EXAMINATION ON 19 OCTOBER 2022 FROM LINES 1 TO 12

20 MR ENGLISH: And I tender that transcript.

THE COMMISSIONER: And so we're on page 1288 of Mr [REDACTED]'s compulsory examination on 19 October 2022, lines 1 to 12, be Exhibit 140.

#EXH-140 – COMPULSORY EXAMINATION TRANSCRIPT OF [REDACTED] DATED 19 OCTOBER 2022, PAGE 1288, LINES 1 TO 12

30

MR ENGLISH: 140. Thank you, Chief Commissioner. So if that can be brought on the screen, please, Exhibit 140? So you see you were asked some questions here. "You were employed, were you not, on this secondary project as the design manager?" And you said, "Ah hmm." You were asked, "Do you have qualifications as a design manager?" And you said, "It was reviewing designs, yeah, so there was, what do you call it, just drawings to be reviewed. And because I had that practice of doing that within the TAP projects, I was a good fit." Then you were asked, "You don't have any specific design qualifications?" "No, but I, I, I understood constraints, design constraints." And then you were asked, "And you did actually undertake the work that you were paid for?" And you said, "Yes." Now,

40

that was plainly untrue, wasn't it?---It was untrue and that's why I wanted to qualify it at the beginning and my lawyer sent an email too, to your lawyers.

All right. And then I'll just hand up another transcript, Chief Commissioner. I seek a variation to the 112 order. It's transcript page 1287, lines 23 to 39.

THE COMMISSIONER: Granted.

10

VARIATION OF SUPPRESSION ORDER: THE SECTION 112 ORDER IS VARIED WITH REGARD TO PAGE 1287 OF MR [REDACTED]'S PRIVATE EXAMINATION ON 19 OCTOBER 2022 FROM LINES 23 TO 29.

MR ENGLISH: And I tender that.

20 THE COMMISSIONER: Page 1287 of the compulsory examination on 19 October 2022, lines 23 to 39.

MR ENGLISH: Thank you. Is that Exhibit 141?

THE COMMISSIONER: Exhibit 141.

#EXH-141 – COMPULSORY EXAMINATION TRANSCRIPT OF [REDACTED] DATED 19 OCTOBER 2022, PAGE 1287 LINES 23 TO 39

30

MR ENGLISH: And if that can be brought on the screen, please? Here you're asked some questions about your time sheets and there's a reference to 123 hours on your income, sorry, this isn't the time sheets. I withdraw that. This is in relation to a spreadsheet you prepared. Do you know what I'm talking about? I can show it to you shortly if you like.---The income 1 and income 2 one?

Yeah.---Yeah.

40

And it was asked, "Is it the case that anyone was receiving a portion of your second income as a kickback for providing you with the work in the first place?" And your answer was, "No." That was untrue, wasn't it?---Yeah, that's untrue.

And you knew that at the time you gave that answer, didn't you?---Yes.

10 You made a repeat of that statement, where it says, "Mr Aziz wasn't taking a cut of your payment from?" and you've said, "No," from Chandler Macleod, you've said, "No, no." That was untrue, wasn't it?---Yes.

And then you said, "Nima Abdi wasn't taking a cut of your income?" You've said, "No, no." That was untrue. Correct?---Yes.

And then you said, "You received your full income from Chandler Macleod?" You said, "Yeah." "You didn't transfer any of that to anybody?" "No." And then you said, "I kept it." That's all untrue, isn't it? ---It is, and that's why I wanted to qualify it, well, change my evidence.

20 Sure. You said you'd told your manager in your note, which is MFI 15 about a work opportunity in relation to this Chandler Macleod employment. Who was your manager?---Kevin, Kevin Truong, Truong.

Okay. If volume 4.5, page 131 can be brought on the screen, please. Can I just ask you, did you have to fill out any forms in order to be set up and be paid by Chandler Macleod?---Yes.

30 Okay. And was that online or were they hard-copy forms?---I think they got sent online, no, no, they were hard-copy forms I think and I scanned them and put 'em through, something like that.

Okay. Here, this is a registration contract. Do you see that?---Yes, sir.

Do you recall filling this out yourself?---Okay. I don't, I don't recall it. I just recall handwritten stuff but - - -

Okay. If we go down another page, one more please. You see at the bottom there referees and it's Abdal Aziz at Downer. Do you see that?---Yes.

40 Were you aware that he'd been listed as your referee?---Oh, I, yeah, I, I don't remember this. Did this, did this come from me?

That's what I'm asking you. Do you have a recollection filling it out?
---Yeah, I don't have a recollection of it but if I submitted it it would have come from me, so, but I don't have a recollection of that.

Well, there's a birth certificate that's been provided, a driver's licence and a trustee letter. Those must have come from you at least, mustn't they?---
Trustee letter?

10 Well, that's what it says at the top there, document 3. Do you see that?---I, I don't know about the trustee letter.

Okay, but, and don't read it out please, but is that your driver's licence number?---Yes.

Okay. So you must have provided some identification documents to get this role.---Yeah. Yeah. Sure.

20 Okay. If we can go to page 175, please. Do you remember seeing this letter of congratulations to you in connection with this role dated 10 September 2019, confirming your gross rate of pay at \$146.12 hourly?---Oh, look, I don't, I don't remember it but I remember Sarah, Sarah Orr, so that would have come to me.

All right. So you would have seen this at the time. And if we go to page 177, is this an example of the timesheets that you say Nima obtained a password for to manipulate? Nima or Abdal, sorry?---I think it was Mr Aziz.

30 Abdal Aziz.---Yeah.

Okay.---So through Nima they, Nima asked me. He said he wants, he wants the password and I said, "Why?" And he said, oh, he just wants to keep control, something like that, something to that effect.

And if we go down please to page 182, here you can see that's a timesheet for the 14th of the tenth to the 20th of the tenth. Do you see that?---Yeah.

40 That's only got 3.25 hours. Do you see that?---Ah hmm.

If we go above that, it's a week earlier from the 7th of the tenth to the 13th of the tenth. Do you see that?---Yep.

And that's got additional hours over five days.---Yeah.

Is that what you're saying is an example of the time sheet that was manipulated to add extra hours by Mr Aziz?---I, yeah, I, I never saw the time sheets because I think he must have changed the password. So he would put in the hours and I think it was either from the first week or the
10 second week.

Well, did you do the first one yourself?---I, I did it but I don't know if it was changed.

All right, well - - -?---Because I think I put something, it could have been something more reasonable. It would have been four hours Monday to Friday, then ten hours on each day on Saturday/Sunday.

All right. Well, if we go, please, to page 177. This is the first one in time
20 and it has you working for 39 hours. Would you have entered those hours into this time sheet?---I don't, I don't think I would have done that. I, I would have made it look like I said, like after-hours work and weekends work.

All right. Have you got a memory of that or are you just guessing?---No, well, I think I, I rang Sarah and I said, "You know, if I do this work, can I put, you know, can I do this work on, you know, Saturday/Sunday?" She said, I think she mentioned, yeah, you can do it any time you want as long as you get the work done. As long as Abdal's happy. So I can't say
30 definitively but I think it doesn't seem like something I would do, I think.

Can we go to volume 4.6, please, page 1. Chief Commissioner, this is a new tender, a new brief that needs to be tendered. Would you like a hard copy?

THE COMMISSIONER: Yes.

MR ENGLISH: I tender that.

40 THE COMMISSIONER: 142.

**#EXH-142 – PUBLIC INQUIRY BRIEF VOL. 4.6 [REDACTED]
BRIEF**

MR ENGLISH: Thank you. If Exhibit 142 can be brought on the screen. I'm just told it will take a moment, Chief Commissioner. So this spreadsheet, when it comes up, Mr [REDACTED], will be a summary of your payments from Chandler Macleod, as you can see here, the credits to your
10 account. Do you see that?---Yeah.

And the cash withdrawals that followed in the days following. Do you see that?---Yeah.

And as you said before, you mentioned the figure of 85%. You can see in relation to the first pay cheque you've pulled out 85% of it in cash. Second pay cheque, 85%. The third, 83. The fourth, 53. The fifth, 68. And the final pay cheque 96%. Do you see that? You've made those cash
20 withdrawals.---Yep.

And if we scroll down, you can just see, if we go down to page 2, this has been compiled. It's difficult to see but this is your bank statement or the entries relating to your bank statement. And you can see where it's coloured how it's been done. And just so you're aware of how the spreadsheet's created. So if we go back up to page 1, please, is it your evidence that you would pull out 85% or whatever you determined was the applicable percentage in cash following your receipt of this money and you'd give it to Nima Abdi, would you?---150% I gave them 85%.

30 Sorry?---I'm, I'm, I'm emphasising that I gave them 85%. Now, you can evaluate here that - - -

It comes up to about 78% in total.---Yeah, well, because my, I used to do work for my dad. My dad used to give me money and he used to give me cash money and I used to supplement that. So where you see here on the 12th of the tenth, I did chores around the house for him and all that stuff. So I added to that. Rather than withdraw it all, I would add onto it and then give it to Nima. So those two, 118 and 150, I don't know about this \$40. I think that was for me to buy things. But those, and, yeah, so those are the
40 the \$90 was for something else. So it, it, I did give them, I did give Nima 85%.

All right. And are you aware that - no, I withdraw that. It may be submitted against you, Mr [REDACTED], that you assisted Mr Abdi to have Mr Gayed removed from the Wollstonecraft project so that he could be replaced with Mr Aziz. What do you say about that?---I don't, I don't know about his replacement. But, yes, Nima was a bit upset that Gayed was on that project.

And so you assisted him in seeking to have Mr Gayed removed from that project, is that right?---I tried to, yes.

10

Okay. And that was at Mr Abdi's direction, was it?---I think it was twofold. It was, it was him and also, based on my understanding of his past, what risk the project was.

All right. It may be submitted against you that when you learnt from Mr Abdi that you weren't to receive any money from RJS that you then decided to then embark on this process of making adverse comment about RJS's skills and capabilities. What do you say about that?---No. No, no, no, no, no.

20

Okay. And it may be submitted against you that each time you sent materials to your Hotmail address, that was - and when I say materials, I should say the materials I took you to earlier this morning, the Transport for NSW materials - that was at Mr Abdi's request. What do you say about that?---I, I just remember the, the one that I, that I discussed, the last four BOQs. But I, I can't remember the previous ones or whether it was his request or not.

Well, you don't have any recollection of honestly reviewing any of those materials I took you to at a library, do you?---The Wollstonecraft and Canley Vale ones, yes.

30

At an actual library, you had a look at those, did you?---Well, whether it's at a library or home on a computer.

Whether or not you might have had a look at them at home or a library, you still passed them on to Mr Abdi, is that fair?---I, I did, yes.

And when you submitted that Mr Abdi may have received those bills of quantity that I took you to earlier from the R drive, that was untrue, wasn't

40

it?---I did, I did, it was untrue but I did tell him he could pick it up from there.

Okay, all right. Thank you, Chief Commissioner. That's the examination.

THE COMMISSIONER: Yes, is there any requests that have been made? I haven't received any.

MR ENGLISH: No, I'm instructed there's not.

10

THE COMMISSIONER: Yes, all right, well, Mr [REDACTED], I think at this point we can stand you down. It may be necessary, however, to recall you as a witness, so you're not discharged from your summons at this point. So you may step down. In the event that you're required to answer further questions, your solicitors will be notified.---Thank you.

THE WITNESS STOOD DOWN

[2.39pm]

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MR ENGLISH: Mr Gayed is next and Ms Davidson's taking him.

THE COMMISSIONER: Thank you.

MR ENGLISH: Just move over and swap.

THE COMMISSIONER: You can step down. Mr Gayed, yes, thank you. If you'd like to come forward. Thank you. Just take a seat there for a moment. Mr Hammond.

30

MR HAMMOND: Yes, I appear for Mr Gayed, Chief Commissioner.

THE COMMISSIONER: Yes, thank you.

MR HAMMOND: I've advised him in relation to section 38 and he's to seek a declaration.

THE COMMISSIONER: Thank you. Mr Gayed, will you take an oath or an affirmation?

40

MR GAYED: Oath, Commissioner.

THE COMMISSIONER: Can the witness be sworn.

THE COMMISSIONER: Please take a seat. As a witness you must answer all questions truthfully and produce any item described in your summons or required by me to be produced. You can object to answering a question or producing an item and the effect of any objection is that although you are to still answer the question or produce the item, your answer or the item
10 produced cannot be used against you in any civil proceedings or, subject to two exceptions, in any criminal or disciplinary proceedings. The first exception is that the protection does not prevent your evidence from being used against you in a prosecution for an offence under the ICAC Act, including an offence of giving false or misleading evidence, for which the penalty of imprisonment of up to five years may apply. The second exception only applies to New South Wales public officials. Evidence given by a New South Wales public official may be used in disciplinary proceedings against the public official if the Commission makes a finding that the public official engaged in or attempted to engage in corrupt conduct. Mr Hammond has told me that he's explained to you the effect of section 38
20 of the Independent Commission Against Corruption Act. That enables me to make a declaration that all answers given by you and all items produced by you would be regarded as having been given or produced on objection and that means you won't have to object with respect to each of the answers or the production of each item. Now, he tells me that you wish me to make that declaration.---Yes, Commissioner.

Do you understand what I've said?---Yes.

All right. Pursuant to section 38 of the Independent Commission Against
30 Corruption Act I declare that all answers given by this witness and all documents and things produced by this witness during the course of the witness's evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

**DIRECTION AS TO OBJECTIONS BY WITNESS: PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST
40 CORRUPTION ACT I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS**

PRODUCED BY THIS WITNESS DURING THE COURSE OF THE WITNESS'S EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.

THE COMMISSIONER: Yes, thank you, Ms Davidson.

10

MS DAVIDSON: Mr Gayed, could you tell the Commission your full name and age.---Andrew Gayed, 36.

Do you hold a Bachelor of Civil Engineering qualification, Mr Gayed?
---Yes.

And when did you obtain that?---2008.

And you also hold a Certificate IV in Building and Construction.---Yes.

20

And did you follow up on that with a Diploma in Building and Construction?---Yes.

And was that in 2013 that you obtained that diploma?---I believe so.

Do you also hold a Diploma in Project Management?---I believe so. A - - -

Did you currently hold a builder's licence, Mr Gayed?---Yes.

30 Has that at any time been suspended?---Yes.

Are you able to indicate the period over which it was suspended?---I think it was 2018 to 2019, I believe, or '20.

If I was to indicate to you that Fair Trading records reflected a suspension through to the end of 2021, would that accord with your recollection?---That sounds about right, yeah.

40 And what was that suspension in relation to?---I think it was a court case in NCAT, I think it was in relation to that and a, and a contract dispute.

Right. And did that involve an order requiring you to pay money?---I believe so.

And was that money paid?---I couldn't recall.

Are you able to indicate what led to the lifting of the suspension?---I, I can't recall that, either.

10 Did you take steps to have the suspension lifted?---Regarding the building licence, I, I, no, I can't recall as to what happened to lift that suspension, no.

All right. Well, it's fairly relevant to you whether you do or don't have a current building licence, is it not?---Yeah. And it is current, yeah.

Right. So it had been suspended for a period of some years?---Yeah.

Are you able to indicate how you became aware that it was suddenly current again?---I think it was, if, if it wasn't paid, it was another measure, which I, I can't recall.

20

Did you take steps to initiate that other measure, whatever that was?---I, I can't recall.

It seems fairly unlikely, I suggest to you, Mr Gayed, that you don't recall circumstances in relation to your own licence which had been suspended for more than two years no longer being suspended. This was at the end of 2021 - - -?---Yeah.

30 - - - so not a terribly long time ago. You don't have any recollection of suddenly the licence being live again?---I, no, look, I, I don't, I don't, I don't know.

Are you currently employed, Mr Gayed?---No.

No?---No.

Have you used your building licence, that is for building contracting work, since the period of time that it became, well, that it was once again current? ---No.

40

So not since 2022 you haven't worked under that licence?---No.

After you graduated from university, that is, with your civil engineering qualification, was your first job after that with Downer EDI?---Yes.

And what was that? What did that role involve?---It was a, a site engineering role, working on their road maintenance contract.

Were there railway works involved in the period of time that you worked at Downer then?---No.

10

And what caused you to leave - well, how long did you work at Downer during that period?---I think it was for about two or two and a half years?

And what caused you to leave and move on?---Career progression.

And so where did you work after that?---Thiess.

20

Right. Was there an interval where you also worked at a company called BMD?---Yes. Apologies, I did work there for a few months before going to Thiess.

And were they different roles to the roles you'd been performing at Downer?---Yes. So I, yes. BMD was a road project.

Right. So you said it was career progression. Was it a more senior role than you'd been performing at Downer or - - -?---No. It was also a site engineering role, just with - - -

30

THE COMMISSIONER: Sorry? It was a what?---A, a site, site engineer role, Commissioner. So just better career progression.

MS DAVIDSON: Right. So you worked there for a few months and then I think you went to Thiess?---Yes.

And what were you doing at Thiess?---Site engineer role again and then project engineer.

And did those roles relate to railway projects at Thiess or - - -?---No - - -

40

- - - were they road projects, as well?---No, a desalination project in Victoria.

And how long did you work at Thiess?---I think it was about two to three years.

And where was your next role after leaving there?---John Holland.

And what did you do at John Holland?---That was a rail project on the Glenfield to Leppington South West Rail.

10 All right. And was it 2013 that you started working at John Holland?---I think so, yes.

And you said that was on the South West Rail project?---Yes.

And how long did you work at John Holland for?---I think I was there for another couple of years, two, two or three years.

All right. Well, do you remember what caused you to leave John Holland? ---I, after John Holland I went and worked on my own as a builder.

20

Right. So that was because you wanted to establish your own business? ---Company, yeah, correct.

All right. So was that, when you say you wanted to work on your own, what company were you working? What was your own company at that point?---Mansion Building.

Okay. I'll come back to Mansion Building but just sticking with the chronology at the moment. So that was in about 2014 I think you said?

30

---Yeah.

And how long did you do that for? That is, work for yourself for Mansion Building.---I think about three years.

Right. And what caused you to cease doing that?---The suspension of the licence and the court case as previously mentioned.

Right. Did the suspension of the licence occur as a result of the court case? ---I believe so.

40

Had you ceased working for yourself for Mansion prior to that point?---I can't recall.

All right. Was it the case that in 2017 you'd again taken up a role as an employee?---Yes.

All right. Was that for CPB?---CPB was as a contractor. I think it was John Holland as an employee again.

10 All right, so where you say CPB was as a contractor, was that through Mansion?---Yeah, it was paid to Mansion but, yes, it was essentially a contract role through a recruitment agency.

Right. So it wasn't working on your own as a builder in a building company?---No. No.

Right. And then I think you mentioned John Holland again. Did you return to John Holland?---Yes.

20 And what was the role in which you returned to John Holland as an employee?---Project engineer.

All right. Which I should clarify that was, when you went back to John Holland, you did return as an employee at that point?---Yes.

A project engineer. And what kind of projects were you working on there? ---Tunnelling.

30 Right. Is that road tunnelling or rail tunnelling?---Metro tunnelling, so rail, yes.

Right. Okay. So is that the first project that you'd been involved in that had a railway component?---No, there was also Glenfield to Leppington with the first stint with John Holland.

I'm sorry, yes.---That's okay.

40 And how long did you stay at John Holland in your second stint there?---I think it was about another two years.

Right. If I was to refer to your CV, indicating that it was August 2017 to October 2018, does that sound about right?---One year, yeah, that sounds more accurate.

So it was in fact shorter, a shorter period?---Yep.

Okay. And then after leaving John Holland for the second time, where did you move?---Back to Downer again.

10 Okay. And what was the role that you commenced in at Downer the second time?---Project manager.

Okay. And what sort of projects were you working on once you returned to Downer?---Rail.

Okay. And was there a particular rail program that you were working in?
---TAP 3.

20 Okay. And what did those, what did the TAP 3 projects entail from your perspective?---Accessibility improvements to existing stations.

All right. Clarify that, in terms of your role in them, I think you said you were employed as a project manager. Were there particular TAP 3 stations that you were working on?---Glenbrook for a short period, Kingswood as well at the same time, and Wollstonecraft.

And when you say “for a short period”, was that a short period at Glenbrook or a short period at Kingswood?---A short period doing both at the same time.

30 Right.---And then full-time Glenbrook and then full-time Wollstonecraft.

So is it the case that there was a short period where there was overlap and you were working on both Glenbrook and Kingswood?---Yes.

And then you continued with Glenbrook as project manager. And were you project manager at Glenbrook through the life of that project?---Yes.

40 And then also, well, following on from that, Wollstonecraft, is that correct?
---Yes.

And so did you move, essentially, from Glenbrook to Wollstonecraft? That is, was there a gap between those projects?---There, there was a bit of a gap before Wollstonecraft started up again, yes.

All right. And what were you doing in that gap?---I worked briefly at Parramatta Light Rail on another rail project.

Was that a Downer project?---Yes.

- 10 I see. When you were project manager at Glenbrook, who were the Downer staff who you were supervising?---I had Ben Vardanega as my senior project engineer. I had Ryan Camilleri as my site engineer. I had Ross Dean as my site supervisor. And then I had two or three undergraduate engineers that rotated.

And who was supervising you?---Andrew Bedwani.

Was he your direct supervisor?---Yes.

- 20 Do you remember what, was Mr Vardanega your senior project engineer through the whole time that you were working on the project?---No. He, he left before the project finished.

Right. Did he start with you around the same time that you started working on Glenbrook?---I don't recall, but he was with me from the beginning of the job.

Right, that's, that's my question.---Yep.

- 30 And how would you describe your relationship with Mr Vardanega, that is your working relationship?---Professional.

Did you become friends?---Yes.

And at what point did that working relationship develop into a friendship?---I think after the first weekend of work, of possession.

Right.---Where you spend a lot of time with someone. It was a small project so you get to know people pretty well.

40

Okay. Are you able to place when that was roughly?---No, but it would have been the beginning of 2019, roughly.

Did you know during the time that you were working with Mr Vardanega on the Glenbrook project, that he had set up his own company, that is ProjectHQ?---I was made aware.

10 Right. Do you remember the context in which you were made aware?---He wanted to leave Downer and he had set up the company and, and he made me aware of it and that was the context of it.

Okay. So it was in the context of him telling you that he wanted to leave Downer or was it before that?---I think it was a discussion before that and then it sort of cemented as he, as he was telling me he was leaving Downer.

Okay. Did he tell you what he wanted ProjectHQ to do?---Not that I can recall, no, but I was aware that it was a consultancy.

20 Right. Did he discuss with you you playing a role in ProjectHQ?---No.

So you did later provide some assistance to Mr Vardanega in ProjectHQ documentation, did you not?---In what context?

Well, tendering documents, for example?---Yes.

Did you have discussions with him in relation to what was the context in which he requested you to play a part in relation to those?---No.

30 I'm sorry, what was the context in which he asked you to play a part in relation to preparing tender documents on behalf of ProjectHQ?---The context was just assistance, which I was happy to, to give.

40 All right. So if we could bring up volume 10.1, page 39. This is a later period of time, that is, it's October 2020. You'll see there's an email at the bottom of the page where you're being sent a revised document from a Mr Mark Kelly at Aargus in relation to the recycling centre tender. And then Mr Vardanega says that he's sending you a "non-price section of the tender", asking you to "look at completing sections 1 to 6" and he's given you a template, a document template referred to as a PHQ document template, "to make it nice and neat". And then you, so it's been sent to your Gmail address and you've sent it on to your address seemingly at your

Downer address. Do you remember assisting in relation to a tender for a recycling centre?---Yes.

Was this a Sydney Trains recycling centre?---Yes.

What was the context in which you agreed to help Mr Vardanega with that?
---I think the, the context there was, and from memory here is just about putting together the documentation for him and I think putting, putting my CV together for it as well.

10

Right. Why were you putting documentation together for him?---Just assisting him.

Just assisting him.---Yep.

Right, because - well, why was that? He was a friend but this was his work presumably.---Correct.

20 Right. Why were you assisting him with his work?---I wanted to see him succeed.

Okay. You were still working at Downer at the time?---Yeah, correct.

Did anybody at Downer, did you explain to anybody at Downer that you were assisting Mr Vardanega with ProjectHQ work at the time?---No.

Did you receive any payment from Mr Vardanega for this assistance?---No.

30 I think you mentioned preparing your CV. Could we have volume 10.1, page 95 brought up? This is part of a document that commences on page 71. Perhaps if we could go back to 71 just to see the start of the document. This is a proposal or a proposal that goes to Sydney Trains in relation to the Chullora ballast recycling centre, routine sampling program. Do you remember that project?---The tender, yes.

The tender, yep. And ProjectHQ put in a tender for that project that you're aware of?---Yes.

40 And if we could go back to page 95, you'll see there you're described as a project manager. Were you in fact a project manager for ProjectHQ?---No.

So this is a tender that you - well, I think you've said you were aware of being for a Sydney Trains project. What was the context in which you agreed to put your CV forward as project manager or have Mr Vardanega put your CV forward as project manager for ProjectHQ?---I think the context there was to make it look like ProjectHQ was, was bigger than what it was.

10 All right. Did you intend to play a role within ProjectHQ as project manager if Mr Vardanega had been successful?---I think it was sort of playing it by ear. I, if he was successful, I could have possibly considered leaving Downer and doing that, yes.

Did you talk to him about doing that?---No, it was always a possibility if it were to occur.

Okay. Did you talk to him about the possibility?---I believe so, yes.

20 All right. So what was the discussion, do you remember a discussion with him where he said to you or he told you he was tendering for this project and wanted your assistance with your CV?---Not one that I could recall, no.

Okay. But you recall doing the tender for the project or helping with the tender for the project?---Assisting, yes.

Right. And this was different to the other recycling centre project that you'd also been assisting with?---No, this is the same one.

It's the same project, is it?---Yep.

30 It was all the ballast recycling centre?---It was all the, I, from memory I don't think there was any other recycling tenders other, other than this one.

Right. So he'd ask for your assistance. You had a full-time job doing something else at the time.---Yep.

This was the period of time that you were project manager for Wollstonecraft Station, is that right, at October 2020?---Correct.

40 That was taking up a fair amount of your time, presumably?---Not particularly. I mean, it, the email you showed previously was 7.30 in the

morning, so I was, I was doing it before and after work to assist. It wasn't taking up my, my, from, from my primary role.

Okay. But you were - well, you put forward here a summary of your experience. Did you prepare this document, that is the kind of content that's here in relation to your work history?---No.

No. Did you provide Mr Vardanega with information that he could use to put this together?---I think he may have had my CV.

10

Right. You referred to giving him or putting together your CV for him. That was because you knew he was going to put it forward, presumably. ---Yeah, correct.

Yeah. And you knew, presumably, from your experience working with Downer that CVs and the experience of people tendering for projects was going to be looked at by the people who were evaluating the tender?---Yep.

20 Yep. So you must have talked to him about giving him permission to include you as part of the ProjectHQ team?---Yep.

Yeah, so what was that discussion? That's what I'm asking you about. ---That's the discussion I can't recall. But surely there would have been. I, I did, you know, I'm not denying that there would have been a conversation. I just can't recall the conversation itself.

Okay, okay. Were you concerned, do you recall, about having your CV put forward when you weren't actually at that stage somebody who was working with ProjectHQ?---No.

30

You'd never been an employee of ProjectHQ?---No.

Did you have any interest in ProjectHQ, that is, any financial interest in the business?---No.

But you wanted to see Mr Vardanega succeed?---Yes.

40 Had you assisted him in preparing other documents for ProjectHQ?---Not that I can recall.

Was there a business continuity plan that you'd been involved in?---Sounds vaguely familiar, but - - -

Could we have volume 10.1, page 6, brought up on the screen? If we could scroll to the beginning? I'm sorry. It must be page 7. Apologies. Yeah. We might come back to that. Where you say it "sounds vaguely familiar" do you recall working, if we could have that down, on the business continuity plan?---No.

10 Right. After the recycling project tender, do you recall assisting Mr Vardanega with any other tenders?---Not that I can recall, no.

Did he discuss with you how the tender had gone for the recycling project? ---I remember a conversation about it having not been successful.

Were you talking to Mr Vardanega regularly around this period of time, that is October 2020, when the tender was being prepared for the purposes of the recycling project?---Yes.

20 Was that in the context of the work that you were doing on this tender or your personal friendship or a bit of both?---A bit of both.

Right. And you said that you were friends. How regularly were you in contact with him around this 2020 time period, are you able to say? ---Couple of times a week, if, if not more.

And did you see each other socially, as well?---Yes.

30 And did that continue after the period of time that you were working on the recycling project tender?---I think it continued till about December of 2020.

About December?---Yeah.

Right. And what happened in December?---I think that's when, again from memory, notices were handed out by the Commission.

Okay. So how did you become aware of that? Was that a notice you received or you heard about that from Mr Vardanega?---I heard about it.

40 And what did he do? How did he contact you about that?---At, at Wollstonecraft.

Okay. So what happened at Wollstonecraft?---Again, from memory, he, he just told me that, he was contacted by the Commission.

Was he working at Wollstonecraft at the time or did he come to see you at Wollstonecraft, do you remember?---At that time, I think he had just come to see me.

Were you aware of him working on the Wollstonecraft project?---Yes.

10

And what was the capacity in which he was doing that?---I couldn't tell you the capacity.

Do you know who he was working for at Wollstonecraft?---RJS.

We'll come back to that project. Just dealing for a moment with Mansion. Were you a director of that company from December 2013?---I was a director, yes.

20 Was there a period or a point in time in September 2018 where you ceased to be a director?---Yes.

And who did you transfer your shares to? Sorry. Who did you transfer your directorship to?---Look, it was, it was done through the accountant. I, I don't know who it actually went to.

Did you also transfer your shares in that company?---I, I think so.

30 If I indicate that the person who received both the shares and the directorship, and I apologise for mispronunciation, was Mogdy, M-o-g-d-y, Raphael. Is that a name that sounds familiar to you?---Sounds vaguely familiar, yeah.

Are you able to indicate who that person is?---No, I don't, again, it was done through the accountant of - - -

So what did you ask the accountant to do?---Sell it.

Sell it?---Yeah. To one of his clients.

40

Did you receive money for the sale?---No. It was, it was a nominal, sorry, like a, like, a, a, a dollar transfer, like it was not - - -

Right. And after that period of time, did you understand yourself to have any capacity in relation to - well, why did you ask the accountant to sell it at that point?---I was working as a full-time employee, and after the issues with the company it was, I no longer wanted to be a director.

Right. Did you wish to have any association with it at all?---At the time, no.

10

All right. And yet in 2019 there were works that were contracted to Mansion through you, is that correct?---Facilitated by me, yes.

All right. Well, we'll come to the nature of what you were doing in relation to them, but you were certainly using - you accept you were using the business name Mansion Building in 2019. Did you have any contact with the new owner of the company by that stage?---No.

20 And did you understand your builder's licence to be in the name of Mansion Building at that point?---No.

And so why was it that you were using the Mansion Building name?
---Which work was this in, in relation to?

Liverpool and Penrith.---Yeah, because it was set up on the Sydney Trains procurement system.

Right. That is Mansion Building was set up on the Sydney Trains procurement system?---Correct.

30

Did you think that if you were working under that name you needed to make some contact with the owner of the company?---At the time, I, in, in hindsight, yes.

Right, but did you think at the time somebody might check whether my builder's licence is still under the name of Mansion?---At the time I didn't think of it in that context. I, yeah, I didn't think that the builder's licence was relevant to those projects.

40 Okay. Did you discuss with Mr Vardanega the fact that you had nothing to do with Mansion Building anymore?---I don't think so, no.

All right. Did you discuss with him that you could use Mansion Building because it was set up in the Sydney Trains procurement system?---I believe so.

All right, so you consciously knew that you were using it because of what the past history of it was. Had it done work for Sydney Trains previously? ---I think it just tendered for projects for Sydney Trains.

10 Right. So was that tenders that you'd been involved in?---Yes.

Right. And were you successful in relation to any of those?---No.

But as a result of that you knew that it was set up, did you?---It had to be set up to tender, yes.

Okay, right. So at that time you suggested to Mr Vardanega that - that is, in relation to these projects - that it would be, well, that Mansion Building was already set up on the system, so it would be a way of, it would be able to
20 contract for the projects, is that right?---I think so.

Okay. Were you aware of any difficulty - were you associated with another building company by that time?---Not from memory, no.

Okay. And your builder's licence had in fact been suspended, is that right, by the end of 2018?---The, the dates around that time are a little bit vague for me, but if, if, if that's the information.

Well, the records, the Fair Trading records indicate that the suspension was
30 18 December 2018.---Okay.

So we're now talking about a period in 2019. Is that when you recall the Liverpool and Penrith works occurring?---Vaguely.

All right. Well, maybe let's turn to that. Mr Vardanega, you indicated, wanted to leave Downer or told you that he intended to leave Downer. Did he have a replacement as senior project engineer on the Glenbrook project? Were you given a replacement for Mr Vardanega?---No.

Right. He - well, was there at that point work that he'd been doing that he suggested could be done in a private capacity?---He didn't suggest it. I, I, I suggested that we would use him.

Right. So was that at a time you knew that he was leaving/had left? Are you able to place what the timing was of that suggestion?---I think it was he had left and I, I suggested that we, we use him as a contractor.

10 All right. Did you ask him to provide a quotation in relation to doing some work as a contractor?---Yes.

All right. Could we have volume 10.1, page 112. Do you recognise this document?---Vaguely. It was a long time ago.

Of course. This is a quotation that Mr, well, it's marked to your attention, prepared by Mr Vardanega for possession supervision work via ProjectHQ. Did you, having received this quotation, then arrange for Mr Vardanega to be set up within Downer's system as providing professional services?---Yes.

20 If we could scroll to page 113. And there's a request down the bottom of this, if we could scroll to page 114, that goes to, well, emails between yourself and Marion Perera who was a project administrator. You're asked to clarify what type of services ProjectHQ is supplying for Glenbrook, and your answer is that they're supplying professional services. Was there a differentiation in your mind between providing, supplying professional services and supplying other kinds of services? That is, did the procurement process differ for professional services relative to other kinds of services?
---What, sorry, the question, I'm not really understanding. What type of other services are you referring to?

30

Well, you were asked this question by Ms Perera.---Yep.

I'm just exploring your understanding at the time?---Yep.

40 Clarify what type of services he's providing, that is, ProjectHQ is supplying, and your answer is they're supplying professional services. Was there a particular reason for nominating them as providing professional services, that's what I'm exploring with you, relative to other kinds of services?
---Yeah. I mean, for me it meant they needed professional indemnity and certain types of insurances that covered that and it wasn't physical work.

Okay. So it was a question of insurances and the kind of work that they were performing.---That's my understanding of it, yes.

Right. Did you understand the procurement process to differ if you were accepting quotations for professional services versus other kinds, other contractors that you might have been engaging on the project?---It would differ, yes.

It would differ.---Yeah.

10

And how would that be?---From, say, a subcontractor, you'd, you'd need to put forward a comparison and, and, and get comparative pricing for it, yes.

Right. So you didn't need to do that for professional services?---For this Ben was a known quantity. He had worked for Downer. He was familiar with the project. His experience and knowledge was far superior to mine at that point in time.

20 When you say far superior to yours, experience and knowledge in relation to the project or rail or what are you - - ?---In relation to rail, brownfield rail projects.

Okay. Did you, I think you said you developed a friendship with Mr Vardanega by this point, did you declare any conflict of interest in relation to contracting with him or recommending him as a contractor to be engaged providing these professional services?---No.

30 Had you had any training at Downer in relation to conflicts of interest? ---Not that I can recall but I wouldn't be surprised if I did.

All right. Do you recall as part of your induction, that is, your induction at Downer, that you completed when you commenced again in 2018, receiving any training in relation to standards of business conduct?---I, I don't recall that, no.

All right. Do you recall Downer having standards of business conduct that you were expected to adhere to?---I recall the terminology, yes.

40 Right. Do you recall whether they included anything about conflicts of interest?---No.

Do you recall being aware of what a conflict of interest was at that time, that is, in 2018?---Yeah.

Okay. And how did you become aware of that? Do you remember?
---About what a conflict of interest is?

Yeah.---I mean, just aware of it from common sense.

10 Right. Your professional experience up to that point indicated that your employers wished to be aware of conflicts of interest that you might have?
---I think at that point of time, yeah, it would have been.

All right. Could we have the document entitled Standards of Business Conduct and Workplace Behaviour May 2017, that's a Downer document, PDF, brought up on the screen? I'm sorry, Chief Commissioner. It will just be a moment. This is a document that's part of a training module - - -

THE COMMISSIONER: So where is this, this volume?

20 MS DAVIDSON: It's not yet an exhibit, Chief Commissioner. I'll have a hard copy made. I'm afraid I don't have one to hand up now, but I will organise that. This is page 38 of the document and reflects a description of a conflict of interest. And it's indicated on the right-hand side you must avoid any situation in which a conflict of your personal interests and the interests of Downer could arise, you must report any actual or potential conflicts of interest to your supervisors or managers as soon as you become aware of the conflict. This is training that, according to Downer's records, you completed in October, part of a training on standards of business conduct that you completed in early October 2018. Does seeing this
30 document prompt your memory at all in relation to receiving training on conflicts of interest?---No. It, it's, it's prompted a memory of having done training with thousands of slides, one after the other. This doesn't look any familiar or less familiar than the other slides.

Okay. But you were aware that there was a lot of slides that you were taken through as part of your induction? Is that what you remember?---Yeah, and I would have signed them at the end, yes.

40 Could we scroll to the following page, page 39? Doing business with family and friends, you're advised, well, if you can just have a look at that slide? See the two questions there in relation to either a family member

owning a company that he believes could supply higher quality and less expensive supplies to Downer, whether that could be used and, secondly, a friendship with a supplier and considering entering into a partnership with him in a business venture unrelated to Downer and would that violate any of Downer's policies. Do you remember being required to think about either of those two questions in the course of your training?---I, I don't recall, but could have.

10 Looking at this slide now, what responses do you think were intended to be prompted by those questions at the bottom of the slide?---A clear conflict of interest would, would have been - - -

Clearly, that they would be conflicts of interest?---Yeah.

Right. Chief Commissioner, if that might just be marked for identification now and I'll when the hard copy's available tender it in conjunction with the remainder of Mr Gayed's material?

20 THE COMMISSIONER: MFI 18.

#MFI-018 – DOWNER INDUCTION MODULE 02 STANDARDS OF BUSINESS CONDUCT- POWERPOINT, PAGES 38-39

MS DAVIDSON: Thank you, Chief Commissioner. Did you make any others at Downer aware that you intended to engage Mr Vardanega in his private capacity - - -?---I didn't - - -

30 - - - that is to perform the supervision work on the possessions?---It, it would, it would have been made aware to people above me, when the company was set up. But I did not explicitly make them aware, no.

Okay. Where you say it would have been made aware to people above you when the company was set up, you mean by Mr Vardanega or by you? ---When the company was set up at Downer, he - - -

40 Sorry. That is ProjectHQ.---Well, well, well, any, any company, but, in this instance, ProjectHQ.

Right.---Downer does an ASIC search and an investigation into the company to see its solvency.

Right. So you're saying when the company was set up as Downer's – not when it was set up initially but when it was set up as a supplier for Downer. ---As a supplier or a - - -

I see.--- - - - professional services.

10 Right.---The implication was that those who are approving it above me would be made aware, and if they had an issue, would have, would have told me.

Okay. So you were, tell me if this is right, you were assuming that an ASIC search would be conducted in relation to – well, I think you agreed you'd recommended that Mr Vardanega be used, is that right?---Yes.

20 Do you recall who you recommended that to?---Well, it would have, it would have had to go through Downer's procurement system, so it would have been recommended, so Mariam was on, on that and then it would have gone to the commercial manager and the project director for formal sign-off.

So that was Mr Bedwani, the project director?---Yes.

All right. And the commercial manager was who?---Amit Patel.

30 Right. So did you understand who would be conducting the ASIC search that you referred to?---It was part of the Commercial Team function, so, under Amit's team.

All right. And did you think or did you understand that would be provided to Amit as part of his approval process?---Yes.

All right. So, what, you were relying on that, showing Mr Vardanega as associated in some way with ProjectHQ?---I assumed that that's what would occur.

40 Right. You assumed. Did you discuss with anybody at Downer – that is, anybody more senior to you – that you were engaging Mr Vardanega in his private capacity?---I remember conversations around, after Ben finished his professional services work that we would engage an employee through him.

Sorry, after Ben finished his work that you would use him to engage an employee?---To engage an engineer through, through his company.

And why was that?---Because the HR process was quite convoluted.

The HR process at Downer, that is?---Yes.

10 Okay. And who did you have those discussions with?---It was a direct discussion with the project director.

Okay. With Mr Bedwani?---Yes.

Right. And what, did you make a proposal to Mr Bedwani that Ben should employ some people for you?---The proposal was I don't have a replacement engineer. I need an engineer. And the answer was, well, wait a few months. And then I said, well, we can just employ one through Ben.

20 Sorry, you can just employ one through Ben?---Yeah.

Okay. When you say the answer was just wait a few months - - -?---That's, that's the - - -

- - - presumably you needed an engineer at the point you first asked.
---Correct.

Right. So do you understand why you were told to wait a few months?
---Because of the convoluted HR process.

30 I see. So had there been attempts made or did you understand that Downer would be trying to employ an engineer in those few months?---No, I understand that nothing had happened since Ben left and I was left an engineer short.

Okay, so did you go back to Mr Bedwani after a few months had passed?
---After Ben ceased assisting us, yes, I said we need an engineer.

40 Right. So where you say Ben ceased assisting you, you mean he'd done the work in relation to one possession and there was another coming up, was there, or - - -?---I think he done a few possessions.

Right. And did you then have some discussion with him about he couldn't help you anymore or - - -?---Oh, I think he then went on and found other work.

Okay. And so did you talk to him or come to him with a proposal about employing people through him?---I think I, I told him I wanted to engage in a, an engineer and I wanted to put it through ProjectHQ.

10 Okay. And when you say put it through ProjectHQ, did you understand, did you, in putting that to him, understand what the implications would be for ProjectHQ in terms of who would supervise those employees' work?---No, I took responsibility off supervising their work.

Okay. Did you understand Mr Vardanega to have any responsibility for supervising their work?---No.

Right. And how did you suggest this be paid for? That is, how did you suggest to Mr Vardanega that it be, that he be paid for it?---Time sheets and invoices.

20

Right. And so did you understand in making that proposal that he would be charging, making a profit in relation to those employees at ProjectHQ? ---He'd be making a margin, yes.

Right. So was there some reason that you suggested that as opposed to Downer employing graduate engineers?---Downer was still looking for a graduate engineer, so the proposal was always to, once there was a full-time employee, we'd transition out of the contractor.

30 Right. So, sorry, the proposal was that Mr Vardanega would bring somebody on as a full-time employee and then that person would transfer over to Downer. Is that right?---Sorry. So ProjectHQ - - -

Yep.--- - - - would give us an engineer on contract rates - - -

Right. Yeah.--- - - - until we found a permanent engineer.

I see. So the ProjectHQ person would no longer be involved once Downer had a permanent engineer. Is that right?---Correct.

40

Downer was a very large company at this point. Presumably there were a lot of junior engineers around. Is that not correct? There would have been presumably many junior engineers who could have been transferred onto your project? Is that right?---I, I'm not too sure.

Okay. Do you know whether they were at that stage graduate engineers or - -?---No, they were, they were undergraduate engineers so they were still studying.

10 Right. Right. Were there any of those at Downer?---I'm not too sure.

Did it seem strange to you that Downer, with all of its resources, couldn't find a replacement engineer for Mr Vardanega to work on your project? ---Yes.

Presumably a railway project like this needed an engineer associated with it?---Yes.

20 Was that something that you had raised with Mr Bedwani?---Yes.

Right. And what was his response to that?---"We're looking for engineers."

The HR process simply hadn't been able to find anybody.---Correct.

Okay. Seems a very strange arrangement to put in place. Do you agree with that?---I agree.

30 And in Mr Vardanega being able to charge a margin for the undergrads, I think, did you say there was more than one of them?---I think we had a, we had a few in succession.

Okay. We've been talking about "they", were they people that you knew previously?---A couple of them, I think, yeah.

How was that?---So they were, they were still studying. I'd just known them from, from the community.

40 When you say from the community, were they friends of yours?---I wouldn't call them friends, no.

Were they friends of your family?---No.

You knew them from the community.---Yeah.

What community was it? How did you come to know of them?---Church community. Like, I mean - - -

So they were people you'd come across in the context of your church community. Is that right?---Yep.

10 And you knew that they were, you knew enough about them to know that they were studying engineering.---Yeah.

Okay. So had you suggested that they apply to Downer?---I suggested that if they weren't busy studying, that I would take them on as an undergrad, yeah, to assist.

20 So you effectively offered to take them on. Was that in the context of suggesting to them that they apply for jobs through Downer?---I suggest they apply and, and in the interim I'll take them on 'cause I needed someone then and there.

Right. Had you any awareness of what their ability was like as an undergraduate engineer?---Before employing them?

That's right.---Skills required for an undergraduate engineer aren't extensive.

30 So you didn't have any concept of what their academic results were like or what experience they might have had before this. Is that right?---Yeah.

Okay. They would have needed a fair amount of supervision and looking after if this was their first job on a site. Isn't that right?---That's something that I was happy, prepared to, to do.

You had enough time to do that, did you?---Myself and, and Ross were, yep. I mean, Ross was a pretty good mentor.

40 Okay. Did you discuss this idea with Ross, that's Mr Dean?---Mr Dean had a pretty good idea that, that we just needed the assistance, yeah.

Right. So you offered to take them on even if it wasn't successful through Downer. Is that right?---While, while they were applying for Downer.

While they were applying through Downer.---Not, not if it was unsuccessful for Downer. So one of them ended up getting employed for Downer.

Okay. And others?---Sorry, two of them ended up getting employed for Downer.

10 And was that at a period after they'd stopped working on the Glenbrook project or was it during?---I think it was, one was during, one was after.

Okay. Did you understand how much margin Mr Vardanega would be charging?---I, not from memory, no, but I, I knew there was a margin.

All right. So just so that I can understand the nature of what you put to Mr Bedwani, did you say to him, "We haven't been able to get anybody. I've got these people." Were they male or female?---Male.

20 Right. I know these guys, they're undergrads. I want to put them on through ProjectHQ or through Ben Vardanega. I know them from my church but we need somebody, we need some resource. Is that the - what was the nature of the conversation with him?---Something like that.

Did you tell him that they were family or friends of yours, people you knew through the church community?---I think it was implied.

Implied?---Yep.

30 How would it have been implied?---I think just their, their names lent themselves to - - -

How would their names have lent themselves to an association with you?
---Like I said, it was just an implication. I, it was, I didn't think there was a particular conversation around that.

Right. But how do you know that he would have drawn that implication?
Was he part of your church community as well?---Not directly, no.

40 Right. Indirectly?---Indirectly, I think so, yeah.

How was that?---I think he was part of another church community.

Right. Entirely separate or part of the same denomination or - - -?---Part of the same denomination.

Okay. So what did he say when you made that proposal?---I can't recall the conversation but didn't seem to be an issue 'cause we had those engineers on.

10 Didn't seem to be an issue because you had those engineers on?---We ended up getting those engineers on, yes.

Right. So you recommended it and it was subsequently approved, is that - by Mr Bedwani. Is that your evidence?---My evidence was that we got the engineers and it wasn't rejected by Andrew Bedwani.

Okay. And do you actually have any recall of the conversation with him and what you told him about those engineers?---No, this was 2019.

20 Right. And do you have any recall of discussing with Mr Vardanega how much margin he would charge for hiring those engineers or supervising them if he was?---No. No.

Okay. In relation to Mr Vardanega's engagement as, well, providing the supervision work that he did in relation to the possession, that is the possessions at Glenbrook, did you receive any benefit for engaging him? ---No.

30 It was around the same time, that is I took you to the quote that he provided in April 2019, it was around the same time, was it, that you were having discussions with Mr Vardanega about the work that he'd moved on to at Sydney Trains and providing assistance to him in relation to that work? ---I can't remember the dates, no.

Okay. Do you recall having discussions with him in relation to the Security Officer Facility Program at Penrith and Liverpool?---I don't remember specific conversation, but I, I remember the work.

40 All right. You remember being told about that work for the first time? ---Vaguely.

All right. Do you remember what he said to you?---No.

All right. Could we have volume 10.2, page 28, brought up on the screen?
This is a quotation from Mansion Building. Do you see the logo there?
---Yep.

Prepared for Sydney Trains in relation to footings and slabs, the Liverpool
Up siding, and Penrith Up siding. This was submitted in April 2019. Do
you recall preparing this quote?---Vaguely.

10

Prior to - well, it indicates it's as per plans received. Do you recall
discussing plans with Mr Vardanega or doing a site visit?---I recall a site
visit and vaguely recall plans.

Okay. And at that site visit is that the point in time at which you discussed
with him using Mansion because it was already set up in the Sydney Trains
supplier system?---I, I think so.

Okay. Did you discuss with Mr Vardanega using any other company to do
20 this work for the Liverpool and Penrith upsidings?---Yes.

Yes, and what was that?---Camlin.

Right. And that wasn't your company, was it?---No.

That was, well, whose company was that?---Mr Dean's.

And so what was the nature of the discussion you had with Mr Vardanega
about that?---That Mr Dean will do the physical work through Camlin - - -
30

THE COMMISSIONER: Sorry? Which company was this?---Camlin, C-a-
m-l-i-n, Constructions, I think it's called or something?

MS DAVIDSON: That's correct, Chief Commissioner.

THE COMMISSIONER: Yes.

THE WITNESS: And I would get rid of the waste - - -

40 MS DAVIDSON: Right. And when you say you, do you mean Mansion or
you personally?---Sorry. Me, personally.

Right. 'Cause your evidence earlier was you didn't have anything to do with Mansion at this point?---Correct.

So you'll see there that a licence number is included in the quotation?
---Yeah.

Is that the licence number that was your licence number prior to it being suspended?---I think that was Mansion's licence number but I, I could be
10 wrong.

Okay. Had that been suspended as well?---I think it was a suspension, suspended for being related to my licence so it was by association.

So at the time that you submitted this, well, did you provide this quotation to Mr Vardanega?---I, I don't recall but it doesn't look too familiar. It, it looks familiar.

Sorry? It does or it doesn't look familiar?---It, it does look familiar.
20

Okay. And your evidence is you vaguely recall preparing it. Is that right?
---Yeah.

And at the time that you prepared it, do you recall thinking about what the licence number was that was included on it?---No. I think at the time, I would have just used the, the letterhead I had previously used.

But if that letterhead included Mansion's licence number, which it seems to have, you knew that that licence was suspended?---Yeah. I, I think it was
30 just a, an oversight while doing it. I mean - - -

Okay. When you say where "it was just an oversight while doing it" you didn't have any current licence that you could rely on at that time, did you?
---No. But, but the work didn't require a building licence.

Right. When you say "the work didn't require a building licence" was that your view on it, Mr Vardanega's view on it, somebody else's?---The, the nature of the work didn't lend itself to a building licence.

40 Right. When you say "didn't lend itself to a building licence" what do you mean by that?---It was placing slabs on, on the ground.

So, well, is your evidence that it wasn't sufficiently complicated as to require a building licence. Is that right?---No, I don't think building licences deal with complications. It's more so the, the nature of the work, not being a building.

Right. I see. So because you weren't going to be involved beyond placing the slab or laying the slab? Am I understanding correctly? It didn't need a builder's licence because of that, from your perspective?---Correct.

10

Did you know whether Sydney Trains wanted it to be somebody with a building licence?---I didn't ask.

Right. Did Mr Vardanega mention anything to you about Sydney Trains requiring somebody to have a building licence?---Not that I can recall.

Did you have any discussion with Mr Vardanega about ProjectHQ doing this work, that is, his company?---Not that I can recall.

20 So this quotation, is at the figure of, well, you see, \$29,587.85. Did you have any discussion or was any information provided to you by Mr Vardanega that assisted you in preparing this quote, apart from supplying the plans and taking you on the site visit? Did he give you any information about pricing?---Yes.

And what was that?---Make it under 30.

Right. And why was that?---I, my memory of it is that it would have shown that he had made a considerable saving on the actual budget.

30

Okay. Did you understand making it under 30 to have any significance in terms of whether he had to put it out to tender or not?---At the time, no.

And, subsequently, did you learn that?---After hearing the evidence last week, yes.

Right. So you said he said something about wanting to achieve a considerable saving. Were you aware of other quotes having been obtained earlier for the work?---No. I, I just knew he wanted, he wanted it to be a
40 certain amount so that he can show that he's made a considerable saving.

Right. But if it hadn't been under 30, he would have had to go out to tender. Is that now your understanding?---After last week's evidence, yes.

Right. And I think you said you'd tendered, or Mansion had tendered for Sydney Trains work prior to this.---Yes.

So you understand that they did have tender processes?---I understood they had tender processes but the work I was going for was a lot larger than this as well.

10

Right. So did you have any idea where that tender process kicked in?---No.

That is the level of expenditure for the project?---At the time? No.

All right.---To put it into context - - -

Yep.--- - - - I had a delegation authority at Downer of five grand or around that amount.

20 Right. And what did you understand to be the significance of that in tendering of this project?---Is that anything needed to go through a, a proper process.

I see. So you, correct me if I'm wrong, you said that you discussed with Mr Vardanega that Camlin would be contracted to do this work.---Yes.

That is that you would engage them to do the work and that you would remove, I think you said, some of the material. Is that right?---Yes.

30 Okay. So what was, was that a particular material or a particular item?---It was the old portable shed.

Okay. And did you actually do that, that is you personally do that removal of material? Was it the Liverpool project or the Penrith project that had the shed?---Both, I think, from memory.

Okay. Okay. And did you do that?---Yes.

40 That is physically you were on site for that?---I didn't physically carry it but yes.

Did you do any other work, that is yourself, on the Liverpool or Penrith projects?---Not that I can recall, no.

Okay. Were you aware of Mr Vardanega himself doing work on those, that is physical work on those projects?---Not that I can recall.

Did he ever raise that with you?---Apart from the evidence I saw last week, no.

10 Okay. Could we have volume 10.2, page 63 brought on the screen, please. This is slightly later. This is May 2019. It's a quote, described as a quote for Wollongong sent to Mr Vardanega. If we could scroll to the following page. It's a quotation for changerooms at the Wollongong signals building. And if we could scroll to the next page. You'll see again it's a quotation there in the amount of \$29,587.85. Is this a quotation that you prepared?
---From memory, yes.

Right. Again, you'll see the Mansion logo and license number is used. Did you have any further discussions with Mr Vardanega about continuing to
20 use Mansion in relation to this work?---I think by that stage it was implied or assumed that it would be used.

Sorry, when you say it was implied or assumed, what do you mean by that?
---So had already been used for Liverpool and Penrith and - - -

Okay.---It was just a continuation.

All right. Was this a separate project though?---Yes.

30 Prepared a separate quote?---My understanding is, yeah, it was a separate project.

All right. So why did you think there would be a continuation?---Of?

Of the work. I think that, that was the word you used.---No, I meant, sorry, I meant continuation in the sense that Mansion Building would be continued to be - - -

I see. Continuation was of your association with Mansion.---Correct.
40

And nothing had happened by May 2019. Does that mean that you were, you'd come back to being associated with Mansion, had you?---I don't think so, no.

All right. Did you have any discussion with the person you understood to be the current owner of Mansion in relation to providing a quote on Mansion's behalf?---No.

10 And were you concerned at all that any checks might be performed by anybody at Sydney Trains in relation to that?---Nah.

Or the currency of the license, the license number you used?---At that point in time, no.

Okay. Did you understand that license by May 2019 still to be suspended, that is at that time?---Possibly.

20 Right. Well, you had no reason to think it had - - -?---No, I had no reason - -

- - - ceased to be suspended, did you?---No. No, I did not.

Had you paid the amount of money that was required by the tribunal order? ---No, I don't think so. Not by that stage.

Okay, and you knew you hadn't done that, presumably.---Again, from memory, like the, I can't, probably not, no.

30 It wasn't a small amount of money, was it, that you were required to pay? ---I don't think so, no.

Right. It was thousands of dollars?---Possibly.

You don't remember how much you were required to pay by the tribunal? ---I really don't, no.

You, having provided that quotation, were you aware of that quotation being accepted?---Yes.

40 And did you do work on the Wollongong project? That is, yourself.---Yes.

Or was that again contracted to Mr Dean?---No, that was myself.

Yourself?---Yes.

Okay. Does that mean you were out on the site?---Yes.

Were there others who were assisting you in relation to that?---There were subcontractors that done trade-specific work, yes.

10 Right. And when you say you were out on the site, you were still employed full-time by Downer during this period as well?---Yes.

Were these works that you completed out of normal business hours?---Yes.

Right. And when was that done?---After hours, weekends.

Okay. Were the works - are you able to say the period of time over which the works were completed?---I, I can't recall. It was, I think over a few months.

20

All right. Did you discuss with anybody at Downer the fact that in your Mansion Building capacity you were performing work for Sydney Trains? ---Not from memory, no.

And of course you didn't in fact have a Mansion Building capacity at this point because I think you said you were becoming a full-time employee. You didn't want to be associated with a building company anymore. Is that the very reason you got rid of your shareholding in Mansion?---Yes.

30 All right. So that was, I think the change in directorship and shareholding was around the time you started at Downer. That was October 2018. Are you able to explain why by April and May 2019 you were back to being associated with a building company that, in its private capacity, was doing work for Sydney Trains?---No.

Do you think that somebody at Downer might have been concerned about that and the position that might put you in if they had known about it?---I couldn't say.

40 Mr Dean worked at Downer as well at the time.---Yes.

He knew what was going on, presumably?---Yes.

Did anybody else know what you were doing in the Liverpool and Penrith and subsequently Wollongong works?---I don't think so.

Did you take any steps in discussions with people at Downer, making sure that you didn't mention that work or what you were spending your time on?
---No.

10 Do you recall ever attending those sites during business hours? That is, the Liverpool and Penrith sites or the Wollongong site?---No.

Can we have volume 10.2, page 26, brought on the screen. This is an invoice that you send in June 2019 to Mr Vardanega and to a Transport invoices address, from an Avco email address, info@avcoccm.com. If we can scroll to the following page you see there's an attached invoice in relation to Wollongong. Are you able to explain why you were using an Avco email address to submit what was supposedly Mansion Building work?---No.

20

Did you consider that that might be - if we could scroll back up to the previous page, 26 - strike somebody at Sydney Trains as slightly odd that somebody at Avco that they hadn't engaged was purporting to submit an invoice to Mansion? Did you think about it at the time?---No.

Right. Was that an email address, that info@avcoccm.com, an email address that you regularly used?---Not regularly but on occasion.

30 All right. Was Avco another company with which you were associated?
---Not directly.

Okay. We'll come back to that.---Yep.

Were you paid the invoices you submitted for Wollongong and the Liverpool and Penrith works?---Yes.

That is, by Sydney Trains.---Yes.

40 And what did you do with that money?---For Liverpool and Penrith, paid the subcontractors, so Camlin, concrete trucks and a few other things, and

same as Wollongong, so paid the subcontractors and, and wrapped up the contract.

Okay. Did you pay any money to Mr Vardanega?---Yes.

How much was that?---I think about 5,000.

Right. And was that in cash?---Yes.

10 And when did you pay him that amount of cash?---I think it was after the job was finished, the Liverpool and Penrith jobs.

Right. What did you understand that payment to be for?---At the time my understanding was that it was a three-way partnership between me, himself and Mr Dean.

A three-way partnership.---Yep.

20 And what, do you mean in ProjectHQ or - - -?---Just in, in that scope of works.

In that scope of works.---Yep.

So I think you said he didn't do any work on the project, that is at Liverpool and Penrith, didn't do any physical work.---Yep.

So in what sense were you his partner in the project?---Not, I think partner is the wrong word but just, it was like a gratuity for, for - - -

30 A gratuity.---Yeah.

Right, for what?---Getting the work.

So was that a conversation you'd had with him beforehand?---Yes.

You, Mr Dean and himself?---Yeah.

40 Right. And what do you remember about that conversation?---That that's the amount to be paid to them.

Right. So was it at the start of the job, at the end of the job, at the middle?
---The conversation?

Yeah.---Before the job.

Before the job.---Yep.

Right. So did he ask for payment? Did you offer it? What occurred?---I
can't recall.

10

So you recall the conversation that had happened before the job but you
can't recall who asked - - -?---I recall a conversation and, and that - - -

Right. Can you tell us all you can recall about that conversation?---That
was an agreement that five K would be paid.

Five K would be paid to Mr Vardanega?---Yes.

Right. And you don't recall whose idea that was?---Or who brought it up,
20 no.

Right. You did pay him that \$5,000 at the end?---Yes.

Do you recall where you were when you gave him that payment?---On the
side of a, a road somewhere in Inner West.

Right. Did you give him any payment in relation to the Wollongong work?
I think you said it was at the end of the Liverpool and Penrith job that you
gave him the 5,000. Is that right?---My memory is a little bit hazy on this. I
30 think I did but because I've been reading evidence over the past few weeks
I'm starting to doubt whether I did or not.

Okay. When you say you think you did, try and isolate what you've read
from what you actually remember - - -?---Yeah.

- - - can you tell us what you remember about paying him for the work that
was the Wollongong work?---I think it was a similar amount paid to him for
the Wollongong work.

40 Another \$5,000.---From memory, yes.

Okay. And do you recall where, where or when that took place?---I think that was at Wollongong.

On the site at Wollongong or somewhere else?---Yes, on site.

And was that also in cash?---Yes.

10 When you say it was for getting, that is, a gratuity for getting the work in relation to Liverpool and Penrith, did you understand the Wollongong payment to be of the same character?---Yes.

And had that also been discussed between yourself, Mr Dean, well, was Mr Dean involved in the Wollongong work?---No.

No. So had that also been discussed between yourself and Mr Vardanega, that is, paying him for Wollongong?---From, from memory. It was an understanding that it would be the same.

20 Do you recall an actual discussion?---No.

Right. So where you have that, you say that you think there was an understanding, do you remember where that came from?---I think it was when I first submitted the quote that the understanding was that it would be the same as Penrith and Liverpool.

I see. So it was because you had had a discussion about - - -?---I think so, yeah.

30 - - - splitting up payments in relation to Penrith and Liverpool?---Yeah.

Was it part of your understanding that paying Mr Vardanega for doing this work, or for giving you this work at Liverpool and Penrith and Wollongong was a quid pro quo for giving him the possession work through Downer in relation to Glenbrook?---No.

Was that ever discussed with him?---No.

40 Might be suggested that there was a quid pro quo as between you and him, I'll scratch your back, you scratch mine? Was there any kind of understanding of that kind in your mind at the time?---No.

Might that be a convenient time, Chief Commissioner.

THE COMMISSIONER: Yes. We'll continue tomorrow with your evidence, Mr Gayed.

THE WITNESS STOOD DOWN **[4.00pm]**

10 **AT 4.00PM THE MATTER WAS ADJOURNED ACCORDINGLY**
[4.00pm]