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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 THURSDAY 13 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: Yes. Are we ready to resume? Mr Pilli, you're subject to the same oath you took at the commencement of your evidence to say the truth. Do you understand?---Yes, Commissioner.

Thank you. Yes.

10 MS DAVIDSON: Mr Pilli, we had been looking before lunch at the email you sent to Mr Nguyen in relation to an approval for the landscaping - - -? ---Yes, ma'am.

- - - tender. Were you aware during the process of considering the landscaping tender of Mr Abdi placing pressure on Mr Stanculescu or anybody else in relation to the outcome of that tender?---No, I'm not aware, ma'am.

20 Did he say anything to you about what he was doing during the process of consideration of the landscaping bid?---No.

Other than providing him with the budget figure, had you provided any other information to him, that is, to Mr Abdi in relation to the landscaping tender?---Not that I recall, ma'am.

Do you recall discussing the landscaping tender with him?---I believe so. With Nima?

Yes.---Yes.

30

So what was the nature of those discussions?---I think it was just in terms of what type of start date and when we need it completed, which was before Christmas, if there were - - -

Was that during the time that the tender was being prepared?---I don't recall. I believe so. That would be, that would have been when, because that would have been the logical time to discuss that.

40 Your evidence was he was quite adamant in relation to the landscaping tender?---Yes.

That is, adamant, I think you had a good landscaper.---Yes.

Did you understand him to have taken any steps to pursue or to ensure success for that good landscaper?---No. No, nothing that he discussed with me.

Right. The email that we were looking at in terms of you sending out an approval for the landscaping was on 2 December 2019.---Yeah.

10 Which fits with your before Christmas timeframe.---Yes.

Could we have volume 1.5, page 165 brought up on the screen. This is a subcontractor recommendation - - -?---Yes.

- - - in relation to the landscaping package at Kingswood. You see that you were indicated as the proposer down the bottom there.---Yep.

Did you prepare this document?---I don't recall, ma'am, if I prepared it.

20 All right. It wouldn't make sense for anybody other than the proposer to have prepared the document, would it?---No, I don't think I prepared it. There's a lot of stuff in there, like, in terms of safety system ISO 4801 that I, I wouldn't know.

Right. When you say in terms of safety system - - -?---No, I'm saying there's, there's, I don't think I prepared that document.

Right, but where's the discussion of the safety system in this document?---  
Oh, just the system requirements if you go to the bottom.

30

Right. Okay.---Like, for example, like, I wouldn't know how to answer that.

All right. The subcontract price that's awarded there is \$5,790.---59.

Sorry, \$59,790, and the budget that's indicated if you look on the right-hand side as the TBE is \$50,000.---Yes.

40

So there's a loss effectively indicated on the gain, loss of \$9,790.---Yes.

That was a loss to Downer, was it not?---Yes.

And yet nevertheless you're proposing that the subcontract be awarded to RJS.---At the bottom where my signature is, yes.

Well, you were the person who signed this document and put it forward.---Yes.

Can we scroll down. So Mr Stanculescu ultimately signed it off.---Yes.

10 Do you recall having any discussions in relation to the quote figure exceeding the budgeted amount and thus a loss to Downer?---Discussion with whom, ma'am.

Well, with anybody within Downer.---I, I don't recall having a particular conversation, but we did identify that it, based off this document that, yes, there is, there is a loss to Downer.

20 Do you recall having any discussion with Vlad about that? You said you identified it.---Not particularly. I can't recall a particular, I can't recall a conversation of that issue with Vlad.

Right. Was any additional approval required because you'd gone above the budget figure?---I wouldn't be aware. That would be, I'm not too sure if Vlad had to get additional approval.

30 Right. This was a document that was, well, you initially put your proposer signature on it on 16 December and Vlad seems to have given his approval on 20 December. You'd given Mr Nguyen the email approving the go ahead on 2 December. Are you able to explain why this document is being approved some two weeks later?---That would have been given when Vlad would have instructed me to send that email. This I think might have been part of Downer's internal process that was followed up later.

Right, but if this is the approval document within Downer, wouldn't you expect that approval within Downer to have been given before a contractor is told to go ahead?---I would believe so, but again, I'm not the one raising this, like - - -

40 Well, you are the one who's proposing it here.---Here I am when I got - - -

Yeah.---I guess when the document came to me, but I, I don't recall signing that document because that was around the time I went on leave. I remember giving Vlad my digital signature for signing a couple of quality assurance documents that he wanted towards the end for as-builts.

So you went on leave again in December, did you?---Yes, ma'am.

10 Right. Do you remember when in December that was?---Around the 6th, around that period, could have been slightly after or, or, or maybe slightly before but it was around that period, the 16<sup>th</sup> sorry, so I, I, I may have signed it. I don't recall signing it. But I, I also gave Vlad my digital signature during that period. So he may have also put my signature on there.

All right. Did you understand what he was going to do with your digital signature when you gave it to him?---Yeah. He wanted to use it to sign off on the as-builts for the construction document - - -

The as-built drawings?---Yes, ma'am.

20 Right. And did you have any difficulty with him doing that?---He asked me more than one occasion. Initially, I, I didn't say anything but it's not always easy to say no to him.

It wasn't always easy to say no to him?---No to Vlad. It's not easy, he's not any easy person to say no to, for me.

30 Right. So did you just give him a scan of your signature and understand that he'd use it for whatever he wanted to or did you say, this is for the as-built drawings?---No, he said that's what he was going to use it for and I understood that, that was all, if he were to use it, that he would be using it for.

Right. But you didn't know one way or the other what he was going to use it for?---I, I wouldn't know what he would use it for when, when I'm not there.

40 Had you had any training in procurement processes at Downer by the time that you were signing off on this document, if you did indeed sign it?---I, I don't recall, no.

Right. You didn't know anything about when the approval, that is the subcontractor recommendation, was meant to be signed - - -?---No.

- - - relative to the work being done?---No, I did not.

Would you agree that in providing you with the contact details for Ballyhooly and Marble Arch and RJS, putting forward, that is putting them forward for the tender process or suggesting that you do that, that Mr Abdi was interfering in that tender process?---Yes.

10

And was that also true of the tender process that was conducted for the Kingswood building project, that is - - -?---Yes.

- - - that he was interfering in it - - -?---Yes.

- - - and that that was inappropriate, from your perspective?---It, it would be, yeah, I believe.

20 Chief Commissioner, I seek a variation of the section 112 order in relation to Mr Pilli's compulsory examination, page 572 of the transcript, lines 32 to 38, and I hand those up and tender them.

THE COMMISSIONER: Yes. Variation is granted in respect of page 572 of the transcript of the compulsory examination of Mr Sairam Pilli of 1 March 2022, lines 32 to 38, yeah.

30 **VARIATION OF SUPPRESSION ORDER: THE SECTION 112 ORDER IS VARIED IN RESPECT OF PAGE 572 OF THE TRANSCRIPT OF THE COMPULSORY EXAMINATION OF MR SAIRAM PILLI OF 1 MARCH 2022, LINES 32 TO 38.**

MS DAVIDSON: That would be Exhibit 158.

THE COMMISSIONER: That can be marked as Exhibit 158.

40 **#EXHIBIT 158 – COMPULSORY EXAMINATION TRANSCRIPT OF SAIRAM PILLI DATED 1 MARCH 2022, PAGE 572 LINES 32 TO 38**

MS DAVIDSON: Mr Pilli, you attended the Commission for compulsory examination in March last year. Do you recall that?---Yes.

You were asked some questions in relation to the payments that you received, that is the payments in cash - - -?---Yes.

10 - - - that you received. This is a portion of the transcript in relation to those questions.---Yes.

You see there you were asked, “Can I just remind you that you really have to tell us everything because I don’t want to see you get into trouble” and you said, “No, Commissioner. I’m, I did refuse the \$28,000 and I did take the \$5,000. I was going on holiday in December and I thought that \$5,000 may be of use. I didn’t use it when I went on holiday or anything. It was all left here, but, yes, I did accept it, Commissioner, after I refused the 28. That is correct.” You didn’t say anything at the time of your compulsory examination about trying to give back the second \$5,000, did you?---No,  
20 that was as part of the refusal. I might not have clarified that, but, yes, that’s, that’s what I, what - - -

I’m sorry? It was part of the refusal?---Yeah. Under the refusal, when I said, I tried to refuse the 28,000, so I meant that I refused and wanted to give it back, I apologise - - -

Yes, but you didn’t say anything about trying to refuse or give back the second \$5,000, did you?---No, no. I, no - - -

30 In fact, you give the completely opposite evidence here, you say - - -?---No, no. It was the 28,000 that I refused, the 5,000 - - -

So is your evidence now - - -?---Sorry, ma’am.

- - - because it wasn’t this morning - - -?---Yeah.

- - - that you didn’t try to give back the second \$5,000 payment?---No, it was, it was all aggregated. I wanted to give everything back.

40 THE COMMISSIONER: Sorry, I’m not clear.---Sorry, Commissioner.

Can you just explain?---So I received the 28,000, Commissioner, and I wanted to give it back to Nima, so I tried to give it back to him and then Nima refused to accept it.

That's the 28,000?---Yes.

What about the 5,000? There were two lots of 5,000.---The 5,000, after I came back from holiday, I also tried to give that back as well.

10 This is the first 5,000?---Not the first, the second.

The second 5,000?---Yes, Commissioner.

MS DAVIDSON: But you did not in your compulsory examination say anything about trying to give back the second \$5,000, did you?---No, I, I wanted, I wanted to give that as part of the aggregate with the 28. So it was the 28 and the five and whatever was left over I wanted to give back.

20 Well, your evidence today was that after you received the 28 - - -?---Yep.

- - - you tried to give it back.---Yes.

And then you said after you'd been on holiday you also tried to give back the five.---Yes, which was part of the 28. The, the entire amount.

That was the five, part of the 28. There was a separate payment?---No, no, no. It's a separate payment but the entire aggregate of the money I received, I wanted to give that back.

30 Right, but you didn't say anything in your compulsory examination about trying to give back the aggregate of the money you received either, did you?---I, I may not have.

In fact, you said you thought the \$5,000 might be of use because you were going on holiday.---Yes, but I did not use it.

40 Well, that's completely contrary to the idea that you might have wanted to give it back, isn't it?---After I came back from holiday, I wanted to give it back.



Well, I'm suggesting that this is the first time that you've said anything of that kind, would you agree?---I, I might not have been as clear but that's what I'm, I was meaning to say.

In saying that you thought at the time it would be useful in going on holiday, there's no implication there that you might have wanted to give it back, is there?---At the time, no. But after I came back, I wanted to.

10 I'm suggesting to you that that answer in relation to trying to give it back after you went on holiday is not truthful evidence, Mr Pilli.---Sorry, ma'am.

I suggest to you that that answer that you've given today in relation to trying to give it back after you went on holiday is not truthful evidence.---No, I did want to give it, the, all the money back after the holiday. I called Nima up and I said I wanted to give it back, ma'am.

You didn't take any step, I'm suggesting to you, after you came back from holiday in 2020 - - -?---Yes.

20 - - - to try to give the money back.---No, I did call Nima up and I did request him to take the money back, ma'am. As, as an aggregate. I didn't differentiate between the five and 28,000 in conversation, but I did speak to him and I did request him to take the money back, ma'am.

Right. I think that you indicated in your answers this morning that it was very early on in your discussions with Mr Abdi that he - in fact in the very first conversation - that he raised the idea of giving you a third of the profits.---Okay, ma'am.

30 Do you recall - - -?---Yes, ma'am.

- - - giving that evidence?---Yes, ma'am.

And I think you said also that he didn't indicate to you that he was a silent partner in the business of RJS until about September, is that right?---I, I recall him saying that in September, so - - -

All right. But he'd also asked you, on your evidence, again from even before the tender was awarded, whether you could assist RJS on the site.  
40 ---Yes. In general, yes, he did.

Right. So what did you understand to be his role in RJS before the period, that is in the period between when he approached you about assisting them and when you found out that he was a silent partner?---I thought it might have been his friend's company or, or a company he had association with, but not, I, I didn't know what was exactly the type of association that he had.

10 All right. But how was it that you understood he could offer you one third of the profits if you thought it was only his friend's company?---Well, him and Tony I think were, were the two people involved from his end.

Right. But did he say to you "I've spoken to Tony about it. You know, we've" - - -?---No.

- - - "agreed to offer you a third of the profits"?---I, I don't recall if he said that but he, if he said that he spoke to Tony, but he did mention that, you know, he would give me, like, a third of something.

20 Right. And so did you ask him a question as to, well, how do you come to be able to offer any profits from the company?---Yeah, he said that he was involved with RJS. He, I just don't recall him, I just don't recall what his role was within RJS at the time of him saying that at the time. I recall in September because that was around the time when I got the cash that, you know, he mentioned that he was a silent partner. That's when I recalled that he, he said that.

30 Right. Did you ask him questions about why it was that he was seeking to have your assistance for RJS's purposes if it was just his friend's company? ---I think he believed I was a competent engineer that could actually help them. He did say that I was a good engineer onsite and I think that's why he wanted my assistance. It's someone that he, he thought that I could actually help him deliver.

Right. Did he mention to you speaking to Mr Nguyen about your involvement?---Did he - sorry, could you repeat that?

Did he mention to you speaking to Tony Nguyen about your involvement? ---I don't recall if, what he, I don't recall.

All right. Chief Commissioner, I seek a variation in relation to the section 112 order in respect of Mr Pilli's transcript of compulsory examination page 565, lines 1 to 23. I hand those up and tender them.

THE COMMISSIONER: I grant a variation in respect of the section 112 direction such as to enable reliance on the transcript of Sairam Pilli's compulsory examination held on 1 March 2022, page 565, line 1 to 23.

10 **VARIATION OF SUPPRESSION ORDER: THE SECTION 112 ORDER IS VARIED WITH REGARD TO THE TRANSCRIPT OF SAIRAM PILLI'S COMPULSORY EXAMINATION HELD ON 1 MARCH 2022, PAGE 565, LINE 1 TO 23.**

MS DAVIDSON: You were asked some questions, Mr Pilli - that would be exhibit 159.

THE COMMISSIONER: That will be exhibit - - -

20

MS DAVIDSON: 159 I think, Chief Commissioner.

THE COMMISSIONER: 159, sorry, yes. 159.

MS DAVIDSON: Thank you.

**#EXH-159 – COMPULSORY EXAMINATION TRANSCRIPT OF SAIRAM PILLI DATED 1 MARCH 2022 PAGE 565 LINES 1 TO 23**

30

MS DAVIDSON: Mr Pilli, you were asked some questions again around your knowledge of Mr Abdi's role in RJS.---Yep.

And you said it was around September or October when he explicitly said that, and that's in relation to being a silent partner. Then you say, "I mean, he was giving hints," or you said, "I mean, he was giving hints but I don't, I don't, and then I remember having conversations with him then. I don't know when but he had said, I think I had questioned him about, oh, how do you know so much or, you know, what, what is this?" Do you recall asking him those questions?---Yes, I, I do. But I don't recall what, what he

40

answered me, like, in, during that period. I just remember around September because I was, I had a, the link was that because I had received the cash payment, I explicitly - - -

The \$28,000?---Yeah, that's why I explicitly remember him saying that because it was around that period.

10 Right. So then you were asked, "I was going to ask you, just tell us about the hints he was giving you," and your answer was, "Oh, I guess he would ask questions and it would just be like, oh, you know, this is how you normally do things with, with RJS or, you know, this is how you deal with them, you know, just questions that it didn't seem like he would, you'd expect someone to ask."---Um - - -

Was that accurate evidence in relation to - - -?---You would, how you normally - - -

20 - - - hints that were being given to you?---Yeah, like, as in, yeah, he knew things about RJS, right, that - - -

That only a person who was a partner in the company would know?---Yeah, or, or something like that, someone who was quite close to the company or - - -

So not just a friend's company?---Yeah, that's how, that's generally how, how it would, yeah.

30 All right, so then you were asked to provide an example and you said, "I guess he'd just be like, 'Oh, no, oh, let me know if you, you know, if you're not getting what you want, you know, I've,' he said that 'I know Tony, you know, I can speak to him to help you out.' Or just questions like, 'Oh, if there's any issues, you know, with the building works, can you let me know?'" Was that accurate evidence?---Yeah, which is part of, I guess I, under, the way you used to coordinate work is he used to say, like, you know, if there's a problem with, you know, with the cladding or something, right, and I used to say, then he'd be like, "All right, I'll let Tony know if" - Tony would then let the subcontractors know in that sense.

40 Sorry, he would say, "I'll let Tony know"?---Yeah, yeah, Nima.

Right. So when you said he said - that is he, Mr Abdi - - -?---Yeah.

- - - said to you, "I know Tony, you know, I can speak to him to help you out" - - -?---Yeah.

- - - in what sense was that?---In terms of - - -

Did you understand him to be offering to help you out?---No, help me out in terms of like the construction delivery.

10 Right. So it related only to the delivery of the project.---Yeah. Yeah.

Did it also relate to your understanding to the difficulties you were having with Mr Stanculescu?---No. No. I didn't discuss that with, no, definitely not.

Right. Did you think Mr Nguyen could provide you with some help in relation to that?---With Vlad? No.

No, but you thought Mr Abdi could.---Yeah.

20

By September how were your relations with Mr Stanculescu?---It was very up and down. There was, there was like periods where, you know, one week he might be nice and the other week he'd be completely off. It was like Dr Jekyll and Mr Hyde in terms of emotions. So sometimes I'd raise the same issue with him and I'd get two different reactions. Sometimes he'd be like, "That's okay," and the next time he used to blow up at me.

Right. Was there another engineer allocated to the project?---Yes, there was a, Ibrahim.

30

Ibrahim.---Yeah, he was a site engineer.

Right, and did you experience the same difficulties with him?---Vlad, Vlad, he kind of put his responsibility and his performance on me, and he said, "You manage him," and if something goes wrong, like, you know, essentially said, wanted to blame me I think for it, the way he was speaking to me about him, but Ibrahim and Vlad didn't get along as well.

Right.---So there was difficulty in that relationship too. I got along with  
40 Ibrahim a lot better but Ibrahim and Vlad didn't get along.

Did that assist you having Ibrahim there in relation to your difficulties in the additional responsibilities that had been placed on you by Mr Stanculescu?  
---Because, because Vlad was not, Vlad and Ibrahim didn't have a good relationship, I didn't have much control over Ibrahim. Sometimes he used to pack, pack his, pack up and leave at 3 o'clock, you know, if I went out for a site walk without explanation, you know? I, I used to try to manage him the best I can and try to help him, you know, understand the construction processes, but there's only so much I can, you know, I can do if Vlad's not there.

10

All right. So it didn't assist. Is that your evidence in relation to the difficulties you were having with Mr Stanculescu?---Did Ibrahim assist?  
Having Ibrahim as - - -

Having him around as resource.---It, it, it assisted, like, you know, in, I can't say that it didn't assist at all. It did assist but not to the level that I expected or it required or wanted.

20 Right, but it didn't assist you in resolving the difficult working relationship that you were having with Mr Stanculescu?---No. No. No. No, it did not.

The landscaping was the end of 2019. Did you by the beginning of 2020 begin to discuss with Mr Abdi additional profits out of the project? Was the project coming to an end by that point?---By 2020 I believe it did finish the project. I don't think there was anything, I don't recall there being anything left.

30 Right. So did you then raise again with Mr Abdi whether there were outstanding profits owed to you?---I don't recall. I don't recall if I did raise that with him at that stage.

Do you recall him raising it with you?---No, I don't recall. I don't recall having a, I can't particularly recall a conversation about that in February.

All right. I'm not suggesting it was February necessarily.---Okay.

But early, the first half of 2020?---Yeah, I believe so, it was the first half of 2020.

Right. You raised it again with Mr Abdi, did you?---I think Nima raised it with me first saying that the, you know, the, the, I think the final payment went through, like, you know, all their progress claims.

That is the final payment from Downer.---I think so. I'm not sure if it was the final payment but he, he, he brought it up I think around maybe, maybe April or something that, you know - - -

Right.--- - - - that he wanted me to invoice him.

10

Okay. You say he wanted you to invoice him.---Invoice RJS, sorry.

Right. Did you discuss with him the form that that invoice would take?  
---Yes.

Did you by that point have a business that could provide an invoice to RJS?  
---Yes.

20 So what was that business?---It was my existing ABN that I had for a few years, and then PSR360 was the, was the name that - - -

All right. Did you register a business name in 2020?---Yes. Yes.

Right. And was that, what was the purpose of registering that business name?---So I can invoice RJS.

Okay. Did you create a company at the same time?---No, the company was existing. It was, it was, it was a, it was an ABN sole trader existing.

30 Right. Right. So it wasn't a company.---No, it wasn't a company.

It was just an ABN.---Yes.

Had you been using that, I think you said you'd had it for a few years.  
---Yes, I did.

And what was that used for?---It was used when I was in uni, when I was doing promoting work and all that, just for minor payments that I received.

40 Right. So not something relating to engineering work?---No, no.

Okay. And so the discussion went along the lines of him saying he'd received the final payment?---Yeah.

Did you then or RJS had - - -?---Well, the, to the best of my recollection - - -  
- - - received the final payment?--- - - - yeah. Sorry, ma'am.

Did he suggest to you that you might provide an invoice?---Yes.

10 Prior to that, did you have discussions with him about how you might receive your payment?---Yes.

And what were the discussions that occurred prior to that?---I think he, I think he, he, he wanted me to invoice him, as well. That was the thing. That, that was the only discussion, he wanted me to submit an invoice.

Right. Had you suggested that you might receive payment in any other form?---I don't think, possibly, cash, but I, I think I refused that, as well.

20 He suggested cash to you?---Yeah, but I don't think he said, he said that he couldn't provide cash and, and I, I didn't think I wanted cash, as well, that time.

Was that because you'd been concerned about having \$28,000 in cash previously?---Yes, well, no, it wasn't the, the particular concern. I just didn't want cash 'cause it's, it's, it's hard to, like, use or do anything with it.

Right. Well, had you discussed at this point what the amount that you were to receive was?---I don't remember if it was around that time or if it was a  
30 bit later, closer to when I submitted the invoice that I discussed the actual amount.

Right. And in those discussions about the amount, was there a figure that Mr Abdi gave to you?---Which was the figure on the invoice, I believe, the 63,500.

All right. That's the figure that he ultimately gave to you?---Yes.

40 Were there earlier discussions about other figures?---I don't recall, but that was the final figure.



All right. Had you, prior to being given the final figure and discussing the invoicing, proposed to Mr Abdi that you might receive your payment by means of something being purchased for you?---Yes.

What was that?---I think I wanted a car or, or, or something else for it.

You wanted a car?---Yeah.

10 And what were you suggesting to him in terms of - - -?---If he could purchase it using RJS, if, if RJS could purchase it and then let me drive it, 'cause I need the car for work.

Right. So you thought that an appropriate means of you being paid might have been RJS buying a car for you. Is that right?---Yes, ma'am.

And you understood that to be the proceeds of the profits?---Yes, ma'am.

20 Did you have a particular type of car in mind?---No. I, I, I don't recall if I had a particular type of car.

Could we bring up on the screen and play, and I tender, Chief Commissioner, the transcript of intercepted telecommunication session number 575? It's a call on 7 May 2020 at 8.42am and it's a call between Mr Nguyen and Mr Abdi, and there are two extracts of the call. I think that would be Exhibit 160, Chief Commissioner.

THE COMMISSIONER: Exhibit 160.

30 **#EXH-160 – AUDIO AND TRANSCRIPT OF  
TELECOMMUNICATION INTERCEPT SESSION 575 FROM TONY  
NGUYEN TO NIMA ABDI ON 7 MAY 2020 EXTRACT 1 AT 08:35:51  
TO 08:38:28 AND EXTRACT 2 AT 08:42:05 TO 08:53:00**

**AUDIO RECORDING PLAYED**

**[2.43pm]**

40 MS DAVIDSON: Mr Pilli, it's a discussion between Mr Nguyen and Mr Abdi in relation to someone they're referring to as the Indian. Do you understand that to be you?---In this context, yes, ma'am.

Were you aware of being referred to as the Indian in the context of the profits that you were deriving from the arrangement at Kingswood?---No, Nima never called me by that name.

Returning to the first page of the transcript, Mr Abdi refers to calling you - sorry, calling him five times a day, that is you calling him five times a day asking to be bought a computer, bought a laptop, bought a car, and him saying to you, “Bro, you need to transfer your money.” Is that what was occurring around the time, that is early May?---I don’t think I was calling him. I think that’s an overexaggeration.

Were you calling him multiple times a day seeking - - -?---No, no.

- - - purchases of equipment for yourself?---No, I think when Nima tried to offer, like, cash and I refused, I think because the amount was large I, I believe I told Nima if I, if they could get me something else through their business, right, like a computer or something, or a car, that I could use instead of accepting the money.

20

Yep. So you knew the amount of money was large, didn’t you?---Yep.

You thought that they could buy a car for you?---Yes, ma’am.

So you had at this point discussed the amount of money that was going to come out for your share of the profit?---Possibly, ma’am, yes. I, I don’t recall if the exact amount came out at that time or if Nima gave an approximation. I don’t recall that.

30 Right. He recounts having said to you, “Bro, you need to transfer your money.” Do you recall him saying something like that to you?---Like, who’s he referring to, ma’am, in that context?

I think he’s referring to a conversation with you.---I, I don’t, I don’t remember.

All right. Do you remember discussing with Mr Abdi the means by which money might be transferred to you if it wasn’t in cash?---Ah - - -

Or at that point were you still focused on the business buying something for you?---It was either the business or I think to try to get a, to invoice him. Those were the two things. Invoice RJS. Me invoice RJS or - - -

All right, well, at this point there doesn't seem to be any discussion of an invoice between Mr Nguyen and Mr Abdi, does there?---It might not have happened at that time, then.

10 No, right. Can we turn to page 5. Mr Abdi says to Mr Nguyen, "Can you think of someone that we can transfer money to so that we can get rid of this fucking Indian cunt?" Do you remember having a discussion with Mr Abdi about transferring money through some other business?---I, I might have, ma'am.

You might have?---Yeah.

Thinking about it now, do you have any actual recollection of that?  
---Possibly, yeah. I, I think I asked him if we could transfer it through Monty.

20

Through Monty?---Because in the beginning - - -

Well, that's the discussion that occurs here.---Yep.

Do you think that you discussed that with Mr Abdi in advance?---Before this conversation, if, if I have to go by the, by the sequence, then yes, ma'am.

30 Right, and what was that conversation that you had with Mr - - -?---I think I asked him if he could transfer - I think he was talking about if we could transfer it directly through RJS, that money. And then I'm like, well, if you transfer it to RJS then, you know - - -

Well, it's money that was in RJS, wasn't it?---Yeah, so I, I told him if we could transfer it - I don't know if Nima suggested it or if I suggested it that it get transferred through a third party.

40 And what would have been the point of transferring it through Monty?---I think it was a traceability thing.

Right. So you realised that this money wasn't meant to be traceable?---Yes, possibly, yeah.

Was that the reason you also were suggesting that the business might buy you a luxury car?---I think that was more so 'cause I didn't, I, I think the, one of the first conversations I had with Nima was when he said the amount was that large, I think I told him, "Can you, like, delay the payment and pay me later on," or something. And Nima pushed me to take the payment before June, before the end of - - -

10

And why did you want him to delay the payment?---I was, I was, I, I didn't want to accept it immediately at that time, so I thought if I tell Nima, okay, I'll take it later, I can just push that problem out.

That doesn't seem like what was happening, does it, because if - - -?---I - - -  
- - - you're ringing him multiple times a day, asking him to buy you things, that doesn't - - -?---No, I - - -

20

- - - suggest you were delaying the payment, does it?---Sorry, ma'am, I don't believe I called him multiple times. I didn't chase him up that way to, to say that. I think if Nima called me, he, he did that. I believe he might have said that to put pressure on, on Tony separately. I don't think I - - -

You don't know that one way or the other, do you?---I don't believe I called him multiple times but it doesn't sound like me to call him multiple times and say, "I want this now." I, I don't, I didn't chase him up that way.

30

All right. Sticking with page 5, "We're going to have to go via the fucking AMG Merc." Had you discussed an AMG Merc with Mr, that is the purchase of a luxury - - -?---Of a car? That, that may have been it, if he's, if he's suggesting that, ma'am. I don't particularly recall.

Well, there's no reason for him to make up the type of car.---No, I'm not saying, I'm not saying that it is, ma'am. I'm just saying that - - -

Do you remember asking him to buy you a Mercedes?---Possibly, ma'am, if, if that's the case. If his company was going to buy it within that, within that budget, with - - -

40

You either do or don't remember. Do you remember asking him to buy you a Mercedes?---I don't particularly remember but I believe I did, ma'am.

Right. That suggests you were rather enthusiastic about the idea of receiving the money, yes, if you'd gone so far as to think about what brand of car you might like to be purchased.---Yes, ma'am. But around, around that time my, my car had engine troubles as well, ma'am, the existing car. I requested - - -

10 Right. So you needed a new car.---I needed a new car around that time.

You weren't, you weren't seeking a delay in payment, were you?---No. I believe the first conversation I had, which was before my car had problems, I, I did seek a delay, and then after my car started having problems I then suggested to Nima if I could get a car.

And then you suddenly started becoming enthusiastic about the idea of a car being purchased for you.---Well, when he said, "You can get a car," then I, then I was looking at what, what car I could fit within, within a possible  
20 budget that Nima would, Nima may have suggested at that time.

All right. Do you - - ?---As to what, what the invoice amount was.

Do you recall Mr Abdi suggesting to you that it was a problem because, "What happens if you get a fine?" This is at the top of page 6, "What happens if you have an accident? It's going to be in our names"?---I think he did, ma'am, when I mentioned the car.

Right. And then further down that page, "Yeah, so I said to him and he's  
30 like, 'Oh, no, I'll just leave some in there and I'll calculate the rego and insurance for 12 months and I'll leave it there and depreciate.'" Do you recall having a discussion with him about calculating rego and insurance and depreciating it using your share of the profits?---No, I don't.

Well, there's no reason for him to make that up, is there?

THE COMMISSIONER: Mr - - -

THE WITNESS: That could have been a conversation between him and  
40 Tony. I, I, I don't recall having that conversation, going that far as to, you know, speak about depreciation with him.

MS DAVIDSON: Right. You had spoken about the brand of car. Is that right?---I believe so, ma'am, yes.

And did he mention to you being happy about you buying a ute potentially? Do you remember that?---Yes, ma'am. When I suggested a car - - -

Right.--- - - - he did say get a ute because I think he said that they can conduct it or, I do believe him, I do believe him saying a ute.

10

Right.---Yes.

And you rejected that idea?---I believe so because I don't have much use for a ute.

I thought you said that you wanted to use the car for work.---Yeah, ma'am, but, like, just to travel to and from work. Like, the supervisor has a ute on site. I don't particularly need one.

20 Right. Right. You instead, at least according to Mr Abdi on page 7 of the transcript, were keen about a big luxury vehicle.---Not a big luxury vehicle. Just whatever was within that, within I guess the invoiceable budget.

Well, but you selected a Mercedes, or you were asking him for a Mercedes. ---Which was within that budget. It was within whatever I think, like, invoice amount that Nima may have suggested at that time.

30 Okay. So you'd been given a budget and then you'd gone and looked at prices of cars, had you?---Yes, it was just whatever was within that that I could fit.

Right. And the best one that you could get is a Mercedes, is that right? ---Yes, ma'am.

That's what you asked him to buy for you?---Yes, ma'am.

40 You see if we turn to page 8 of the transcript, about two-thirds of the way down, Mr Abdi says, "Yeah, he's just given me four missed calls right now." And Mr Nguyen says, "Hah," and Mr Abdi says, "And he rang me last night and he's the dumb shit. He's messaging my work phone and saying, 'Oh, I sent you the shopping list.' Like, fucking hell, bro. Just take

the fucking money.” Do you recall sending him a message saying, “I sent you the shopping list”?---I don’t think it was a shopping list but I think Nima asked me what I wanted, like, in lieu of like accepting cash.

Right.---And I think I messaged him saying, you know, “Can you get this for me,” like, in terms of a specific product.

10 Okay. So was there a computer and a car on that list?---I don’t recall putting, I don’t recall what I put on the list, but, yes, I might have told him a particular laptop or something I, I may have wanted.

Okay, because on page 10, if we could scroll to that, Mr Abdi says, “He wants us to buy him five grand worth of iPad and computer and a laptop and like a system.” Do you recall suggesting to him that he purchase \$5,000 worth of iPads and computer products for you?---I think it was just an iPad and accessories, not like five grand, not five iPads. More like one grand or something.

20 Sorry, he doesn’t say five iPads. He says five grand worth of iPad.---Yeah. Yep.

Do you recall pricing iPads and computer accessories?---I think it was whatever would fit into that overall budget that Nima would say that, that he wanted me to utilise.

All right.---So it was just, it just regarding that.

30 All right. So you went, you having been given a figure went and put together a list of items, did you, that included a car and \$5,000 worth of computer equipment?---Yes, I believe so.

Right. And you sent that to Mr Abdi?---I, I believe so. I, I don’t recall the particulars of what I sent, but, yes.

Okay. Could you have referred to it as a shopping list?---I don’t think I would have referred to it as a shopping list, no.

All right.

40 THE COMMISSIONER: That’s what it was but, wasn’t it?---Pardon?

That's what it was but, wasn't it?---That's what it was essentially, yes, Commissioner, but I don't think I would have referred to it that way.

MS DAVIDSON: All right.

THE COMMISSIONER: Just so that I can be clear here.---Yes, Commissioner.

10 You previously mentioned that I think on your account you were offered some cash including an amount of 28,000 which you asked him not, not to give you.---Yes, Commissioner.

But at this point, you were anxious to get your share of the profits?---Yes, Commissioner. That's because my, why I needed a car, Commissioner. I, I requested one from Downer. They wouldn't give me one, so, and my car was getting engine problems, so, primarily, I wanted a car, so it was out of necessity that I needed a car at that point.

20 Well, you wanted a car plus some other things?---Well, it was whatever else was left in the budget and, and, and I said, well, if, if you want me to take the rest of the amount, I'm, like, can you fill it up with these items, so it, so, so it comes close to that amount.

All right. Okay.

MS DAVIDSON: On page 11, there's a discussion about asking you for the business name, that is, your business name?---Yes, ma'am.

30 And Mr Nguyen and Mr Abdi discuss whether the business has been registered in your name or not?---Yes, ma'am.

How did you come up with the name PSR360?---I didn't. I just took my, my initials and, and - - -

40 You scrambled them up? Mr Nguyen seems to have been concerned about a business being in your name and money being transferred to your name. Do you recall having a discussion with Mr Abdi about why a transfer shouldn't be into your name?---I, I think Nima called me up and they did mention that at some stage - - -



Do you recall why they were concerned about that?---He just said, I believe he said “it can’t be under your name” going directly from RJS or something like that.

Is that because you were a Downer employee?---I believe that would have been the reason behind that, ma’am. Yes.

So it’s obvious that by this point, Mr Pilli - - -?---Yes, ma’am.

10 - - - that your attitude had changed to the profits you were receiving. Is that not correct?---Yes, ma’am.

So instead of being reluctant, you were, in fact, quite enthusiastic about receiving them?---I wouldn’t say enthusiastic but I, I did want, I, I did need a new car at the time, so I, I was.

But there was nothing that you suggested in your communications with Mr Abdi at the time, and your conversations with him at the time, of which there seems to have been multiple. Is that right?---They may have been  
20 multiple. I, I don’t think I would have really called him up four times a day chasing him, that way. That, that’s - - -

All right. Well, however many times a day it was - - -?---Yeah.

- - - you accept that there was more than one conversation with him - - -?  
---Yes, ma’am. Yes.

- - - about the different ways in which you could be paid?---Yes, ma’am.

30 And that you were anxious at that time, that is, in the period before June 2020, to extract your share of the profits?---Yes.

And you understood by that point that it was a large amount of money?  
---Yes, ma’am.

You’d been told it was more than \$60,000?---Yes, I, or around there, yes.

Right. Because you were putting together a list of items in relation to the budget?---Yes, ma’am.

40

And there was no hint of reluctance in any of your communications with Mr Abdi, that is things you've said to him or wrote to him, about receiving any of that money anymore, was there?---No, not at that stage, ma'am.

Right. So by then, is it accurate to say you'd become an enthusiastic partner in the profit split arrangement?---Possibly, ma'am, yes.

Right. You were excited about receiving a new car?---Yeah, I, I needed a new car at that time, so, yes.

10

Well, but you presumably were happy that - - -?---I would get a new car.

- - - the profits might enable you to buy a Mercedes or somebody to buy a Mercedes for you?---Somebody to buy a Mercedes or me to buy a new car, yes, ma'am.

Right. Are you able to point to what changed your attitude in relation to those profits?---Well, the problems I had with my existing car, the fact that when I tried to get a new car from Downer, they, they didn't give me one and so I needed a new car, ma'am. So my, my, my, I guess my necessary was, was the fact that I needed a new car.

20

It wasn't just the car, though, was it, Mr Pilli?---No, ma'am. It wasn't, but - - -

It was finding out the amount of money, wasn't it, that you were about to be - - -?---Sorry, ma'am?

It was finding out the amount of money, wasn't it, that you were about to be enriched to a considerable level, by having participated in this scheme?

30

---No, ma'am. It was my motivation for, I guess my, my primary reasoning was that I needed a new car.

I suggest to you that that's untrue and that when you found out the amount of money - - -?---I can't say I wouldn't be, like, I can't say that, you know, I wasn't at least, in the least bit excited when, when Nima mentioned that money, ma'am, but what I'm saying is that my, what, what I particularly wanted was, was a new car.

40 So although you knew that the source of it was profits derived from a project that was a Downer project - - -?---Yes, ma'am.

- - - you were still enthusiastic about that?---Sorry?

Profits, you were still enthusiastic about it, notwithstanding that? Did you think about the fact that it was public money that was being paid to RJS?

---No, ma'am, I did not think about that.

Right. So did you ultimately settle with Mr Abdi on receiving money through PSR360?---Yes, ma'am.

10

And you agree that you'd prepare an invoice, is that correct?---Yes, ma'am.

You registered the business name PSR360 on 11 May 2020.---Yes, ma'am.

Do you recall doing that?---Yes, ma'am.

Was that a business name that you'd used previously or you simply came up with it - - -?---I came up with it.

20 - - - in the context of this discussion with Mr Abdi?---I, I came up with it, ma'am.

Right. And that was purely so you could receive the profits?---Yes, ma'am.

That is the registration of the business name was purely so you could receive the profits?---Yes, ma'am.

30 Did you have a discussion or do you recall having a discussion with Mr Abdi in relation to insurance?---I believe so, ma'am. Regarding what insurance, ma'am?

Insurance in relation to PSR360.---Yes, ma'am.

What was the context in which you had that discussion?---I think I asked him if I need to get insurance, you know, as part of the - - -

40 Why would you have needed to get insurance?---As part of the invoice to submit it for the context of the work that Nima wanted me to put on the invoice, just project management activities.

But that wasn't, there was nothing genuine about the invoice, was there?  
---No.

No. So why would you have needed insurance in relation to it?---For, I guess it was for, probably to legitimise that invoice (not transcribable)

Right. To try to make it look more genuine, was it?---Yes, ma'am.

10 Okay. Could we have brought onscreen, and I tender, the transcript of intercepted telecommunication session number 02348. Chief Commissioner, I hand up copies of that. If extract 1 of that call could just be played now.

THE COMMISSIONER: It's exhibit - you're tendering this?

MS DAVIDSON: I'm sorry, yes, I do tender it, Chief Commissioner.

THE COMMISSIONER: 161.

20

**#EXH-161 – AUDIO AND TRANSCRIPT OF  
TELECOMMUNICATION INTERCEPT SESSION 02348 FROM  
TONY NGUYEN TO NIMA ABDI ON 18 MAY 2020 EXTRACT 1 AT  
17:19:05 TO 17:20:23 AND EXTRACT 3 AT 17:34:26 TO 17:46:48**

**AUDIO RECORDING PLAYED**

**[3.17pm]**

30 MS DAVIDSON: Stop the call there. You can see this is on 18 May.  
---Yes, ma'am.

If we can go back to the first page of the transcript, thank you. There again Mr Abdi indicates that you're calling him five times a day. Further down the track, were you calling him more frequently in relation to receiving your payment?---I think, I think around that time I think Nima said he was, I was going to get paid and then nothing happened. So I think closer to this time I believe I might have - I don't believe five times a day but I think I called him up like a few times, following up to see, asking him what's happening with that - - -

40

Would you agree it was multiple times a day?---Definitely more than once I think, ma'am, but I, I - I think when he says five, I think he's exaggerating there.

Okay, and he says, "He's shitting his pants."---I, I don't think I was, I think that's, that's a figure of speech.

Well, I'm not suggesting to you that that's literal.---No, I, I understand, ma'am, but - - -

10

Were you worried about the payment? Did you think it was not going to come through?---No, well, the thing is Nima said he had to pay before the end of the financial year and I wanted time to buy a car.

This is only 18 May. There's still six weeks before - - -?---Which is June, ma'am, yeah, which is, which is end of June, ma'am, sorry. Yeah, so I wanted time to buy a car so I just wanted to make sure that, you know, they were going to pay that.

20

Okay. So you were now intending to buy the car yourself by this point? ---Yes, if, if, well, if they, if, if it was through an invoice, then yes, ma'am.

Okay. And so was your purchase of the insurance intended to make the invoice look more legitimate?---Yes, ma'am.

And that was an idea that you'd had or one that Mr Abdi had suggested to you?---I don't recall who, I don't recall who had that idea.

30

Right. You were subsequently paid \$63,500.---Yes, ma'am. I was.

Chief Commissioner, I tender a Macquarie savings account statement in the name of Mr Pilli. If that could be brought up on the screen.

THE COMMISSIONER: Exhibit 162.

**#EXH-162 – SAIRAM PILLI MACQUARIE SAVINGS ACCOUNT STATEMENT FROM 1 JANUARY 2020 TO 30 JUNE 2020**

40

MS DAVIDSON: Thank you, Chief Commissioner. Mr Pilli, do you recognise this as your bank account statement?---Yes, ma'am.

If we scroll to page 3 of that statement, this relates to the period 1 January 2020 to 30 June 2020. Do you see that?---Yes, ma'am.

And on page 3 on 21 May there's a funds transfer from Tony Nguyen in the amount of \$63,500.---Yes.

10 Do you agree that's the means by which you received payment - - -?---Yes, ma'am.

- - - of the invoice? And then on 24 May you seem to have paid an initial amount of \$1,000 in relation to a Honda Civic car.---Yes, ma'am.

And then on the 26th, a further \$1,000 funds transferred to Col Crawford. ---Yes, ma'am.

20 Was that your purchase of a car out of the proceeds of the invoice?---Yes, ma'am. Yes, ma'am.

There was also on 18 June an internal transfer to a linked account in relation to, well, to a linked account. Did that also represent you moving around part of the payment, that is the \$63,500?---Which one, ma'am? Could you, sorry, could you please - - -

I'm sorry, the entry on 16 June. You're sending funds to a linked account and the notation is "internal transfer".---Yes, ma'am. That was internal.

30 Right. What did you spend that money on?---It was tax. I just put the money aside.

I see.---Yeah.

Could we have volume 9, page 27 brought up on the screen. This is on 21 May.---Yes, ma'am.

40 On 21 May Tony Nguyen forwards to himself a document that had been sent by you on 18 May.---Yes, ma'am.

If we could scroll to page 28. That's the invoice that you provided.---Yes, ma'am.

For \$63,500.---That's correct.

You said that Nima had suggested management fees, is that right, in terms of the content of what to put in the invoice?---Yes, he did.

10 All right. Did you just make up the amounts to make sure that they added up to 63,500?---Yes, ma'am.

All right. Did you develop any documentation in relation to those periods?---Yes.

That is in relation to what was listed on the invoice?---Yes.

Did you do that at the time or subsequently?---I believe part of it I started before myself, and then the rest of it was subsequent, so - - -

20 Right. So when you say part of it - - -?---Before and after.

- - - was started before, you hadn't actually performed any project management work for RJS, had you, prior to preparing this invoice?---No, not in project management, no.

No.---Not particularly in project management, no.

Nor were you owed any day rates by them, were you?---No.

30 No. You didn't have any agreement with them in relation to paying you a daily rate?---No. No, not, not before.

Right, so this was simply a fabrication in terms of the amounts - - -?---Yes.

- - - to come up with \$63,500.---Yes, ma'am.

And you said subsequently there was some documentation that you worked on.---Yes.

40 You will see in, well, could we have volume 9, page 29. This is an email from PSR360.---Yes, ma'am.

Do you agree that was you?---Yes, ma'am.

And you were asking Mr Nguyen - - -?---Yeah.

- - - to, well, I'm suggesting you're providing him with a link for backup copy of files previously submitted.---Yep.

10 And then you say you've lost, sorry, you've had to reset your computer recently and unfortunately some files that weren't backed up were lost?  
---Yes.

"Please could you also send through previously signed approved time sheets. I'd lost these when I had to reset my computer." Did you actually lose any time sheets in resetting your computer?---No, but I, I did lose some of that work that I, that I, that I'd previously started, ma'am, yeah.

20 Right. So you hadn't lost any time sheets?---No. No. That was the first time I believe I, I sent those time sheets to Tony, yeah.

Okay. So it was in September, several months after the invoice, that there were time sheets developed?---Yeah.

Did you come up with time sheets, well, what was the purpose of coming up with time sheets in September?---I wanted to match them with the invoice, ma'am, so I had - - -

30 You wanted to match them with the invoice? But the invoice had already been paid?---Yeah.

So why did you want to match time sheets with the invoice - - -?---I - - -

- - - in September?---Yes, ma'am. I, I spoke to Nima, I think, probably once before and after the invoice, as well, saying that, for two reasons, one is I wanted to actually help RJS if they needed engineering documents, which I prepare, which was, like, the SWMS, and hold points and witness point kind of quality documents, and I also told him in case I get audited, I wanted to show that I actually did work. So I, I did mention that to Nima, as well.

40 Right. When you say in case you get audited, you wanted to show that you did work - - -?---Yes.



- - - you accept you didn't actually do work, did you?---I, the work that was, actually, the SWMS and all that, I did prepare those documents, ma'am.

Right. But you hadn't prepared them prior to issuing the invoice, had you?  
---I started them prior but I submitted them after.

Well, I suggest to you that before you were paid, you hadn't actually done any work of the kind that was referred to on the invoice - - -?---No, ma'am,  
10 I, I did start some of the SWMS, most of the work was definitely done after, I, I do agree with that, ma'am, but I did start some of it before.

And you said that you wanted to try to do some work for them. Why was that?---The invoice, ma'am, was large, so I felt like I wanted to also do some additional work for them, too, to cover some of that.

At the time, you understood the invoice to relate to profits, though, didn't you?---Yes, ma'am.

20 So it didn't require you to do any work - - -?---No, it didn't, but I - - -  
- - - in exchange for it, did it?---No, it did not. I still wanted to do it, ma'am.

Right. But why was it that you wanted to do additional work in exchange for the profits that you'd agreed to, well, that you had an agreement in relation to?---I think probably because those profits seemed larger than what I expected and that's why I wanted to do that work.

30 But you were entitled to them under your agreement, weren't you?---Sorry, ma'am?

You were entitled to them under your agreement with Mr Abdi, weren't you?---I was but they were larger than what I expected, ma'am. The profit was larger than what I expected, ma'am. So I - - -

Right. I don't understand why that meant that you thought that you needed to do some work?---I felt like I, I, I wanted to do it, ma'am. I, I - - -

40 You felt like you wanted to, in some voluntary sense?---Yes.

Right. And was that because you wanted to continue to have an association with Mr Abdi and Mr Nguyen and the RJS business?---Not really, not after, after that, I, not really. I, I believe I - - -

Well, by doing work for them, you were continuing your association with them, weren't you?---I was up until that point, ma'am.

Well, September - - -?---Yes.

10 - - - all right. So then could we have page 30 brought up? In October, so about a month later, Mr Nguyen says "See attached documents that have been sent previously"?---Yeah.

And he attaches a time sheet of some works and you see documentation that's, well, if we go to page 31, that's the document that's dated there 28 January 2020. You accept it wasn't, in fact - - -?---No.

- - - made on 28 January 2020?---No, it wasn't, ma'am. No, it wasn't.

20 No. So was this all documentation you'd discussed with Mr Nguyen in October?---No.

All right. So did you ask him to create it or did you create it?---I, I created the document and then Tony signed it.

Right. In October?---No, not in October.

In September?---In 2020, yeah. Closer to September, yeah.

30 Right. So that was when you sent the original request through - - -?---Yes, ma'am.

- - - for documents that you'd theoretically lost but you hadn't, in fact, lost them. That was all made up, wasn't it?---Lost? No, I, I, I lost part of the documents, I, whatever backup I had.

Sorry. You said that you had lost some files - - -?---Yeah, some, not all.

All right. But not these documents?---No.

40

These documents were created in September or October?---These, as in?

Well, the documents that Mr Nguyen sent you, if we could go back to page 30?---The Mount Victoria? Sorry, ma'am. Yes. Yes, these were, the, for the Mount Victoria, yes, they were.

And the time sheets also created in September or October?---Yes. Yes, ma'am.

10 Right. So by September or October - - -?---Or, on or after that date, ma'am, yes.

Right. You were asking Mr Nguyen to assist you in relation to providing documents to cover you if you got audited - - -?---Yes, ma'am.

- - - is that right?---Yes.

20 That was your primary concern?---That, yes. That and, and I also wanted to provide documents, so that they can, so the documents are provided, they, they could have, they did have the opportunity to use them if they want to.

Right.---So - - -

But it was the tax audit that was your primary concern, is that right?---Yes, ma'am.

30 Right. But in doing so you had to continue, that is to obtain these documents you had to continue your association with Mr Nguyen and Mr Abdi.---It did involve me having a conversation with them. I, I did those, I had the information. I, I just developed the documents by myself. I wasn't talking with them much or anything. I think - - -

I suggest to you that you did want to continue your association by this point because you were happy about the profits that you received out of the Kingswood job.---Well, for the audit purpose, ma'am, yes, for, if, it's like you said, ma'am.

Right. But in continuing to seek their assistance and attempt to provide documentation to them - - -?---Yes.

40 - - - you were also hoping, were you not, that they would continue to involve you in schemes for deriving profit out of projects?---I don't think I

was hoping one way or another. I just wanted to close that loop with the audit, ma'am.

It wasn't just closing the loop with the audit, though, was it, Mr Pilli?---That was my concern at the time, ma'am.

Had you received bribery and corruption training during your time at Downer?---I don't recall, ma'am. I, I may have. I don't particularly recall when.

10

All right. Take it from me that you did. Chief Commissioner, I tender a document that was provided by Downer. There's in fact two documents, Chief Commissioner, that are described as Mr Pilli's learner transcript and Mr Pilli's proof of learning records. I hand those up.

THE COMMISSIONER: 163 for the competency.

MS DAVIDSON: I'm sorry, Chief Commissioner?

20 THE COMMISSIONER: I think it's 163.

MS DAVIDSON: Yes, I think that's correct. 163 and 164.

THE COMMISSIONER: And 164 for the - - -

MS DAVIDSON: I'm sorry, the second document is described as - - -

THE COMMISSIONER: The record list.

30 MS DAVIDSON: - - - proof of learning records.

THE COMMISSIONER: Yeah. 164.

**#EXH-163 – SAIRAM PILLI DOWNER LEARNER TRANSCRIPT**

**#EXH-164 – SAIRAM PILLI DOWNER PROOF OF LEARNING RECORDS**

40

MS DAVIDSON: Those indicate that you received bribery and corruption training on the 3rd of December 2019.---Okay, ma'am, yes.

You'll see the anti-bribery and corruption line highlighted there.---Yep.

Do you recall anything about that training?---I'm trying to think. Not, not particularly, ma'am, I don't, I - - -

10 All right. Did you at the time, that is December 2019, think that that training might be of particular relevance to you, given the activities you were engaged in at Kingswood?---I, just thinking, ma'am, I think that, I think that particular training, if, if I may say so, ma'am, I think it may have dealt particularly with Downer. I think it may have dealt with Downer employees using their company credit card if - - -

Using their?---Their company credit card. Like in terms of - - -?

20 All right. If we have Exhibit 102 brought onto the screen. This is a copy of the slide presentation for the lesson on anti-bribery and corruption. Could we turn to page - that is the internal pages within this document - 18. See there there's a description of a person drafting a submission for a tender and receiving a call from a consultant at another firm and there being an agreement reached in relation to the tender.---Yes, ma'am.

Does looking at this prompt your memory in relation to this - - -?---No, ma'am. Sorry, ma'am.

30 - - - these slides at all?---December was a busy period 'cause we were looking to close up so unfortunately we were going through a lot during that period so I don't particularly remember.

All right. There's nothing you remember about going to this training?---Not much, ma'am, no, 'cause it's, it's, it was a close-up period around December before Christmas so there was a lot happening then.

40 All right. If we can just turn to the following, page, page 19, it refers to it being "illegal for any employee or agent of an entity to receive or ask for an award or benefit for doing or refusing to do anything in relation to that entity and showing or not showing favour to any person in relation to that entity's affairs," and then it says, "Engaging in corrupt conduct at Downer could result in disciplinary action including demotion or dismissal, criminal

charges, imprisonment and financial penalties.” Dos that prompt your memory at all in relation to - - -?---No. No. No.

No. All right. If that can be taken off the screen. After Kingswood you moved on to the Banksia project.---Yes, ma’am.

Is that correct?---Yes.

Were you also project engineer - - -?---Yes.

10

- - - in that project?---Yes, ma’am.

And was Mr Stanculescu also the project manager for the Banksia project? ---Yes, ma’am. He was.

About what period of time do you think you shifted off Kingswood and onto focusing on Banksia?---Probably closer towards June or the new financial year I think when it started picking up.

20

So 2020.---Yeah, 2020, in 2020.

Was there, had there been introduced at Downer by the time of the Banksia project a new system in relation to checking subcontractors?---I don’t know it was when the project started or maybe during when, after the project started.

Right. And are you able to describe what that system was?---It was, I think it was called ARCUS. The project managers had, had access to that.

30

Right.---I think it was, my understanding from what Vlad and the PMs told me was that, I believe it was an evaluation system possibly.

It was an evaluation system?---Yeah, like a tender evaluation system or something.

Right. Did that involve extra checks in relation to subcontractors that you knew of?---No, it’s project management. Project managers had access to that so - - -

40

Okay.---Not, not me.

It wasn't something that you used.---No. No. They, they received the logins for that.

Right. By the time you moved on to the Banksia project, how would you describe your relationship with Mr Stanculescu?---During the period between Kingswood and Banksia, the relationship improved, probably because we weren't doing work and we were mostly just in the office just closing out. Once Banksia started it kind of went bank to how it was before.

10 Right.---As the project progressed, it just got worse and worse and it just went back to how it was in, with Kingswood.

Did you recall Mr Abdi having any role in relation to the Banksia project?  
---No. No.

Do you recall discussing profits in relation to the Banksia project with him?  
---No. I didn't think RJS even received any work at Banksia.

20 Did he, was he keen for RJS to receive work at Banksia?---I think he did mention about the building package but I don't think anything happened with that at some stage.

Well, you say you did mention, what was the project in which you mentioned - - -?---I think he called me up. I think, I think he called, 'cause he wasn't on Banksia. I think he called me up and he just wanted to know what was happening with the projects, like, on the projects and all that, not just Banksia. And he wanted to know, I think he wanted to know, I don't know what he wanted to know but he, but he asked me, like one or two questions about Banksia. So there was a period where I don't think I spoke  
30 to him for a few months and then he just called me and asked me what's, what's happening just in general.

So you'd gone from speaking to him multiple times a day about the payment. You then received the payment on 21 May. Was there a period after that that you didn't speak to him?---Yes, there was, 'cause I think that was around when, when COVID was there and nothing was really happening so - - -

40 Right. Do you recall around the time that you were asking, that is, that you were still discussing the payment for the share of the profit in Kingswood,

having discussions with Mr Abdi about the Banksia project?---I don't recall, no.

Did you know that that was coming up on the agenda at that time?---I, I don't know. I don't, I don't recall particularly when Banksia started coming up and, around time.

10 Do you recall him being keen to have you involved in a similar way in relation to the Banksia project? That is in a similar way for RJS as you'd been involved?---I don't know. I think at that time Nima said that there were, RJS was, was tendering for Wollstonecraft or another project and that they may not do Banksia. It was sometime during 2020, the second half, he mentioned that.

Right. But it was later in 2020 that they were tendering for Wollstonecraft, wasn't it?---Possibly, ma'am. I don't particularly recall.

All right. Could we play extract 3 from the exhibit that is 161.

20

**AUDIO RECORDING PLAYED**

**[3.40pm]**

MS DAVIDSON: So this is a conversation that's back in May. Would you agree it indicates that planning for the Banksia project was clearly on the radar of RJS at this point?---I believe so, ma'am, yes.

Right, and Mr Abdi as well.---Yes.

30 And that preparations were being made in relation to tendering for those works?---Possibly, ma'am. I, I don't recall when the design came out. I don't think it came out then, so I don't think there was enough information to discuss anything.

All right. Mr Abdi obviously knew it was coming up enough to be discussing it with Mr Nguyen.---Yes, ma'am.

Could we go to page 11.

40 THE COMMISSIONER: Sorry, is there a copy of this.



MS DAVIDSON: I'm sorry, Chief Commissioner, I thought I'd handed up multiple copies. I can provide you with a separate copy. Apologies if I only tendered a single copy before.

THE COMMISSIONER: 165.

MS DAVIDSON: No, Chief Commissioner, it was tendered as part of Exhibit 161. I was playing the second extract of the call.

10 THE COMMISSIONER: Sorry, 161?

MS DAVIDSON: Yes. The first extract was played when the tender was made, and extract number 3 was played just now.

THE COMMISSIONER: It's all right. I'll sort it out later. 161, you say. All right.

MS DAVIDSON: Yes, Chief Commissioner.

20 THE COMMISSIONER: All right. Thank you. I misplaced it and I found it.

MS DAVIDSON: Thank you, Chief Commissioner. On page 11 of the transcript, Mr Pilli, you will see Mr Abdi says to Mr Nguyen, "I'll tell Indian," this is in relation to his discussion that he's intending to have with Mr Stanculescu, "Because Indian is having a panic attack. I'll say, 'Listen, Tony is talking to him separately, like, direct. He's not, no-one else is involved.'" Do you recall at this point, that is back in May, being panicked about somebody finding out about your involvement with RJS?---No. No. I  
30 think, I think what that may refer to, no, I can't, can't recall having a - - -

All right, well, Mr Nguyen asks, "Why? Why is he having a panic attack?" Mr Abdi says, "He just has because he wants, because he's a fucking moron, man. He wants, he wants to be completely with us so we don't cut him out, like, he doesn't want to be cut out. He loves the money now." Do you recall having discussions with Mr Abdi about wanting to continue to work with RJS?---No, I don't think so, ma'am. If I have to find context to, to this I think, no. I don't, I believe I had any particular conversations with Nima about continuing.

40

All right. Did you discuss wanting to be a part of any work with them on future projects?---I think we, I think we discussed the possibility but outside of Downer, like, you know, if, if they, if they wanted projects outside of Downer and if they wanted help, I think I said, "If you need help then I'd be open to" - - -

Right, but you were no use to them outside of Downer, were you?---Huh?

10 You were no use to them outside of Downer, were you?---No. I believe that was the conversation I had. I don't, I don't recall having a conversation about Nima about future projects with Downer at that time.

All right. Did you discuss that, do you recall having a discussion with Nima about trying to bring Mr Stanculescu in on a profit-sharing arrangement?---No. I believe, I think what Nima might have suggested at that time was that he wanted to go speak to Vlad about some of the material that was here, and I might have said, might have, I might have told him, "Are you sure?" or "Do you want to do that?" or something like that.

20 That is, he wanted to go and speak to Vlad about Banksia?---Yeah.

You recall that discussion?---Yeah, I believe he said at some time, I don't know if it was during, in May or after that he actually had that particular conversation, ma'am.

Right, but you asked him did he really want to do that?---Speak to Vlad, yeah.

30 And what was the reason for you asking him about that?---Because I, I think around then I had my suspicions that Vlad was involved with Dalski and - - -

THE COMMISSIONER: Sorry, you had what?---My suspicions that Vlad was involved with Dalski.

40 MS DAVIDSON: At the bottom of the page you say - sorry, Mr Abdi says, "I know Indians like figures now. If you give, I know if you give Indian like 100 grand, it doesn't matter if we make an \$800,000 profit, if we give him 100 grand he'll be over the moon. Like, he will be, that's it, he'll be jumping up and down and dancing, you know what I mean?" Do you remember any discussion - - -?---Nima - - -

- - - with Mr Abdi about future profits coming out of cooperation on future projects?---No, ma'am, I don't.

They would have been future Transport projects that you were contemplating working with him on, presumably.---If it was, but I don't remember having any conversation about, like, figures and, or anything like that with him or about projects.

10 All right. But there was the discussion about Banksia?---Yeah, he did call me about, I think just in general when he wanted his, just asking, you know, how's, how's the rest of the stations going.

All right, but you've just said, you also recall a discussion about working with him, is that right, in the context of Banksia?---Working with who?

Working with RJS and Mr Abdi.---Not in the context of Banksia. I think it was outside of Downer I said, not in the context of Banksia.

20 THE COMMISSIONER: Are you sure about that?---I don't recall, Commissioner, having a particular conversation regarding Banksia at that time. Like, I may have, I just, I can't recall the particulars. I apologise if I can't, but - - -

MS DAVIDSON: Chief Commissioner, I note the time. I'm in your hands. There may be about another half hour's material with this witness.

THE COMMISSIONER: Yes, all right.

30 MS DAVIDSON: I understand that he is available tomorrow. I'm sorry, I may have spoken prematurely in relation to knowledge of his availability.

THE COMMISSIONER: Ms Al Khaldi, are you available tomorrow?

THE WITNESS: Yes, Commissioner.

MS AL KHALDI: Yes, Commissioner, I should be available tomorrow.

40 THE COMMISSIONER: You're available tomorrow, Mr Pilli?---Yes, Commissioner.

All right. Well, we'll just leave that till tomorrow. Adjourned.

**THE WITNESS STOOD DOWN**

**[4.02pm]**

**AT 4.02PM THE MATTER WAS ADJOURNED ACCORDINGLY**

**[4.02pm]**