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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 MONDAY 17 APRIL, 2023

AT 2.00PM

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

THE COMMISSIONER: Yes. Are you ready to resume?

MR ENGLISH: Yes, Chief Commissioner.

THE COMMISSIONER: Thank you. Mr Abdi, you're subject to the same affirmation - - -?---Yep.

10

MR ENGLISH: If Exhibit 160 - - -

THE COMMISSIONER: - - - that you were under previously. Yes, sorry.

MR ENGLISH: Oh, I'm sorry, Chief Commissioner.

THE COMMISSIONER: Do you understand?---Yes.

Thank you. Yes.

20

MR ENGLISH: I'm sorry.

THE COMMISSIONER: That's all right.

MR ENGLISH: If Exhibit 160, which is a telephone call, session number 575, extract number 2 can be placed on the screen and then - - -

THE COMMISSIONER: 165?

30 MR ENGLISH: 160, Chief Commissioner.

THE COMMISSIONER: Yes, all right.

MR ENGLISH: Are you happy for that to be played now, Chief Commissioner?

THE COMMISSIONER: Yes.

MR ENGLISH: If that could be played, please. Extract 2.

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MR ENGLISH: All right. So, Mr Abdi, this is a call from 7 May 2020 between you and Mr Nguyen, correct?---Yep.

Do you agree you seem like you're pretty active in the operations of RJS at the time?---Yeah.

10 If we go to page 5 of 8 of the transcript, you see there they're talking about having to pay "the fucking Indian cunt". That's Mr Pilli, is it?---Yep.

And, what, he asked you to buy him an AMG Mercedes, did he?---I don't, yeah. Yeah. Yeah, I think he, yeah, he just asked if we, if there was a possibility, like, if there was a chance that we could buy him a car.

Well, it was a particular car you seemed to be of the view of as at 7 May 2020.---Yeah, I don't, yeah, yeah, maybe. I don't really recall. I don't know if he, I just said that or that actually, what he said. I don't remember.  
20

Well, you make a number of references to him wanting a luxury car.---  
Yeah. He - - -

That was the case, wasn't it?---Yeah. Yeah.

And on page 6 of 18 you talk about if it was a ute you could have written it off immediately.---Yeah.

In terms of a tax write-off for RJS.---Yeah.  
30

Now, if you're concerned about the tax position of RJS as at 7 May 2020 it seems like you want to continue with that business, would you agree?  
---Yeah. Like, I mean, it was just, like, yeah, like, it's more, yeah, it's just to make it out, like, like, I can't really remember but I just, it was just more to, like, make it out that, like, I'm still onboard, you know?

Well, it's pretty clear from this call that you're conveying to Mr Nguyen you're still onboard in RJS. Would you agree?---Yeah. That was all, yeah, that's the point.  
40

And on page 7 of 18 at the bottom you start talking about maybe you can transfer money to Mr Pilli through Monty. Is that through Constructicon?  
---Yep.

What, because it was doing the subcontracting work at Kingswood you could have sent some invoices down the chain through Constructicon to Mr Pilli, did you think?---Yeah. That's what I thought, yeah.

10 A bit higher up on that page you're talking about buying a tractor so you could write it off.---Yeah.

What, do RJS could write off a tractor for your house?---The, the tractor, like I said before, it was part of the business, we bought it as part of the company.

Yeah, but RJS is a building company, right?---Yeah. I, I, I remember, I think I asked Tony to speak to the accountant and see if that would be okay.

20 What, you think or do you have an actual recollection of that?---I, I'm pretty sure I would have, I would have because, yeah, because it's on record so I would have, yeah.

Page 8 if we can go there you can see towards the bottom you're making reference to Sairam sending you a shopping list, Mr Pilli. Do you see that?  
---Yeah, yeah.

30 Is that what he did, did he send you a list of things that he wanted RJS to buy for him?---I, I can't, to be honest, I can't remember. Like, I, I know he was just, you know - I can't remember if he actually did or he was just telling me and stuff like that.

Well, if we go to page 10 you say to Mr Nguyen there, "He won't take paper. I've been pushing paper on him." That's cash, right?---Yeah.

And then he says, "He wants us to buy him five grand worth of iPad and a computer and a laptop and a system." Is that what Mr Pilli requested from you?---Yeah, yeah. I, yeah.

40 If we go to page 15. Here there's a discussion about moneys for various jobs. There's a reference to 295 for Lithgow, 120 for Kingswood or 169 and then you say, "It tallies all up to five-something." And then over the

page you say, middle of the page, but listen to, you know, how the shortfall from Lithgow for me and Abdal, match that shortfall and keep that in the business as profit. Do you know what I'm saying?" Is that consistent with the evidence you were giving earlier that you were telling Tony Nguyen to keep your split in the business?---Yeah.

Can I ask you this? Was Mr Aziz being paid for projects that he wasn't assisting with?---No.

10 You shook your head there, was that a no?---No. I said no.

No?---Yeah.

And then towards the bottom of that page, the second-last entry for you, you say, "And pay tax on that because that'll be our running costs." Do you see that?---Yeah.

And that, I suggest, is wholly inconsistent that statement there with someone who was trying to extricate themselves from RJS Infrastructure. Do you agree?---No. Again, I can't remember exactly the, what, the, what, what was happening at this time but, yeah, like, again it was just, just, just to, like, you know, just to make it out, like you know, I'm still onboard and just, you know like, yeah.

Well, this is around the time RJS Infrastructure is looking to tender for tranche 3 projects, TAP projects, correct?---I'm not sure. I'm, I don't remember the dates, like, I don't know when it was.

All right. Well, we're in May 2020. Is that about right?---I thought it was a bit later but - - -

Okay. Well, perhaps we can listen to another call which is exhibit 137 and that is a call from 14 May 2020, session number 1507, between yourself and Tony Nguyen again. That's on the screen now if that's convenient to play, Chief Commissioner.

**AUDIO RECORDING PLAYED**

**[2.30pm]**

40

MR ENGLISH: Mr Abdi, this morning, transcript page 1603, it was suggested to you by me that your role was to find people who you could control corruptly to award contracts to RJS Infrastructure Group and you said, "Nah", was your answer. Then I asked, "In the witness box as you sit there right now you're denying that, are you?" and you said, "Yeah." And I said, "On your affirmation?" and you said, "Yep." Was that truthful evidence you gave this morning?---Yep.

10 Well, Mr Abdi, it's completely belied by this phone call where you're discussing in exactly those terms with Mr Nguyen who you can control within Downer and Transport to award jobs to RJS Infrastructure. Do you agree?---Yep.

So you gave false evidence knowingly this morning?---No because I, I mean, like, again it just, it's, it's, again, it's the same thing. It's the same thing about trying to make him think that I'm still onboard and, you know like, and the exact opposite happened too. So, yeah.

20 So if we go to page 4. So when Mr Nguyen asked you at the bottom of the page, "So, do you have control of Banksia?" and then over the page you answer it by saying, "Sairam's running Banksia. Sairam's the one that's putting us on Banksia and all the other four stations. Do you see that? ---Yep.

Well, that's you, what do you say, just lying to Mr Nguyen, is it?---Yeah. I mean, I can't remember, I don't remember exactly what, what but, yeah, I, I, because I remember at that stage, I don't know if it was this stage or a bit later I actually spoke to Vlad and told, I, I spoke to him and I said, "Don't use RJS for anything." I, I actually even, I remember I said to him that, that, 30 they're, they're, "RJS is under investigation by Transport, don't use them for anything."

Well, if you go to - - -?---And - - -

Sorry, I'm sorry.---Yeah. Yeah, no, that's all.

40 If we go to page 6. This is 14 May, Mr Nguyen says to you, "So what stations are, what stations do you have control or what?" and you say, "At the moment, at the moment, well, it's hard because I've got, it's not, it's very hard to say when you say control. It's not like Kingswood anymore but, like, Banksia we have the most amount of control. Wollstonecraft we'll

have some control because I'll, I'll, see, Banksia I've got control from the Downer side, Wollstonecraft I've got control from transport side." Do you see that?---Yeah.

That was true, wasn't it, because you had Mr Pilli at Banksia and you had Mr [REDACTED] at Wollstonecraft?---Yeah, nah, no, no, it's not, no, it's, it's not. It's, it, nah.

10 Well, then you go on to say how you exercise your control over Mr [REDACTED]. In the next set of words attributed to you, "Bro, the last two weeks we've been busting our balls. Like, that [REDACTED] guy has been writing letters. He's been busting his balls get up building into Wollstonecraft but that fucking, that Bedwani is pushing back on it so." That was true. You were having [REDACTED] do things for you, weren't you?---No, that's, no, that, that's not true.

20 All right. Well, let's go then please to page 10 of 12. You see the bottom attribution in your name, third line, "I was, we're trying to get Abdal in there so then [REDACTED], so because just [REDACTED] and Abdal are sitting opposite each other, that's not, that's the same as me and Abdal sitting opposite each other." Do you see that?---Yeah.

So that's you trying to get, with Mr [REDACTED]'s help, Mr Aziz to become the project manager for Wollstonecraft, correct?---No. No. No. No.

30 All right. If we go to the next page, page 11, Mr Nguyen says towards the top of the page, "Yeah, well, [REDACTED] wrote a good email saying that, well, done to RJS team." And you say, "Yeah. Yeah, because I told him to." Do you see that?---Yeah.

That was true, wasn't it?---I don't remember this.

Well, do you remember telling Mr Nguyen, "[REDACTED] is me. [REDACTED] is me but in white Anglo version. He's me. He's just me when you, that's it. When you're talking to [REDACTED] you're talking to me. He's white and he's an Anglo." Do you remember telling Mr Nguyen that?---I don't recall it but the, this, like I said to you, it's just trying to make Tony think that, oh, you know, I'm just there, you know? Yeah.

40 Well, it suggests that you thought you could control Mr [REDACTED]. Is that true?---That's, that's what it's saying, but nah.

It goes on to say, second last attribution to you, “██████, ██████ is very desperate for some paper. He’s very, very desperate.” Is that right? He was desperate for money?---No. No.

He wasn’t desperate for money?---No, I don’t remember any of that.

I thought you were speaking to him about his employment and saying that he, he wanted to change jobs and you were helping him.---No, that wasn’t to do with money. That was to do with, like, his position, title and stuff like that. That’s - - -

All right. Again you say, “He’s been busting his balls every day after we’re talking to get Abdal into the Wollstonecraft but that piece of shit Bedwani is pushing back on it.” Do you see that?---Yeah.

And you remember I showed you the email from 30 April or thereabouts where he sent you that, “He’s not even a fucking engineer.”---Yeah.

20 That’s what you guys were doing, weren’t you? You were trying to get Mr Gayed out of the job so Mr Aziz could become project manager for Downer at Wollstonecraft.---No. No.

All right. If we could go back to page 6, please. See at the bottom you say, “Vlad, Vlad is trying to get Dalski in for the building works because that’s, that’s his company.”---Yeah.

Is that what you believed at the time?---That’s, that’s what I heard from Sairam, just whatever information I had for, like, just what I heard from Sairam.

30

Well, you’re saying there it’s his company. Did you hear from Sairam that he had an ownership share in it, did you?---Yeah, something like that, yeah.

All right. If volume 21.1, call 1.5 could be played from 18 May 2020. Chief Commissioner, I hand that up for tender, and it’s extract 2. The session number is 02348 and it’s a call between Mr Nguyen and Mr Abdi. I’ll just hand that up and tender it, Chief Commissioner.

40 THE COMMISSIONER: Exhibit 168.



**#EXH-168 – AUDIO AND TRANSCRIPT OF  
TELECOMMUNICATION INTERCEPT SESSION 2348 FROM  
TONY NGUYEN TO NIMA ABDI ON 18 MAY 2020 (EXTRACT  
FROM 17:25:47 TO 17:32:06)**

MR ENGLISH: Thank you, Chief Commissioner. If that could be put on  
the screen and then played, please?

10

**AUDIO RECORDING PLAYED [2.50pm]**

MR ENGLISH: All right. Again, Mr Abdi, it doesn't sound like you're  
here trying to extricate yourself from the business of RJS. In fact, on page 5  
- sorry, I'm just going to need to change the transcript pagination, Chief  
Commissioner. Just give me one moment. It's the same content. All right.  
So on page 5 of 5, you're telling Mr Nguyen that Monty, "What about  
20 Monty approached me because everyone knows Monty. Everyone thinks  
Monty runs the show." What would Monty be approaching you about?  
---Approaching me?

Yeah, do you see that?---Yeah, I don't understand that.

Isn't this talk about you coming to join, to join RJS but if Mr Nguyen did it  
everyone would know you worked on Glenfield together so you're looking  
for Monty to come and approach you and invite you to join the team  
because everyone thinks he's running the company anyway?---No. I don't  
30 know. It doesn't make sense.

And then there's a discussion all through this call about getting Vlad  
involved as a fourth partner in RJS with Sairam, Vlad, Tony and yourself.  
Correct?---Yeah.

Is that a plan you had at that time?---Nah.

Really? You're talking about it in pretty confident terms here with Mr  
Nguyen.---Yeah.

40

You say there, “We’ll give you a 100 grand cash. Like, don’t worry. Just get us in. Let us cook the whole fuck out of it and we’ll give you 100 grand cash like you and Monty, like I set it up. I call him. You and Monty, go see him face to face.” Now, were you going to call Vlad and arrange that meeting while you were still a Transport officer?---No, I never did and I wasn’t.

10 But was that, were you thinking, “I’m going to make that call to Vlad while I’m a Transport officer or I’ll leave my job at transport, join RJS and then make that call to Vlad?---No, no. the only conversation I ever had with Vlad, and I don’t even remember, I don’t remember the dates and everything, but it’s when I rang him and I told him not to use RJS for any of the jobs until - and I told him that, and I just made, like, just said, “Oh, they’re under investigation by Transport” and I even, I told him to tell the other guys.

20 But if we go to the top of this page, page 5, you’re saying that this is everyone’s last job at Downer because this is tranche 3 of the TAP, right? ---Yeah.

“And so they’re all fuckin’ preparing for money.” Do you see that?---Yeah.

What are you saying, everyone was trying to enrich themselves at Downer because they realised this was the last set of projects?---No, I don’t remember that. I think that was just something, I just made that, I, I think that was just something I just made up for him.

30 Well, but that’s in the context of you saying Vlad owns Dalski, correct? ---Vlad, yeah, but - - -

Yeah. Well, is that what Vlad was doing, you knew, he was trying to put his own company on for Banksia?---I don’t know. I, I wasn’t even, I wasn’t involved. I was, I was, I wasn’t seeing anything.

If we go to page 4. You say in the middle there, “If we cut Vlad in we can, like, quadruple what we made.” Do you see?---Yeah.

40 So, what, you needed someone on the inside to be able to inflate costs so you could make decent money out of these contracts. Is that what you’re telling Mr Nguyen?---That’s what I’m, like, saying there.

And then on page 3 you're saying, "Aidan's an idiot. He needs to be doing shit like this." Is this shit like you were doing, controlling people and rigging tenders? Did he have to do that sort of stuff to make proper money?---No.

What did you mean by that then?---Just going off the, the, this transcript, I think, like, saying he should become, like, he should go and join a company, like, a big company.

10 Well, if we go to page 2 - - -?---Like, become a, like a, a senior manager.

You say there, "Aidan needs to be another Abdal".---Yeah.

What did you mean by that?---Oh, just, I don't know. I was just trying to, like, just trying to, like, I was just trying to get him out. Like, I was just trying to, like - - -

20 THE COMMISSIONER: What qualities do you think that Mr Aziz had that you wanted to see in Mr Cox?---I was just trying to say, I was just, I think in here, like, I think here I was just trying to push, this is the time when at the same time I'm asking for the bank account details and, and all that and I could see he was getting very close with Aidan and I was just trying to push him, like, pretty much push, try to push him out. Like, just come up with an excuse to push him out.

Push who out?---Aidan.

30 But that's not an answer to the question you were asked. What qualities was it that you saw in Mr Aziz that you wanted Aidan to have, Aidan Cox to have?---I think, like, they were both, like, they both - - -

Sorry?---They both had, like, senior, they were both senior manager roles, like, senior manager, management people.

You see you go and you say, "Then he'll make a shitload of money. He's a fuckin' idiot because he's got the power and the experience to go." So what do you mean by all of that?---Yeah. Both, like, just go get a, go get a position within one of the companies, like, the bigger companies.

40 I see. All right. Thank you.

MR ENGLISH: Mr Abdi, it makes no sense that you say you were trying to leave RJS if at the same time you were telling Mr Nguyen to keep your split of the money in the company, don't you agree?---It's, it's complicated, like, yeah. It, like, trying to, like, I was trying to win, I guess from what it sounds like now, like, I was trying to win back Tony in a way.

What, you were trying to win him away from Aidan, were you?---Like win him back again, like, yeah, 'cause I, I could tell our relationship was, like, I, I mean, you know, like, like, yeah.

10

So you weren't trying to leave the company. You were just trying to change its direction or change Mr Nguyen's leadership. Is that right?---I was doing, like, two things, like, I was, it's just, I just can't remember but it was just a lot of different, like it was just a lot of different thinking and emotions and stuff like that and, and then at some point like, like, yeah, I just went nah.

Chief Commissioner, might I exchange with you the singular transcript for exhibit 168.

20 THE COMMISSIONER: Yes.

MR ENGLISH: Rather than the one that contains the additional extracts. And if that's the version that's exhibit 168, thank you. If exhibit 161 could be played, please, extract 3. It's a call on the 18/5/2020 between Mr Abdi and Mr Nguyen from 17.34.26 to 17.46.48.

**AUDIO RECORDING PLAYED**

**[3.07pm]**

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MR ENGLISH: All right, Mr Abdi. You're here again trying to encourage Mr Nguyen to, I think in your own words, corrupt Vlad into, it looks like in joining RJS into the Banksia project. Is that right?---Yeah.

And you say on page 6, "You've just got to tell him to get down and dirty, that's it, go on a complete wipe out." And you say, "Abdal's going feral." What was the reference that you had throughout this conversation to getting down and dirty, what was that about?---I don't, oh, I don't really remember. I just thought it was - I don't, I don't really remember. I think generally this conversation was just try to, because I was just trying to push Tony to see if, like, because I still didn't believe, like, I mean, I don't know who was

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telling me but someone was telling me that they reckon Aidan is, has got shares in the company with, like, in RJS and I was just like, “No, no, that’s not true. There’s no way. It’s, like, there’s no way.” And then I think that I was just trying to push and see, like, push and see if he, like, how, if, like, how far he would go in terms, like, just to see if he, like, yeah, just to see how far he would go and if he listened to me.

Was this a game for you, was it?---At this stage it was, yeah, it was very messy.

10

Well, that’s nonsense, Mr Abdi. This is clearly you trying to encourage Mr Nguyen to look at brining Vlad in to secure the Banksia project for RJS. You don’t agree?---No.

Just staying on page 6, you’re saying there that Abdal, if he takes a job at MTR, is going to put in an invoice for \$600,000.---Yeah.

Who was he going to put that invoice in with? JTG, was it?---No, I don’t know why I said that. I don’t know. Because he did end up going to MTR so, but I don’t - - -

20

All right. If we go to page 7, here you’re telling Mr Nguyen, middle of the page, “But, but, but make sure you be dominant, be very clear and be, like, assertive, you know what I mean, with him.” And then in the next attribution, on the last two lines, “Say, ‘Vlad, hey, listen here. There’s a lot of money’. Say, ‘Look, listen’, tell him everything so he goes, fuck, you know everything, right?” And then over the page you’re telling Mr Nguyen, “Mate, we already know, talking about Vlad, he’s dirty. We already know the guy is fuckin’ doing shit. He owns Dalski, right?” Then you say, “Even, even you get in there, you go and ‘Listen, listen, let’s work out together. I can help you out. Just name your price’.” Do you see that? ---Yeah.

30

And the second-last attribution to you, you say, “You know, there’s not, there wasn’t much fat in there but, you know, in Banksia this is, this is what you’ve got to do. You’ve got to lead the conversation, like, you’ve got to, you’ve got to motivate him, say to him ‘There’s nothing else after this. You’re going to be fuckin’ unemployed’.” Do you see that?---Yep.

You’re telling Mr Nguyen how to exploit Vlad’s weaknesses, aren’t you? ---I don’t remember this but at, at this time he was, he was pretty much full

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on with Aidan, Tony was pretty much full on with Aidan and, yeah, it was just more - because I, I would say they, I said the exact opposite to, to Vlad.

Well, it looks like you're encouraging Mr Nguyen to manipulate and control Vlad, would you agree?---In this, yes, in this phone recording.

And you yourself manipulated and controlled Mr Pilli, correct?---No.

What about Mr [REDACTED], did you manipulate and control him?---No.

10

All right. Over the next page, page 9. You're talking about cooking up tenders and prices. "Fuck, bro, we'll make up ABNs. We'll make up names. Who gives a shit? We'll put" - it says JC, it should be JTG - "we'll put Tresca, we'll put Marble Arch, we'll put Constructicon." You were really up to something big here, weren't you?---Yeah, see, like, here he already - - -

Are you struggling to answer these questions, Mr Abdi?---No, because he already, because if you, he already had names and, and companies set up.

20

All right. There's a further call coming that I'll seek to tender, Chief Commissioner. It's from 3 June 2020. It's session number 03839, a call between Mr Abdi and Mr Nguyen at 18.13.34 and it's extract 1. I hand that up and tender it.

THE COMMISSIONER: 169.

**#EXH-169 – AUDIO AND TRANSCRIPT OF  
TELECOMMUNICATION INTERCEPT SESSION 3839 FROM  
TONY NGUYEN TO NIMA ABDI ON 3 JUNE 2020 (EXTRACT  
FROM 18:22:47 TO 18:26:14)**

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MR ENGLISH: If it can be pleased on the screen and played, please.

**AUDIO RECORDING PLAYED**

**[3.26pm]**

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MR ENGLISH: All right. Mr Abdi, if we can go to page 3, please. There you can see you're talking about when the tractor arrives and you said that your wife said, "You guys are going to gaol for sure." Do you see that?  
---Yeah.

Is that what she said to you when the tractor arrived?---I don't, I don't remember, to be honest. I don't think, yeah, I don't remember.

Well, you wouldn't have just made that up and told it to Mr Nguyen, would  
10 you?---I don't remember. Would it be just a, yeah.

Well, did she raise with you, "How are you paying for all this stuff that's arriving at the house? This tractor?"---Yeah. Yeah, and I just said, "No, that's, this is through RJS, like, company."

Well, that wouldn't have led her to ask why you were going to gaol. Was she aware that - - -?---No.

- - - you guys were cooking contracts and paying people bribes and the  
20 like?---No. No.

All right. If we can go please to volume 4.1, page 266, so that call was 3 June 2020.---Can I, can I go to the toilet?

THE COMMISSIONER: Yes. All right. We'll take a short break.

### **SHORT ADJOURNMENT**

30

THE COMMISSIONER: All right. Ready to resume?

MR ENGLISH: Yes, Chief Commissioner. I'm hoping if we sit till about 20 past 4 we should be able to finish Mr Abdi today, if that's convenient?

THE COMMISSIONER: That's all right. Does that create an issue, Ms Ceic?

MS CEIC: No, Chief Commissioner.  
40

THE COMMISSIONER: Thank you. Yes, thank you, you're subject to the same affirmation, Mr Abdi.---Yeah.

MR ENGLISH: If volume 4.1, page 266 can be brought on the screen. This is an email on 25 June 2020 from Mr [REDACTED]'s Transport address to his Hotmail address. Do you see that?---Yep.

And he's attaching the BOQ continuous listings for Wollstonecraft, Birrong, Banksia and Roseville. Do you see that?---Yeah.

10

Did he pass those on to you?---Yeah, I think so. Yeah.

Did you ask Mr [REDACTED] to obtain these documents so that they could be passed on to you?---I, I can't remember if I asked him or, yeah, yeah.

Is that a yes?---Yes.

Okay. And you did that to benefit RJS, correct?---Not, yeah, yeah.

20 Is that a yes?---Yes.

Okay. Did you tell Mr [REDACTED] that he could expect to be paid for assisting RJS in this way?---No.

Did he ask for money from you for assisting in this way?---No.

You said he was desperate for paper on one of those calls to Mr Nguyen. ---Yeah.

30 Did he not come to you saying, "I want money. I need money."---No. No.

Why was it you were telling Mr Nguyen that Mr [REDACTED] was desperate for paper?---Just, I don't even remember. I was just making, making up this. I, I just wanted to send Tony something to make him think that, you know, like, I'm still on board and, yeah.

All right. I'll play another call, Chief Commissioner. I'll hand it up. It's from 13 July 2020, session number 6558, a call between Mr Abdi and Mr Nguyen at 9.28.31. I tender that.

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THE COMMISSIONER: Exhibit 170.



**#EXH-170 – AUDIO AND TRANSCRIPT OF  
TELECOMMUNICATION INTERCEPT SESSION 6558 FROM  
TONY NGUYEN TO NIMA ABDI ON 13 JULY 2020**

MR ENGLISH: If that can be placed on the screen and then played, please.

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**AUDIO RECORDING PLAYED [3.42pm]**

MR ENGLISH: It's not on the screen yet.

THE COMMISSIONER: Just a moment. Just a moment. Start again,  
please.

20 **AUDIO RECORDING PLAYED [3.42pm]**

MR ENGLISH: All right. So if we go to page 1 there, you were saying,  
"Andrew Gayed's got shit on the side with Ben Vardanega." Is that right?  
---Yeah.

What was the shit on the side that you knew he had, that those two had  
together?---Like I said before, I thought they were doing a station job.

30 Yeah. Was that the Glenbrook job?---I think Glenbrook and another station.

If you look over to the next page, page 2, you're talking about Glenbrook  
there in the first attribution to you, "Yeah, he trying to get the methodology  
off us and then he's going to do it all himself. That's how he is. He's got  
his own boys, man, in Glenbrook, or Glenmore, Glenbrook. He was using  
his own boys." What did you mean by that?---Oh, to be honest, I don't  
know. I think I just, I don't know if I just made that up or just made an  
assumption, but - - -

Well, is it the case that you knew that Mr Gayed was putting his own engineers or undergraduate engineers to work for Ben Vardanega's ProjectHQ on the Glenbrook job? Did you know that?---No, not Glenbrook.

Well, that's what you're saying here.---No. No. I thought, like, I just heard that, like, again, I think it was from Sairam or the site supervisor saying that he's, he's working, the, the builder there, Maize, was, had a relationship with Andrew.

10 All right. To your knowledge was Ben Vardanega paying anything to Andrew Gayed in connection with any works?---I don't know. I have no idea.

All right. So on your evidence the employees that worked for Downer, and what you've told Mr Nguyen in these phone calls, you've got Abdal who was getting down and dirty, correct?---Yeah.

You've got Andrew Gayed either linked to Maize or Ben Vardanega or both, correct?---Yeah.

20

We've got Mr Stanculescu who owns Dalski, correct?---Yeah.

And who you're telling Mr Nguyen RJS should get on board, correct?---Yeah.

And you've got Mr Pilli who you're already saying is on board in relation to Banksia and was previously getting paid for his work in relation to Kingswood, correct?---Yep.

30 All right. And if we go to page 4, please. And can I, just before I ask you about that, Mr Pilli, I've asked about the cash, he also eventually put in an invoice for \$63,500, didn't he, from a company called PSR360 - - -?  
---Yeah.

- - - to RJS and that was paid, correct?---Yeah.

40 Here on page 4 the attribution to you, you're talking about the profits that Downer were earning, and you say, "That's what they do. Downer corporate has already taken 8% up front and Bedwani has taken his profit as well. So Downer corporate has taken 8% off that 70 mil, then, then Bedwani took off a certain percentage to secure the profit and then told the

PMS, 'Here's your budget.'" What did you mean by that, Andrew Bedwani taking his profit?---I don't know, to be honest. I, just, I'm not sure. I don't, I don't remember. I just - - -

Well, you obviously got this information from someone. What do you remember about Andrew Bedwani?---I, I don't know. Maybe it's just bits and pieces that I've heard.

10 Well, what were those bits and pieces?---Just that, like, just that, like, Downer corporate takes a, a percentage straightaway and, and, and, yeah. Like, just, just I don't think this was, like, like, for me it was just, I was just making up a lot of stuff.

But are you saying Bedwani takes a legitimate profit or an illegitimate profit?---I don't know, I don't know.

20 A bit further down the page you say, "Yeah, I know there is because I did the scoping design for Wollstonecraft, man, and I've got [REDACTED] there, I've got fuckin', I know everything about Wollstonecraft." That was true, wasn't it?---Not really. I didn't do the scoping design for Wollstonecraft.

But you had [REDACTED] there who was giving you the information about Wollstonecraft, correct?---Yeah. [REDACTED], I, yeah, I think, yeah.

All right. If that can be taken down, please, and if volume 4.2, page 1 can be brought on the screen, please? Here Mr [REDACTED] sends himself on 3 August 2020 the TBE as BOQ for Wollstonecraft. The total budget estimate, correct?---Yeah.

30 And that's something you requested from him, was it?---It, it, I don't, I don't remember but I, it was the previous email that had all the BOQs.

That was the continuous listings. What's the difference between the TBE as BOQ and the continuous listing BOQs?---Oh, I have no idea, no idea.

All right.---I think it's the same thing, the same.

40 Well, you received these documents, didn't you, from Mr [REDACTED] by WhatsApp, isn't that right?---I'm not sure about this one. I don't know. I, I don't understand why but I'm not sure about this one but the previous one, yes. I've got a really sore stomach but I don't want to stop.

I want to finish with you today too.---Yeah, okay. All right.

And later on you're aware, aren't you, that Mr [REDACTED] started to make critical comments in relation to RJS at Wollstonecraft?---Yep.

And I'll take you to an example of that. If we go to volume 4.2, page 61. Here is a concern raised by Brenden Wakim. You know who that was, the senior project manager?---Yep.

10

Have you seen this email before?---Not, not this one.

Well, Mr [REDACTED] sent you a screenshot of Mr Wakim's email, didn't he? ---Yep.

20

And do you know why he did that?---Yeah. It was, I can't remember exactly why but it was pretty much to show that, you know like, it's, you know like, like, it worked, like, all the complaining and so, you know like, because I told him to try to, like, get rid of RJS and then he was complaining a lot but at the same time I told him, like, oh, you know like, I mean, just you know, get rid, try to get rid of them but just don't be too obvious and then, and then he, yeah, he complained a lot and then I don't even remember, I don't think anything came out of the, the verbal complaints until - and then I think he spoke to Brenden or - yeah. And then, then, then Brenden, then when it was actually awarded then Brenden sent this out.

30

All right. And Mr Nguyen's given evidence that at some point he said to you, "You're not going to receive any money in relation to Wollstonecraft from RJS." Is that correct?---Nah, that's, that's a lie. That's not true.

And he says, "That was about the time [REDACTED] started taking these steps to, to say critical things against RJS."---How would he have seen what [REDACTED] has been doing? It's a, it's a Transport thing, and, and I, I forwarded on the email to Tony, the email from Brenden. I forwarded it onto Tony. I don't remember what I said, but just to say, oh, you know, like there was another kind of thing to, to say, "Oh, look, I'm still looking after you but you need to like," like I'm still there, just basically.

All right. Just looking for one document, but in the meantime, search warrants were executed at your property on 2 December 2020. That's right, isn't it?---Yeah, I think so.

And Commission officers attended on that day and when you were asked whether you knew of Tony Nguyen, did you say that the name sounded familiar, you know a couple of Tonys from John Holland that you used to work with?---I don't remember.

10 You don't remember. Did you deny knowing a Tony Nguyen who works at Inner West Council?---I don't, I don't remember. I don't - - -

Well, do you remember trying to distance yourself from Mr Nguyen when that search warrant was executed and questions were asked of you?---I don't remember. I don't remember. I don't remember.

THE COMMISSIONER: Well, what did you say about Mr Nguyen when the search warrant was being executed?---I don't know. I was, I was panicking. It was just very traumatic and, yeah. I don't remember.

20

Sorry, what were you panicking about?---Well, we just had, like, eight people come in the house and then it just, just everything went, like, everything went wrong and the, the, then we had the police come to the house because of the, the marijuana, the hydroponic lab. The - - -

The which, sorry?---The marijuana lab or the farm, whatever they're called. Yeah.

MR ENGLISH: Is that something you were cleared with by the NSW  
30 Police?---Yes.

You were asked questions about RJS Infrastructure, and did you tell those Commission officers that it was just a company run by an Irish bloke called Aidan Cox?---No, I don't remember. I don't, I don't remember that.

Well, you didn't tell the Commission officers that you were involved with RJS Infrastructure, did you?---I don't know. I don't know. I don't remember.

40 Is that 'cause you, you say you were panicking, was it?---Well, yeah. I was in, like, yeah, it was just - - -

All right. And after the warrants were executed, you've already spoken about attending Mr Sanber's residence, but you also paid a visit to Mr Nguyen on a number of occasions did you not?---Yes.

And you just knocked on his door. Is that right?---Yes.

Out of the blue?---Yeah, I think, yeah.

10 How many times was that?---I, I don't, I don't remember, maybe twice or three times. I don't remember.

All right. Chief Commissioner, I'll hand up a document that had exhibit number 11 formally. It will need to be retendered in, in these proceedings, but I ask the 112 variation made in relation to that document be varied to allow that.

20 THE COMMISSIONER: Yes. All right. A variation is granted in relation to Exhibit 11, which was tendered during the compulsory examination.

**VARIATION OF SUPPRESSION ORDER: THE SECTION 112 ORDER IS VARIED IN RELATION TO EXHIBIT 11, WHICH WAS TENDERED DURING THE COMPULSORY EXAMINATION.**

MR ENGLISH: And does that become a new exhibit, bear a new exhibit number now or does it keep its original exhibit number of 11?

30 THE COMMISSIONER: It will keep its original form, I think.

MR ENGLISH: Thank you, Chief Commissioner. This is some information provided by Mr Nguyen. If we go, pursuant to a section 35(2) direction, if we go to the last page there's some messages here where you were sending him property addresses. Do you see that?---Yep.

Was that a code for when you wanted to meet up after the warrants had been executed?---Yep, I think so, yeah.

40 And so, what, you would send him a real estate ad and then you would go and meet at a park or something, would you?---No. I don't remember how,

no, I don't remember that but I just, I would go his house and then he will, like, he will walk around the street or he will just take me to a park.

On those occasions did you tell Mr Nguyen, "We've got to stick together. Our story to ICAC needs to line up"?---No, no because, no, not in that sense. More about the, like, like, I'm a, I'm a partner in a company, "Oh, you have to say that I'm a partner in a company because there's no evidence." Well, that, like you know, that's how I, like you know - - -

10 So did you tell him "I wasn't just a silent partner in RJS. Make sure you tell ICAC I actually did work for RJS"?---I think so, yes.

Did you think that was true?---Well, well, I did work but, like, you can't see it. Like, you know like, yeah.

Did you also tell Mr Nguyen to tell ICAC officers that he needed to say that Sairam Pilli had worked for RJS?---No. That's, no, that's not what I remember.

20 Did you pay some visits on Abdal Aziz after the warrants were executed? ---Yeah.

Did you tell him to tell Commission officers, "Just say you don't remember"?---No.

You didn't say that?---No. I don't, I don't - no.

You paid some visits on Mr Pilli at his home?---Yes.

30 In late 2020 or somewhere around then?---I, I don't remember the time.

Four or five visits?---No, not, no, not, no. Probably about two or maybe three. I don't remember exactly.

And did you tell Mr Pilli "Don't mention to ICAC officers the cash payments"?---No. I don't, I don't remember saying that.

40 Did you tell him to delete his WhatsApp messages?---No. I, I, the, the, the, when we met up the first couple of times it was just talking about, I think I remember he was just talking, he was telling me about his employment and

how, like, how his employment ended with, with Downer and just stuff like that.

Did you ask to see his phone and when he showed it to him [sic] you told him what he should delete?---No.

Are you sure about that?---Yes.

10 Did you tell him not to tell the Commission you'd been visiting his house?  
---I, I, I don't remember if I did or we just both agreed or, or we actually said we, we - I can't remember if we said we'd seen each other or, yeah.

Were you trying to scare Mr Pilli into not cooperating with the Commission?---No.

Did you see Mr [REDACTED] after the warrants were executed?---Yes.

20 Did you tell him that he should just tell ICAC that he wasn't involved in anything?---No. I don't remember that. I, I, I thought, when I met with [REDACTED] I just said, "Oh, I can't tell you anything because you're not involved" and then because at the time it was, he, we were just, I, I remember it was the internal, he had an investigation, internal investigation that we were talking about.

And just in relation to Mr [REDACTED], of volume 18.10, page 261 can be brought on the screen, please. You can see there there's the continuous listing for Birrong is being sent to you by Mr [REDACTED]. Do you see that?  
---Yep.

30 Or is it - sorry, just bear with me. Sorry, that's you forwarding it to Mr Nguyen, I'm sorry, on 25/6/2020. Do you see that?---Yep.

And I took you to that email where Mr [REDACTED] sent it to you on the same day. Do you recall that, the 25th of the sixth?---Yep.

So you certainly didn't waste any time passing that on to Mr Nguyen, did you?---Yeah.

40 Now, and if we can go to volume 18.12, page 308. Here you're passing on to Mr Nguyen the BOQ continuous listing for Roseville. Do you see that?  
---Yep.



And if we go one page above, you're doing the same for the TBE as BOQ in relation to Wollstonecraft. Do you see that?---Yep.

And that's on 6 August 2020. Do you see that?---Yep.

And I showed you previously that TBE had been sent to you in respect of Wollstonecraft by Mr [REDACTED]. That was volume 4.2, page 1, on 3 August. So some three days later you're forwarding it on to Mr Nguyen.  
10 ---Yep.

You're not delaying in assisting him when you get these materials from Mr [REDACTED], are you?---No.

If we can just go back to that exhibit on the screen again, please. If we go down one page, you can see at the bottom you're telling Mr Nguyen on the 5th of the eleventh, "Lots of heat in Chatswood. Don't want to say anything to you, so don't lose focus." And if we go down another page, "It's been escalated in the background but Greco is trying to put it out." Do you see  
20 that?---Yep.

What, is that you lying to Mr Nguyen when you're actually encouraging Greco to create all these problems?---Yep.

If we go down one more page. And one more. And again, please. There you go, and that's the screenshot from Mr Wakim's email that you forwarded to Mr Nguyen, is it?---Yep, I think so.

All right. Now, I asked you just a moment ago whether - before I do that,  
30 I'll just hand up page 1314 of Mr Abdi's compulsory examination, lines 23 to 39. I seek a variation in relation to - - -

THE COMMISSIONER: Before I do that, I just on second thought might make that CE Exhibit 11, a document with another exhibit number, to reflect its status in the public inquiry. So I'll make that Exhibit 171.

**#EXH-171 – 2 PAGES OF ASSOCIATED PERSONS AND 1 PAGE OF  
SCREENSHOT MESSAGES WITH NIMA ABDI PRODUCED BY  
40 TONY NGUYEN ON 6 APRIL 2022**

THE COMMISSIONER: Can I just also remind those persons who are following the proceedings on the live stream in particular that there remains a non-publication order in relation to Mr [REDACTED]'s name and image. And in relation to the compulsory examination of Mr Nima Abdi of 20 October 2022, page 1314 - - -

MR ENGLISH: Lines 23 to 39.

10 THE COMMISSIONER: - - - lines 23 to 39 - - -

MR ENGLISH: I tender that.

THE COMMISSIONER: - - - I grant a variation, a direction pursuant to section 112, to permit its use. And that document will be Exhibit 172.

20 **VARIATION OF SUPPRESSION ORDER: THE SECTION 112 ORDER IS VARIED WITH REGARD TO THE TRANSCRIPT OF THE COMPULSORY EXAMINATION OF MR NIMA ABDI OF 20 OCTOBER 2022, PAGE 1314, LINES 23 TO 39.**

**#EXH-172 – COMPULSORY EXAMINATION TRANSCRIPT OF NIMA ABDI DATED 20 OCTOBER 2022, PAGE 1314 LINES 23 TO 39**

30 MR ENGLISH: So if that can be brought on the screen. Here this is the answers to your compulsory examination on 20/10/2022. You're asked a question at line 30, "Did you suggest to Mr Pilli that he delete evidence from his mobile phone or his computer?" and your answer was "No, not his computer but I just said, 'Just get rid of your phone.'" And then you said again, "Yeah, 'Just get rid of your phone.'" And then the next answer, "Not really. I just said, 'Just get rid of your phone just in case there's something on there.'" Do you see that?---Yep.

40 I just asked you a moment ago whether you'd told him to delete WhatsApp messages or whether when he showed you his phone you said, "Delete it now," and you said you did nothing of the sort. Do you recall giving that evidence?---Yeah.

That was untrue, that evidence you gave before the Commission just a moment ago, wasn't it?--I didn't tell him to delete, yeah, I, I, yeah. I don't, I don't know.

Well, they both contradict each other, don't they, Mr Abdi?---Yeah, I never told him to - - -

10 THE COMMISSIONER: Do you understand the question, Mr Abdi?---I never told him to delete anything like, you know. I don't, yeah.

MR ENGLISH: All right. So on your evidence as you sit there in the witness box right now, you're saying what you told the Commission on 20/10/22 at lines 25 to 39 is false? Is that right?---I don't know. I don't know. I don't remember.

20 All right. Well, I suggest to you you know that one of those answers is false and you knew at the time you gave one of those answers. What do you say?---Yeah.

All right. I seek a variation in relation to one further extract of transcript of Mr Abdi's compulsory examination page 1313 from 20/10/2022, lines 18 to 29.

THE COMMISSIONER: Yes. All right. I grant a variation in respect of the evidence given by Nima Abdi in a compulsory examination on 20 October 2020 at page 1313, lines 18 to 29, to admit their use in the public inquiry.

30

**VARIATION OF SUPPRESSION ORDER: THE SECTION 112 ORDER IS VARIED IN RESPECT OF THE EVIDENCE GIVEN BY NIMA ABDI IN A COMPULSORY EXAMINATION ON 20 OCTOBER 2020 AT PAGE 1313, LINES 18 TO 29, TO ADMIT THEIR USE IN THE PUBLIC INQUIRY.**

40 MR ENGLISH: Thank you. And if I tender that, please, Chief Commissioner.

THE COMMISSIONER: That will be exhibit 172.

MR ENGLISH: 173.

THE COMMISSIONER: Sorry, 173.

**#EXH-173 – COMPULSORY EXAMINATION TRANSCRIPT OF  
NIMA ABDI DATED 20 OCTOBER 2022, PAGE 1313 LINES 18 TO  
29**

10

MR ENGLISH: If today's transcript page 1603 can be brought on the screen, please. Perhaps if exhibit 173 can be brought on the screen first, please. So there you were asked, "Did you ask either of those witnesses to delete material off their devices like their mobile phones or their computers?" And you said, "Yeah. I, I told, I told Raja." "Yeah. I said, 'You'd better delete everything because they're going to take everything off you.'" And the question was, "I see. And did he do that to your knowledge?" And your answer was, "I'm not sure, I didn't speak to him, like, yeah." Question, "What was it that you asked Raja Sanber to delete? What material?" And you said, "Oh, I just said, I didn't say, there was no specifics, it was just delete everything. There was no, like, specifics." Was that true evidence that you gave before the Commission on 20/10/2022? ---Yeah. Yeah, I think so.

20

All right, because this morning you were asked these questions by me in relation to Mr Sanber, "All right. Did you tell him to delete material from the mobile phone? That is Mr Sanber?" And your answer was, "No." That's at line 8. Line 11, "You didn't have any concerns that there might be incriminating evidence floating around between the two of you?" And your answer was, "No." And then you were asked, "But you were concerned." And then you said, "I didn't even think about that. I was more about the partner and stuff like that." Now, was that false evidence you gave this morning, Mr Abdi, in answer to those questions from me?---Like, I don't, I don't remember, to be, I don't remember what, yeah.

30

Well, one of those has to be false, doesn't it?---Yeah.

And which one is it?---I don't know. I mean, I don't remember. Like, maybe I said both.

40

Well, I suggest what you realise now is you've been caught in a lie in relation to these two issues concerning instructing Mr Pilli and Mr Sanber to delete material from their phone. What do you say about that?---I can't remember. I don't know. Anyway, yeah, okay.

That's the examination, Chief Commissioner.

THE COMMISSIONER: Yes. There's no requests for questioning of Mr Abdi from any other person?

10

MR ENGLISH: No, there's not.

THE COMMISSIONER: Now, Mr Abdi, I'm going to stand you down. You're free to go but there's a potential that you may be required to come back to the Commission on a later date should circumstances so require it. So you're not discharged at this point. Do you understand?---Yep.

All right. But you're free to go for the moment.---Okay.

20 Thank you.

**THE WITNESS STOOD DOWN**

**[4.21pm]**

THE COMMISSIONER: The Commission will adjourn.

**AT 4.21PM THE MATTER WAS ADJOURNED ACCORDINGLY**

30

**[4.21pm]**