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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE JOHN HATZISTERGOS AM
CHIEF COMMISSIONER

PUBLIC HEARING

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 28 APRIL, 2023

AT 10.00AM

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.

MS DAVIDSON: Chief Commissioner, Mr Nguyen needs to be recalled this morning and he's at the back of the Commission.

THE COMMISSIONER: That's all right. Thank you. Yes, Mr Nguyen. Would you come forward, please. Thank you. Now, Mr Nguyen, you can remain on the same oath that you took when you gave evidence last week.
10 ---I understand.

Do you understand? And your evidence will also be subject to the same declaration which I made on the last occasion.---I understand.

Do you understand?---Yes.

All right. Thank you. Yes.

MS DAVIDSON: You can sit down now, Mr Nguyen.
20

THE COMMISSIONER: Mr Chhabra.

MR VO: Chief Commissioner, I appear. My name is Vo, V-o.

THE COMMISSIONER: Mr Vo, thank you, Mr Vo.

MR VO: Yes. Thank you, Chief Commissioner.

THE COMMISSIONER: You appear for the witness. Yes, thank you.
30 Yes, thank you, Ms Davidson.

MS DAVIDSON: Mr Nguyen, on the last occasion, that is, when you were here on 20 April, do you recall being asked some questions in relation to yourself and Mr Abdi and discussion as between you of having a conversation with Mr Stanculescu about bringing him in with RJS? Do you recall being asked about that?---Yes, I recall.

And you gave an answer where you indicated that you didn't think that Mr Abdi tried to have a conversation with Mr Stanculescu of the nature that had
40 been discussed between you and the phone call that you heard played on the

basis that he probably would have told you about it if he had had such a phone call. Do you remember giving that answer?---That's correct, yes.

Chief Commissioner, I tender and seek to play intercepted telecommunication material session number 03362. It's a call on 28 May 2020 between Mr Nguyen and Mr Abdi.

THE COMMISSIONER: Thank you. Thank you, that's exhibit 198.

10

**#EXH-198 – AUDIO AND TRANSCRIPT OF
TELECOMMUNICATION INTERCEPT SESSION 03362 FROM
TONY NGUYEN TO NIMA ABDI ON 28 MAY 2020 AT 10:30:47
EXTRACT 10:31:09 TO 10:38:49**

MS DAVIDSON: Thank you, Chief Commissioner. That's at volume 21.3, item 1.7, if that could be played.

20

AUDIO RECORDING PLAYED [10.25am]

MS DAVIDSON: No, that's not the right call. Apologies, Chief Commissioner.

AUDIO RECORDING PLAYED [10.26am]

30

MS DAVIDSON: Can we stop the recording and can we have the transcript? Mr Nguyen, does that prompt your memory in relation to efforts by Mr Abdi to bring Mr Stanculescu in on arrangements with RJS?---Yes and no. It, I do recall that conversation but I think that's him trying to distance me and Aidan.

40

So as in Mr Abdi trying to bring distance between yourself and Mr Cox, is that right?---And Aidan, that's correct, that's correct. Yes. Because I remember I was in, the, the phone call we had with Vlad we were in the car, myself and Aidan, and, yeah, I knew what the conversation was about between Vlad and Aidan. So - - -

And when you say you were in the car with Aidan, Mr Cox, on a phone call with Vlad, do you recall what that phone call with Vlad was about?---Yeah, so it was about I guess introduction to RJS to Vlad, so what we do, what skills can we bring, what, yeah, what we do.

And do you recall whether that was for the purposes of tendering on a particular project?---No, I think in general 'cause his, he was just a Downer PM so he just goes wherever he's assigned and - - -

10

Right. He'd been the project manager in relation to Kingswood?---Yes.

So an introduction to RJS, well, at this point in time in May 2020, do you understand why he was being given a further introduction to RJS at that stage?---No, 'cause when we met, when Vlad was on Kingswood, we were the, we, he thought we only did buildings but we actually do civil as well.

So it related to introducing the civil aspect of RJS's work.---Yeah, more, that's correct, yes.

20

All right. And did you understand that to relate to tendering for Banksia or for Wollstonecraft or for any of the stations in the next tranche, in particular?---I think it was for Banksia 'cause I think we knew he was nominated for Banksia.

Right.---Yes.

30

Okay. Could we go to page 2 of that transcript. You will see about halfway down the page, sorry page 2. Mr Abdi says to you, "And then he goes, he goes, oh, he was fucking calling me. He was telling me, calling me and saying, 'Oh well. You tell me whatever you want, whatever you want,' like basically acting like a Lebo, 'You tell me what you want and that's it. Give me the job,' like that. Meanwhile this guy is telling me." Did you understand, do you recall whether you understood Mr Abdi to be suggesting to you that Mr Cox was offering inducements to Mr Stanculescu to come on board with RJS?---Can you, sorry, can you rephrase that question?

Sorry, in the passage I just took you to there - - -?---Yeah.

40

- - - he's suggesting Aidan had said to him, "Tell me whatever you want, whatever you want." "Basically acting like a Lebo," is Mr Abdi's language.

Did you understand him to be telling you that Mr Cox was offering some sort of bribe or inducement to Mr Stanculescu?---That's correct.

Right. And what, what was your understanding in relation to whether that had happened?---Oh, no. I think he was trying to put a, like I said, a separation or distance between, or wedge between myself and Aidan.

Right. So do you think he was making it up?---Yes.

10 Right.---I knew he was making it up because I was in, I was, I heard the phone call.

Right. Mr Abdi is suggesting to you there was another phone call between Mr Cox and Mr Stanculescu. Do you have any reason to think that that ever occurred?---No, I don't think so, 'cause I remember it was just on the way home from, I think, Mount Victoria, so it's like a two-hour trip. So if it was going to happen it would have happened within that two hours, 'cause I don't think he would have had, I don't think Aidan would have made a phone call after 7 o'clock or 8 o'clock 'cause it's a bit too late.

20

Right. And would you have expected that if Mr Cox had been trying to bring Mr Stanculescu in by offering you bribes, that he would have discussed that with you?---A hundred per cent, yes.

Right. And to the extent that there was discussion of payments being made to other people, such as Mr Watters, for example, that was a matter that you discussed as between the two of you, wasn't it?---That's correct, yes.

30 Right. So insofar as you understood it, this was Mr Abdi making things up to try to sour the relationship between you and Mr Cox, was it?---That's correct, yes.

Right. Chief Commissioner, I tender and seek to play a transcript of another intercepted communication session. This one is session number 02631. The date of is 26 August 2020 and it's a call between Mr Nguyen and Mr Cox. That's in volume 21.4, call 1.5.

THE COMMISSIONER: Exhibit 199.

40

**#EXH-199 – AUDIO AND TRANSCRIPT OF
TELECOMMUNICATION INTERCEPT SESSION 02631 FROM
TONY NGUYEN TO AIDAN COX ON 26 AUGUST 2020 AT 13:11:16
EXTRACT 13:11:16 TO 13:19:31**

MS DAVIDSON: Thank you, Chief Commissioner. If that could be played and the transcript brought up on the screen, please.

10

AUDIO RECORDING PLAYED

[10.40am]

MS DAVIDSON: Mr Nguyen, do you recall this conversation with Mr Cox?---Vaguely, yes.

Do you recall which project it related to?---So that would have been the Banksia.

20 It was the Banksia piling?---Part of it, I think so, yes.

Yeah. If we could go to page 2 of the transcript. You say to Mr Cox, “Yeah, obviously there comes a fee. I said, ‘Fuck, give me the job’. So give, so this is from Nima, yeah, so Nima said, ‘Yeah, get the job but then they will, we'll give you a fee, there'll be a fee’. So I told him, ‘Nima, how much?’ I said, ‘Cost price is 700, it's 90 grand profit, that's split fifty-fifty between me and Aidan so I'm going to split fifty-fifty with you and Sairam and you can deal with the rest.’” Is that an accurate, so far as you can recall, discussion of what you had said to Mr Abdi in relation to your intention to pay him and Mr Pilli?---That would be, yes.

30

And do you recall the basis on which, that is what you thought you were paying Mr Abdi and Mr Pilli for - - -?---No, because - - -

- - - in relation to the Banksia piling package?---Sorry. Because Nima said that he would influence, or well Sairam would influence, I guess, Vlad to get RJS onboard.

40 Did it also relate to provision of budgetary documents in relation to that package?---I think we would have got the budget before we submitted the tender, yes.

You'd indicated on the last occasion you understood Mr Abdi had got the budget for Banksia from Mr Pilli?---That's correct.

Is that your recollection?---Yes.

And so did some of the payment relate to that, to your understanding, that is, your intention to pay them?---No. I think Nima was trying to keep, he was trying to hold on to the same, I guess, agreement as Kingswood.

10

Right.---Yeah.

And in relation to Kingswood, there had been access to budget documents and part of the payment related to that, didn't it?---Not to, on, on, on Nima's, on I guess, I had more visibility at Banksia budget then I did at Kingswood, whereas Kingswood, Nima had more visibility on the budget than I did.

20 Right. Right. Okay. So is it your evidence that therefore the payment related less to the budget because you had more visibility in relation to the Banksia budget? I'm not quite understanding how it was you had more visibility on the Banksia budget?---Oh, 'cause I physically saw the budget whereas Kingswood I didn't physically see. I was just verbally told the budget, yeah.

Okay. All right. All right. And how did you physically see the budget in relation to Banksia?---Oh, I think it was the Excel, the Excel spreadsheet that was sent through.

30 Right.---Yeah.

Right, that is a spreadsheet in relation to the fourth station.---That's correct, yes.

Okay. And did you understand why Mr Cox was so upset in relation to not paying Mr Abdi anything?---First of all, like I said, those two don't get along. Secondly, he, he, like you said, what's the point? Like, he's doing nothing. He's just trying to be the middleman, trying to bring work in, where we could go directly to them.

40

You didn't perceive provision of the budget to be assistance that was worthy of being paid?---Not at that time, no.

Right.---I think the, the agreement was more for, "All right. We'll get you on board for the project."

THE COMMISSIONER: Sorry?---"We get you on board on the project," rather than, "Here's the budget."

10 MS DAVIDSON: Okay.---So, 'cause the budget is just a - - -

So it was payment for success on the project.---That's correct, yes. The budget is just a guide, just, I guess, to put a price in.

Right, but it would give you a guide to put a price and it would be as close as you could be to the budget and thus most likely to give you success in relation to the tender. Is that no correct?---That's the idea, yes.

20 So it was of assistance in actually obtaining the work. It wasn't just helping you to put a price in.---So we would do the cost price and then obviously if there's a gap then we would maximise the gap.

Right. But it enabled you to get the work for the price that was closest to the budget and thus maximise your profit.---That's, that's correct, yes.

So it was of assistance to you, was it not, having the budget?---It was of assistance, yes.

30 Right, but you didn't perceive that as being as significant as persuading Vlad, for example, to actually give you the work, is that - - -?---That's correct, yes.

- - - your evidence?---So that's what, yeah, that's what I guess I relied on, or Nima said he would do - - -

Right.--- - - - this to persuade the likes of Vlad.

Okay.---To get RJS on board.

Did you understand, this is by August 2020, so some months after you've had the conversation with Nima where effectively he says Vlad's a no-go to you - - -?---Yes.

- - - did you understand how he was going to be able to influence Vlad in relation to Banksia?---It would have been, yeah, it would have been through Sairam.

Right.---Everything would have been through Sairam.

10

Right.---Yes.

Okay. If we go to page 4, Mr Cox is asking you some questions in relation to, "How is it that they get ten grand each?" And you say in the middle of the page, "Because of Kingswood." Do you recall what you meant by it was because of Kingswood that they were going to get ten grand each? ---The same set-up. So I think what the, where the 20 grand comes from, it was 90 grand profit, split between myself and Aidan, it will be 45 each, and then I will split that 45, so it will be like, 20, 25, yes.

20

Right. As in, when you said because of Kingswood, was it your understanding that because of the arrangement you had at Kingswood, they were looking for the same arrangement?---That's correct, yes.

All right. Could we go to page 5 of the transcript, in fact the bottom, yes the bottom of page 5 . You say, at the bottom of the page, well in response to Mr Cox saying to you, "They're probably going to do fuck all anyway." You say, "They can do fuck all." And then you say at the bottom of the page, "Yeah, of course they're going to do fuck all." And Mr Cox at the top of page 6 says, "Nima's definitely doing fuck all so what's he getting paid for?" And your response is, "And that's why he, that's the reason Sairam doesn't pick up our call, because he made sure this, this is the reason why. That's how he gets his." Do you recall a period of time where Sairam, that is, Mr Pilli was not picking up your calls?---Not my calls. I think Aidan's calls 'cause I think we, Aidan was trying to follow up I guess the tender submission for the piling, and I think Sairam was in charge because he had, I guess, some sort of piling background or technical background.

30

Right. So was Sairam continuing to pick up your calls?---Oh no, I don't talk to Sairam direct. It's more through Nima, so - - -

40

Okay. So did you, when you say, "That's the reason Sairam doesn't pick up our call" in response to Mr Cox saying, "Nima's definitely doing fuck all," do you recall what you intended by saying that?---I don't, I don't recall what the context of me saying that.

Okay.---I don't know the background.

10 All right. But you understood Mr Cox would have expected that Mr Pilli would have answered phone calls from him because he was expected to, or you understood that he was assisting RJS to secure the tender, is that right?
---That's correct, yes.

Right. And had he previously expressed frustration to you in relation to Mr Pilli not picking up calls from him?---Not that I can recall.

20 Right. Do you recall asking Mr Abdi "Why is Sairam not picking up the phone?" or "Can you make sure Sairam returns calls?"---Yeah, I think so. I can recall that conversation and, and Nima said, "Oh, we're going to kill it," 'cause we wanted to do the building works, so he told Sairam, "Kill it for RJS," for the, just for the piling package.

Right, right. And do you recall telling Mr Cox that subsequently?---I don't think I did. Or not in, not in those direct words.

You'd indicated that ultimately you understood you were knocked back in relation to Banksia and the focus shifted to Wollstonecraft. That was in your previous evidence.---Yes.

30 Did that relate to this process of Sairam changing his mind or Nima changing his mind in relation to the piling package?---I think we saw that Banksia's going to be difficult to get or I think we both agree that, 'cause there's, I guess it will be difficult to get in 'cause, 'cause I rely on Nima, Nima's information, and then at that time I only believed half of what he said.

That is by this time you only believed half of what he said?---Exactly, yeah, so - - -

40 Right. So where you say, "We both decided it would be difficult to get in," is that you and Mr Abdi or you and Mr Cox?---Oh, me and, me and Aidan, yes.

Right.---So I think we shifted to Wollstonecraft because there was no influence from - well, Aidan sees Nima as a headache, so he wanted to be headache free. So to get away from Nima is to get away from Banksia, so - - -

Okay, all right. Chief Commissioner, I have an item of intercepted telecommunication which is an MMS message to tender. Volume 21.2, item 2.3.

10

THE COMMISSIONER: Exhibit 200.

**#EXH-200 – TRANSCRIPT OF INTERCEPTED
TELECOMMUNICATION INTERCEPT SESSION 31218 FROM
TONY NGUYEN TO AIDAN COX ON 25 AUGUST 2020 AT 16:43:30
MMS CONTENT**

20 MS DAVIDSON: Thank you, Chief Commissioner, if that could be brought up on the screen, please. This is a message that's sent from you to Mr Cox on 25 August 2020, so the day before you have this telephone call in relation to the piling package for Banksia, and it seems to show an actual budget and a PM budget. It seems to be a screenshot or a photograph that you've taken - - -?---Yes.

- - - and sent to Mr Cox. Do you recall what this related to?---I actually don't. Yeah, I can't recall unless this was, there are a few text messages before or after to bring - - -

30

All right. Do you recall sitting with somebody from Downer or from Transport, potentially, but to the extent this has a PM budget on it, it would seem to be a Downer document, would it not?---I think what I can recall is I think - oh, I'm not, oh, actually I don't know if it's, what I can recall is that 8% margin that Downer put on top of - - -

Right.---The, the 8% but I don't know where I got that from.

40 In relation to what, though?---Their budget. So I think, so we've got the Downer's budget - - -

Budget for a particular project, though, or a budget for - - -?---In general. In general.

Right.---Like Downer's budget in general.

Right.---They say, I think they say they work off their budget, then minus 8% as a buffer.

Right, so that's the PM budget - - -?---Yeah.

10

- - - how the PM budget figure was calculated, is that your understanding?
---Yeah, yes. I think if you work it out it might be 8% difference between the two figures.

So do you think this was possibly to demonstrate that to Mr Cox, is that - - -?
?---I, I think so. I think it's, I think is our target or this is what we need to be, yes.

Okay, okay. But you don't recall what project this message related to?

20

---No, I don't recall, no. Unless, like you said, I said, if you bring the texts before and after.

You were asked some questions on 20 April in relation to cash payments to Mr Pilli.---Yes.

That is in connection with Kingswood, that's payments made in addition to the PSR invoice that you gave evidence in relation to back in March. Mr Pilli's evidence was that he received cash payments of \$5,000, \$28,000 and \$5,000. Does that sound about right to your knowledge in relation to cash being paid to him?---Yes. It, it sounds familiar, yes.

30

Do you know what the source would have been of that cash?---Oh, so that would have been from, I guess, our, our, our funding, our paper fund.

When you say our - - -?---Myself and Nima.

- - - that was held by you and Mr Abdi?---That's correct, yes.

And physically do you know how or what was the physical source of the cash that was paid to Mr Pilli?---Oh, where did it come from?

40

Yes.---Oh, sorry, that would have come from the Victoria Street split.

And was that money that Mr Abdi held, that is cash that Mr Abdi held on his property that you gave evidence about on the last occasion?---Yeah, that's correct. That's correct. Yes. He would have held, he would have held onto my, my share, yes. So that's where we would have got the, the cash from.

That would have been the source of the cash?---Yes.

10

You were asked some questions in relation to Wollstonecraft, and this is on the last occasion you were here on 20 April, in relation to the procurement register that Mr Vardanega sent to Mr Cox. Do you recall being asked about that?---Yes.

And you indicated you didn't think it was particularly useful because it was just a list of other people who were tendering?---That, that's correct, yes.

Do you remember giving that answer?---Yes.

20

Could we have volume 10.1, page 184 brought up on the screen? This is the procurement register for packages, if you can see in the top right-hand corner if we go right up to the top of the page, that was sent to Mr Cox. Can you see on the left-hand column - well, firstly, does this document look familiar to you?---Yes, it does, yes.

Do you see on left-hand column there's different packages set out and then there's a list of subcontractors?---Yes.

30

So does that relate to the answer you gave in relation to it told you who the subcontractors were that they were going to?---I thought, I thought there was another, I thought there was a trade or package breakdown.

Well, I'm just asking you about this document for now.---Oh.

There were other documents that were sent to Mr Cox by Mr Vardanega but I'm just testing your understanding in relation to this document.---Oh, okay. This particular document.

40

Sorry, this particular document, yeah.---This particular - - -

So this is the procurement register. Mr Cox was later sent other documents in relation to Wollstonecraft by Mr Vardanega that gave different breakdowns.---Yes.

But if we could just scroll across to the right, so there is a list of subcontractors but if we keep going to the far right of the document you will see column J there, there is a TBE budget and the PM's budget indicated for each of those packages.---Oh, yes. Yes. I see that.

- 10 So is it true that this document was in fact useful insofar as it gave you those budgets for each package?---Yes and no. Because the budget that we got, the Excel sheet budget that we got, had more detail. I think this is the overall just, I guess, a lump sum.

All right. So this wasn't, well, is it - - -?---It was (not transcribable) in one - - -

- 20 Is it accurate to say it wasn't of no utility, that is it wasn't useless, but it wasn't as useful as the information you were provided with later?---Useful, that, that's correct, yes. So it just gave us, we just looked at it and, okay, it just showed us the whole, I guess, the total amount but we wanted to see the breakdown 'cause - - -

All right.--- - - - I think each, I guess when you price something there's different scope, so the - - -

Right. On 20 April you had indicated you didn't think this document was useful at all.---Yes.

- 30 Do you recall whether at the time you thought that this document was useless 'cause it was only a list of subcontractors or do you recall whether you realised at the time it did have these budget figures in there?---I, I just thought it was the list of subcontractors. I didn't pay too much attention to the right-hand side.

Okay.---Yeah.

I see.---So I thought the reason why it was sent to Aidan then sent to me was to get our names on the, the procurement register.

40

Right.---So - - -

And how would this document have got your names onto the register though?---It would have been, say, the likes of, Ben would say, “Andrew, put RJS on. Put ProjectHQ on,” or Nima would - - -

As in to show you where RJS was included?---It will be, exactly. Yes.

Right. Right. So did you understand it wasn't until later that Mr Vardanega started providing you with budget information?---Yes.

10

Or started provided Mr Cox - - -?---Started providing - - -

- - - I should say with budget information.--- - - - the, the further detail of the particular project, yes.

Right. In the intercepted call we just heard between yourself and Mr Cox, you had been referring to a conversation you had with Mr Abdi about arrangements for Banksia that were because of Kingswood or similar to the arrangements that you had in Kingswood. Did you know what Mr Pilli's view was at that arrangement in relation to Banksia?---No. It was just whatever Nima told me. Like, like I mentioned before, I don't have direct contact with Sairam.

20

Right, but do you recall him telling you something about Mr Pilli wanted to be a part of that arrangement for Banksia?---Oh, yes, he, he wanted to be part of the arrangement, yes, so Nima said, “Yes, Sairam will want to be, wants the same set-up as Kingswood.”

Right.---So if he's - - -

30

You have an actual memory of him saying that to you?---Yes. Yes. Yeah.

Right.---So that's, so, yeah, Nima would control him to get us work, get RJS work.

Right, but you understood that was something that Mr Pilli knew about. ---Yes.

40

So to the extent that his evidence was he didn't provide a budget document in relation to Banksia to Mr Abdi, or that he resisted those requests, is it your understanding that that evidence is inaccurate?---Well, my evidence is

that the, what I was told from Nima, that the budget came from Sairam, but I don't know if Sairam resisted or tried to, you know, fight back or try to you, you know, withdraw from, I guess - - -

All right, but you also recall, do you, Mr Abdi saying to you that Sairam wanted to be a part of a profit split arrangement for Banksia?---Yes, that's correct. Yes.

10 Okay. And what do you recall about him telling you that? Do you recall when or where that happened?---Oh, I can't recall when or where. I just remember that he said, "It's just like Kingswood. He wants the same set-up as Kingswood."

Right.---So hence why - - -

Which reflects what you told Mr Cox.---That's correct, yes.

20 Okay. Do you recall in relation to the Wollstonecraft tender, or the various packages that you tendered for at Wollstonecraft using Downer's ARCUS tender system?---Just for Wollstonecraft?

Yes.---So it would have been, I think it would have been the full package, so it would have been the building. It would have been piling, station civil and platform civil.

Yeah, I'm just asking you at the moment whether you recall actually using the system.---Oh, yes. Yes. Yes.

30 And was that the first time you'd used the ARCUS system for tendering through Downer?---Yes, that's correct.

All right. And do you recall that there was a questionnaire that needed to be completed in relation to the tender or the tender packages for Wollstonecraft?---There was a few questionnaires, yes.

Yep.---Yes.

40 And did you complete those questionnaires on behalf of RJS?---Yes, I did. Yes.

All right. Chief Commissioner, I tender a copy of the Wollstonecraft Station, station, civil and FRP works RJS completed questionnaire that's been supplied by Downer. That is item number 8 in the folder of those documents.

THE COMMISSIONER: Yes. All right. Thank you. That will be exhibit 201.

10 **#EXH-201 – DOWNER ARCUS SUPPLIER COMPLETED
QUESTIONNAIRE, WOLLSTONECRAFT STATION CIVIL AND
FRP WORKS, FOR RJS PROJECTS**

MS DAVIDSON: If that can be brought up on the screen, please. Do you recognise this is a questionnaire document in relation to the station civil works that you completed?---Yes, it looks, yes, it looks familiar.

20 Could we go to page 2 of this document. There's a series of requirements there in relation to effectively terms and conditions and compliance. Going first to item 3.4 there, you see it says, "Please download and read through the tender terms and conditions and select tender terms and conditions accepted at the bottom of this page." And then it says, "We accept the terms and conditions of this tender." And that's indicated, well, it indicates that that has been accepted. Do you recall whether you downloaded and read through the tender terms and conditions in relation to Wollstonecraft?---I, I can recall I downloaded it but I don't think I read it 'cause I think once you download then it's an automatic tick saying that you accepted it. From memory, yeah.

30

Right. You don't recall whether you had to actually tick a box to - - -?
---Tick a box or anything like, yeah.

- - - change that result?---Yes.

All right. Could we have exhibit 194 brought up on the screen. If we could scroll up to the top, this is the tender terms and conditions document that's been supplied by Downer as having been accessible by the ARCUS system.
---Yes.

40

Does this look familiar to you?---Yes and no.

Are you able to elaborate in relation to yes and no?---So, no, that doesn't, it, I might have seen it in the actual contract between RJS and Downer.

Right.---But as an individual, no, I don't recall seeing it as an individual.

So at the time of tendering you don't recall reading through it?---Oh no, I wouldn't have read through it, no. I would just download it just to tick the box.

10

All right. So if we can scroll to page 4 of this document, so this is part of a section on conflicts of interest and fair dealing. It starts at the beginning of page 3. And you're confirming things under 12.1. I'm sorry, down the bottom of page 3 there and then scrolling on to page 4. So the tenderer is confirming certain things. Do you see that?---Yes.

And those things include that it hasn't colluded with other tenderers or employees or contractors of Downer. See that at (b) there?---Yes.

20

And that it hasn't engaged in any other uncompetitive behaviour or other practice which has denied or may deny legitimate business opportunities to other tenderers. In relation to the Wollstonecraft tender, you understood that - that is, you understood at the time of tendering - that you had received information from employees or contractors of Downer?---Well, my understanding at the time was Ben wasn't working for Downer. Like, so - - -

All right. But what about [REDACTED]?---[REDACTED]?

30

[REDACTED].---About him providing the budget or - - -

Yes. You knew that that was - - -?---Oh, yes - - -

- - - that was what Nima had told you about where the budget document had come from.---Yes, that's right, but I don't think I ever put the two together, I don't think, 'cause I thought, I think what - the Transport budget was kind of useless 'cause it's not the actual Downer budget.

40

All right. And you didn't - well, is it your evidence you didn't understand Mr Vardanega to have any connection to Downer, is that right?---At the time, well, I, slowly as we proceed, oh well, I guess get closer to the tender

submission, then I realise where Ben sat, so he knew someone from Downer.

Right. Did you understand that Ben had got the information from Mr Gayed?---Yes.

Right. And you knew that by the time you put the tender in?---Yes.

10 So that there was collusion in relation to the information you had access to as between you on behalf of RJS and Mr Gayed through Mr Vardanega, was there not?---Yes.

And similarly you see here (c) “Has not engaged in any uncompetitive behaviour or other practice which is denied or may deny legitimate business opportunities to other tenderers.” You understood at the time of submitting the tender, didn’t you, that by having access to the budget information that may deny legitimate business opportunities, that is legitimate tendering opportunities to other people who were tendering for the packages at Wollstonecraft, didn’t you?---Potentially, yes.

20

But it’s your evidence you don’t recall reading any of this at the time, is that right?---Oh, no. I wouldn’t, yeah, if I read it I would have told you I read it but no, I wouldn’t, yeah.

So you didn’t know at the time that you were breaching any of these tender terms and conditions, is that - - -?---I wasn’t aware, yes, I wasn’t aware at the time.

30 But you agree that your conduct was in breach of those terms and conditions looking at them now?---Looking, yeah, that’s correct, yes.

Going back to the questionnaire document that’s Exhibit 201. Can we have that brought back on the screen? Go back to page 2. Do you see at 3.3 there, “Please upload your signed copy of the code of compliance that you previously downloaded from the prerequisite section of this questionnaire.” Do you recall seeing that?---Oh, yes.

40 Do you recall signing and uploading a code of compliance document for Wollstonecraft?---No.

That is for this particular civil and FRP works project?---I can't recall signing it but I probably uploaded it if it was to meet the submission standard.

All right. Chief Commissioner, I tender the signed code of compliance document that was provided by RJS, supplied by Downer to the Commission.

THE COMMISSIONER: Exhibit 202.

10

**#EXH-202 – DOWNER ARCUS SIGNED REQUEST FOR TENDER,
CODE OF COMPLIANCE (SIGNED) FOR RJS PROJECTS**

MS DAVIDSON: That is item - - -

THE COMMISSIONER: 202.

20 MS DAVIDSON: Yes. And item 1 just for the assistance of - this is the document that was uploaded, that is the signed document. If we go to page 4 you will see there there's a signature from yourself witnessed by Mr Cox. ---Yes.

Do you recall Mr Cox witnessing your signature in relation to this document?---Oh, no. That's probably me stamping it.

As in you inserted an electronic signature on Mr Cox's behalf.---That, that's correct, yes. On, on, on Aidan's behalf, yes, that's correct. Yes.

30

Do you recall reading this document, that is this code of compliance document, at the time that you submitted it?---No, I didn't read it, yeah. So I just went straight to, I guess, the end and signed it just for the submission.

So is it your evidence that like the terms and conditions document you were simply going through the steps that needed to be gone through for the purposes of - - -?---Of, of successful submission.

40 - - - completing the - successful submission through the system?---That's correct.

So if we can go back to page 1. Do you see the heading 1.1 there, New South Wales Code of Practice for Construction Work?---Yes.

And the second bullet point under that, well, under the second bullet point there's then a little letter (a)?---Yes.

10 And "By submitting a tender the tender acknowledges and agrees that it", and then there's a list of Roman numerals and if you go down to Roman numeral number (v), "will comply with, and all its related companies will comply with, the New South Wales code in relation to any of their building and construction work including any subsequent privately funded work on and from the date of submitting the tender." Do you see that?---Yes, I do.

20 And the New South Wales code is defined in bold under 1.1 as the New South Wales Code of Practice for Procurement. When you were before the Commission in March I think you gave some evidence that you weren't aware of the terms of that document. Does that remain your evidence?---I wasn't, I wasn't, oh, I wouldn't say I wasn't, I wasn't aware. Maybe I didn't take notice of it.

30 But at the time, when you say you didn't take notice of it, in relation to this terms and conditions document where you were indicating by submitting a tender you were acknowledging and agreeing that you would comply with the New South Wales code, is it your evidence that you were aware of making an agreement at the time of submitting a tender by signing this document that you would comply with that code?---So at the time of signing this, I just signed it for, I guess, the sake of getting a successive, successful submission. So I didn't read the content of it but I probably read the heading Code of Conduct and say, okay, need to sign that.

All right. But you weren't aware of the requirement under (a)(v) - is this your evidence - that you were signing on to compliance with New South Wales Code of Practice for Procurement at the time of completing the tender?---That's correct. I wasn't aware.

40 All right. And to the extent that that code of practice included requirements in relation to not engaging in collusive tendering, which would include information that you'd obtained from Downer, you'd agree that you were in breach of that code at the time of submitting the tender for Wollstonecraft, weren't you?---So now, now I do, yes.

Yes.---Yes.

But you weren't aware of that at the time?---Not at that time, that's correct, yeah.

Right. There were other questionnaires that were completed and submitted to Downer via the ARCUS system in relation to the Wollstonecraft project. Commissioner, I tender those. The first of the others is described as the WLS PLT Platform Civil and FRP Works Questionnaire.

10

THE COMMISSIONER: Exhibit 203.

#EXH-203 – DOWNER ARCUS SUPPLIER COMPLETED QUESTIONNAIRE, WOLLSTONECRAFT PLATFORM CIVIL AND FRP WORKS, FOR RJS PROJECTS

MS DAVIDSON: If that can be brought up on the screen. So this relates to the platform civil. The one that we were previously looking at was for the station civil and FRP works. Is this a questionnaire that you completed? ---Yes.

20

And - - -?---It would have been the same scenario as the previous.

Right. Well, that was going to be my next question. Do you recall whether you took any different approach to the terms and conditions or code compliance document - - -?---No, it's the same as - - -

- - - in completing this questionnaire?---It's the same approach. Even, even when we tendered for other packages for other station, it would have been the same approach.

30

All right. But this was the first time you'd used the ARCUS system and had to complete these particular documents via the ARCUS system for tendering, that was your understanding?---Yes.

40

Right.---So the, the TAP 3, this, this, the TAP 3 was the first time I used it. So I've done tender, we did tender for, say, Roseville and Banksia and it has a - yeah.

I see, so to the extent there were other stations that you tendered for but weren't successful - - -?---That's correct, yes.

- - - the same process would have applied. That is you didn't read the document.---You just go to the last page and sign it, just - - -

You downloaded it to the extent that you had to but you didn't - did you look at it at all after you downloaded it?---No, I just read the heading and said, okay, this is the requirement. Just sign it.

10

All right, okay. And similarly with the code compliance document, you just read the heading and realised you had to upload a signed copy?---That's right.

All right. The third Wollstonecraft questionnaire, for completeness, I tender, Chief Commissioner. That is described as the WLS PIL Piling Works Questionnaire.

THE COMMISSIONER: That's Exhibit 204.

20

**#EXH-204 – DOWNER ARCUS SUPPLIER COMPLETED
QUESTIONNAIRE WOLLSTONECRAFT, PILING PACKAGE, FOR
RJS PROJECTS**

MS DAVIDSON: If that can be just brought up on the screen so that the witness can identify it. And so it remains your evidence that in relation to this exactly the same approach was taken?---Exactly the same, yes.

30

Mr Nguyen, have you heard some evidence that's been given and questions asked of other witnesses in the Commission in relation to the 2020 Downer Christmas party or the TAP section of Downer Christmas party?---Yes.

What do you recall in relation to the Christmas party and requests that were made to RJS in relation to that?---So, I, well, I guess from the hearing it just brings back memories that I recall getting a call from Laura.

40

That is Laura Inglis?---Laura Inglis, yes. So, she just, I think one day she just called me and said, oh, I think she jokingly said, "Oh, I heard RJS is going to pay for the Christmas party" and then that's how it started.

Right. And do you recall how you responded? Is that the first you had heard about RJS paying for the Christmas party?---Yes, yes. Oh, well, I, I think, from what Aidan told me from when he, he had a meeting with Andrew Bedwani, Andrew mentioned about a Christmas party at the end before they departed.

Right. Aidan told you that Mr Bedwani had said something to him about a Christmas party?---Yeah. Just said jokingly about, yeah, you, and you guys
10 will pay for the Christmas party.

Right.---In a jokingly manner, yeah.

Right. And did Mr Cox, well, do you recall when Mr Cox told you that?
---Straight after he met up with Andrew Bedwani, yes.

And do you recall him being surprised about that or - - -?---Oh, no. He just said it as a passing comment.

20 THE COMMISSIONER: When was this, do you remember when it was?
---I think before we were, or I think when we, either just before we were awarded, RJS was awarded the contract I think Andrew wanted to - - -

For what, for Wollstonecraft?---For Wollstonecraft, yeah. Andrew wanted to, I guess, meet and greet RJS in person because I don't think he'd heard of us before. As in he hasn't, he doesn't know the employees, yeah, yeah.

MS DAVIDSON: Right. And did Mr Cox think it was just a joke or did he think that was something that was seriously being asked of RJS, do you
30 recall?---Oh, I don't think he - well, I don't think he thought anything of it. It was just a passing comment, yes.

But he mentioned it to you, so he - - -?---And we both laughed at it.

- - - thought enough of it to mention it to you.---Exactly. Yeah. Oh, well, that was when I had a conversation with Aidan and I said, "How did you go?" And then obviously he, he - - -

THE COMMISSIONER: Sorry, so what happened? So, you were told
40 about this conversation after - - -?---After, yes, Andrew and - - -

Were you aware at the time that Mr Cox was meeting Mr Bedwani?---Yes.
yes.

Yeah, sorry. Thank you.

MS DAVIDSON: And so you asked him, “How did it go?” and - - -?---And
then he just said - - -

10 - - - what did he say to you after that?--- - - - said, yeah, it was a just a meet
and greet and something like that and I think just before they departed he
mentioned about a Christmas party and they both laughed.

Right.---And then, yeah.

And do you recall laughing with him about that?---I think I did, probably
did and it was just like a passing comment so, haha okay, see what happens
or, yeah all right, whatever. So it was just - - -

20 And did you understand that to be as between you and Mr Cox an
agreement that you pay for the Christmas party?---No, no. it wasn't an
agreement. It was just like a, just a comment that was made that he just, I
guess, told me or said.

And do you recall how much time passed between that conversation with
Mr Cox and Ms Inglis approaching you?---It would have been, it would
have been a couple of weeks before the search warrant that Laura, well,
contacted me about the Christmas party.

30 Can we have volume 25.1, page 35 brought up on the screen?

THE COMMISSIONER: Sorry, just whilst that's happening, were you told
what sort of a Christmas party it would be?---Yes, it was a boat party, a
cruise. So all the details were, it was sent to my email of the payment and, I
guess, the part of the email was the details of the party or the cruise.

40 MS DAVIDSON: All right. But do you recall whether Mr Cox said
anything about Mr Bedwani mentioning the nature of the party as part of the
initial conversation or it was subsequently that you were sent the details of
the cruise?---Oh, no, he just said that - it was, it was, just, yeah, it was just, I
don't think he, Mr Bedwani, explained the detail. It was just a passing
comment, I think. It was just to plant the seed, more of it.

Right. If we could have volume 25.1, page 35. So if we scroll down to the bottom of this page it's an email from Ms Inglis to you on 6 November 2020 saying, "Hi Tony. As discussed over the phone" and then she gives some purchase order numbers for the piling contracts and station civil contract and she says, "As for the help we discussed, I'm waiting to hear back from Sydney Boat Hire as to whether or not the date/time we had in mind is still available. It will be the entire TAP Team so roughly 40 people. See quote in the below link. Really appreciate it. Tony." That seems to follow from a conversation. Do you recall having a conversation with Ms Inglis around 6 November about helping with the party?---Yes, yes. Like I said, it was a couple of weeks before the search warrant, yes, I recall.

Okay, so do you think this is about the date of that conversation that you referred to in your evidence where she said, "I heard you guys are paying for the Christmas party?"---Yes.

All right. And how did you respond when she said that to you on the phone?---Well, I just said, yeah, send me the details but, yeah, I just said, yeah, just send me the details. So then I - - -

Okay. Were you surprised to be asked to pay for the Christmas party?---No, I don't think so, no. I wasn't surprised or I did not expect it, as in it's just - - -

THE COMMISSIONER: Sorry?---Like, I wasn't surprised or I wasn't - - -

Is that because you had this earlier communication with Mr Cox?---I think so. That's what I mean. It was, I guess, in my mind that there might be a Christmas party, so - - -

MS DAVIDSON: Did you think it was curious that as the subcontractor you were being asked to pay for a party for the entire TAP Team?---I didn't think too much of it. It's just to, I guess, improve our relationship, so it's like a sacrifice we'll make just to improve the relationship.

Right. Mr Gayed is copied on this email from Ms Inglis.---Yes.

Do you recall having any discussion with Mr Gayed about paying for the Christmas party?---Yeah, so I think after this, after the phone conversation I think Andrew gave me the heads-up as well. So he said, oh, there's this

Christmas party and we would like you to take a part of it and there'll be other subcontractors taking part or donating to this event.

So he told you that there would be other subcontractors as well, did he?
---Yes, yeah. So he said you don't need to fund the whole cruise or the whole Christmas party.

Was that different to what Ms Inglis had said?---I can't recall like the phone conversation we had, but - - -

10

Right. And then the conversation with Mr Gayed, was that something that you - was that a face-to-face conversation or a telephone conversation?
---Oh, it was a face-to-face conversation so, 'cause he was onsite and I was onsite and I think we bumped into each other, pulled me aside and he said, "Oh yeah, this, the Christmas party's coming up. Everyone's pitching in," as in all the subcontractors are pitching in.

Right. And do you recall him mentioning an amount to you?---Oh no, not at the time, 'cause I don't think they knew what was the amount, yeah.

20

Okay.---So that's why I said to her, to Laura, just send me the details 'cause I don't know what, what were we expecting.

Right. 'Cause it looks here like she's sending you a quote and an expectation that you're - - -?---Paying for the whole - - -

- - - paying for the whole thing.---Yes.

Right. So by this time did you understand that the position was you'd be
30 paying for the whole thing by the time you got the email?---I didn't take note of the email. It's just - 'cause nothing was confirmed yet.

All right. Can we scroll up to the top of the page. Sorry, Chief Commissioner?

THE COMMISSIONER: Before we do - oh no, sorry, go on. Yes.

MS DAVIDSON: You'd given an answer that you thought it was to
40 improve your relationship. Who did you think it was to improve the relationship with?---Downer in general, the people involved.

Downer in general?---Yeah, just the people involved in the TAP. So gets, I guess, one gets the RJS name across 'cause I knew the, the, well, the Christmas party was, I mean, the whole TAP project, not just Wollstonecraft.

Right. Did you have in mind what Mr Bedwani had said or what you understood Mr Bedwani had said to Mr Cox?---No, no, it's just - - -

10 Were you trying to improve your relationship with him specifically?---Oh, not to, no, I didn't, no, I never met Andrew Bedwani. I just heard of his name and his position.

Right. Did you understand he was in a senior position in relation to these projects?---Yes, yes, I did.

20 All right. So did you want to improve your relationship with him as part of improving your relationship with Downer?---Not, not with him. More for the ground staff. So when they go to another project, then they would say, oh, let's use RJS or let's get RJS the prices.

All right. So where you say the ground staff you mean, what, the project managers and project engineers?---And the engineers, that's correct, yeah. 'Cause I don't think Andrew Bedwani - he just signs off the memos, the recommendation, so he doesn't tell who to, tell them who to use.

I see. So you didn't understand him to be as influential as the people on the, the project managers and the project engineers?---That's correct, yes.

30 Right. This is at the top of this page here, an email from Ms Inglis to you, again copied to Mr Gayed, on 10 November. Saying, "I hope you have a good weekend. Sydney Boat Hire have confirmed date and time for the charter is still available. Give me a call if you wish to discuss further. Please note once payment for piling and station civil has been finalised, I will advise you of expected payment date." Did you understand Ms Inglis to be drawing a link in this email between the help that she discussed with you, that is paying for the Christmas party, seemingly in her mind paying for the whole thing, and the payment for piling and station civil?---Yes, I think at the time I showed Aidan this email and then we agreed that they I guess you could say dangling the carrot in front of us. So saying, I guess
40 saying, yeah, "We'll pay for it and then in return payment to RJS from Downer will be made on time."

Right. Did you recall that conversation with Mr Cox, what you said to him?---Yes.

Did you use that dangling the carrot language?---Probably, yes, dangling the carrot, yes.

10 Were you surprised by the way that it was put by Ms Inglis?---No, I don't think it came from her. I think she was, it's not in her nature to do something like that, I don't think, knowing her, dealing with her previously.

THE COMMISSIONER: Sorry?

MS DAVIDSON: So you had dealt with her on previous projects?---Yes. Yes, on the NIF and, yeah, Central Station and Lithgow.

20 All right. And you say you don't, you don't think it's in her nature to do something like that. What do you mean do something like that?---As in try to dangle the carrot. I think it was more, I think influenced from - - -

THE COMMISSIONER: Sorry?---I think it was more, this, this last comment was more influenced from someone else rather than - - -

MS DAVIDSON: All right. Who did you understand that other person to be?---Probably most likely from Andrew Gayed.

30 And what gives you that view?---Because he approached me and said, "Oh, there's this Christmas party," so, like, he knew about the Christmas, or what he wanted to do with the Christmas party.

Right, but your earlier answer was that he had only approached you in relation to paying for part of it. Would you agree this email like the earlier one from Ms Inglis seems to indicate her understanding that you were paying for the whole thing?---Yes, but I was still under the impression it was part of it.

You - - -?---I didn't, like I said, I didn't take note of the email. It's just like, okay, there's a Christmas party that he's pitching.

40 That is, you didn't take note of whether the email was asking you to pay for the whole thing or not?---Pay for the whole lot. That's correct. Yes.

Right, but you took this email, you think, or showed this email to Mr Cox. And what was his reaction, do you recall?---He said, “Yeah, it’s probably, you’re probably right. He’s just like dangling the carrot, just making us say, ‘Okay, we’ll pay for it,’ in return payment will be made on time to what is owed to us.”

10 All right. Could we have volume 25.1, page 37, so two pages on brought up on the screen. This is another email from Ms Inglis to you later the same day, that is 10 November 2020. Says, “Hi, Tony. Payment for piling and station civil plans can be expected on 26 November,” and she’s highlighted the fact that it’s been approved for payment.---Yes.

What did you understand the purpose of this email to be?---Oh, so I think it’s just to show that we will paid on the 26th and then on the 26th you can make a payment or part payment to the Christmas party.

20 Right. So you understood it to be the same linkage.---Yes. So it was just - -
-

That is, between payment to you and payment for the Christmas party?
---That, that’s correct, yes.

THE COMMISSIONER: Can I just ask you a question. Had you received similar confirmations from Ms Inglis to the one that you see on 10 November 2020 in respect of other anticipated payments to RJS?---I can’t recall.

30 So you don’t, this is the only one that you can recall?---That’s right, yes.

From Ms Inglis?---From Ms Inglis, yes, and then after that then you would see myself chasing it from the Procurement Team.

I’m sorry?---After, after, sorry, after this email it was probably myself chasing payments when Downer’s, Downer’s late.

Do you recall receiving this sort of information on any other occasion?
---No.

Right. So this is the only occasion you recall receiving this sort of information from anyone?---That came from, that came from them, yes. Usually it's myself chasing the payment.

I see. All right. Thank you.

MS DAVIDSON: So this was somebody - - -?---Initially.

10 - - - Ms Inglis specifically being proactive in relation to telling you - - -?
--- Exactly, yeah. Usually they're not proactive. I'm the proactive one so -
- -

Right. Right. And you, you, well, did you understand that proactive information was because of the request or expectation that you'd pay for the Christmas party when you were paid?---That's correct, yes, cashflow.

20 Right. Could we have - do you remember clicking on the quote that was sent to you by Ms Inglis, that is the boat hire quote?---I think I, I think I did and I thought, wow, that's pretty expensive. I think it was, was it 14 grand, I think.

There were various quotes obtained at different times.---Yeah, yeah. Yeah. I just remember it was something, it was like, it was, I was like, oh, wow, that's a lot, yeah.

Okay. Do you recall discussing the figure with Mr Cox?---I probably did.

30 But you don't remember one way or the other?---I don't remember the conversation, yeah, but I must have. I just, if we were going to, if we were going to fund that then I would have had a discussion with Aidan.

All right. Chief Commissioner, I tender an intercepted telecommunication session number 23958. It's a call on 23 November 2020 between Mr Nguyen and Mr Abdi.

THE COMMISSIONER: Yes. This will be Exhibit 205.

40 **#EXH-205 - AUDIO AND TRANSCRIPT OF TELECOMMUNICATION INTERCEPT SESSION 23958 FROM**

**TONY NGUYEN TO NIMA ABDI ON 23 NOVEMBER 2020 AT
08:44:44 EXTRACT 08:50:46 TO 08:51:20**

MS DAVIDSON: Thank you, Chief Commissioner.

THE COMMISSIONER: Do you want to play this now or - - -

MS DAVIDSON: Yes, Chief Commissioner. If the transcript could also be
10 brought up on the screen.

AUDIO RECORDING PLAYED

[11.42am]

MS DAVIDSON: So if we go back to the first page of that transcript, this is
on 23 November, you're saying to Mr Abdi at the beginning, "Because you
know how we pitched in for the Christmas party?" Do you remember
having a discussion with Mr Abdi about paying for the Christmas party?
20 ---Vaguely but I don't think we paid that, I think the, the context is, is we're
going to pay, yes.

Right, right.---I don't think, yeah, no payment was made but there, there
was intention to be paid, yes.

Well, we'll come back to some more emails Mr Inglis - sorry, I withdraw
that.---Yes, yes.

From Ms Inglis to you in relation to that but do you recall having a
30 discussion with Mr Abdi about we're going to pay for the Christmas party?
---I can't recall but if it's there then, yeah, must have.

And then you say, "And he goes 'I expect to see you there'" and Mr Abdi
says, "Oh, Bedwani said that?" and you say "Yeah, yeah." Do you recall
having a conversation with Mr Bedwani at sometime in November in
relation to you attending the Downer Christmas party?---No, I don't really -
- -

The TAP Christmas party?---No. I, I don't think I ever had a conversation
40 with Andrew Bedwani ever, yeah.

So you say to Mr Abdi, “Yeah, yeah. I said, ‘Oh, no. I was trying to, no, there’s no,’ I said, ‘No, I’ve got my, um, girl’s, my girl’s, what is it called, Christmas party at her day care or whatever. I made some bullshit up. I said, ‘Oh, no. I can’t make it’.”---Yeah.

Do you recall having a conversation with anybody else at Downer where you said you couldn’t make it because you had your daughter’s day care Christmas party?---I think it was Andrew Gayed I probably had the conversation, yeah, because he would say, “You’re welcome to come” and then I would have probably said, “No. I think I have something else on” or something like that.

Did you think it was surprising that he was asking you to attend a Downer Christmas party?---No because considering that we would be paying for it I
- - -

Right. Do you recall where it was that you had that conversation with Mr Gayed?---Oh, it would have been onsite. Like, we, we spent a lot of time onsite. He was there in the office, I was there onsite and we would often bump into each other and have a small chat.

Do you have an actual memory of this conversation?---Yeah, I do have a, I do recall the conversation, yes.

That is using the day care Christmas party as a - - -?---Oh, not the day care. I don’t know, I don’t know what excuse I made but I do recall him saying, “You’re invited. You’re welcome if you want to come.”

Right. And if you thought it was an opportunity to improve your relationship, why was it that you were saying you wouldn’t be there?
---Because paying for it and they know that RJS paid for it would, is enough.

I see.---Rather than to be there and then to mingle. It’s just, it takes a lot of effort, yeah.

Did you think that people who would attend the party might find it strange that RJS were the only subcontractors there?---No, ‘cause I was still, I was still under the assumption that there was, there was a split payment or the RJS wasn’t funding the whole Christmas party.

Right. Okay.---It was, yeah, it was a joint thing with other subcontractors.

But in relation to who you spoke to about this, you have a definite memory of speaking to Mr Gayed about attending. Do you have any memory at all of speaking to Mr Bedwani about you attending?---No, well, like I said, I don't, I don't, I don't know what he sounds like. I never had a conversation with him.

10 Right.---Yeah. Between myself and Andrew Bedwani, there was no, I guess, contact. The only contact that's RJS to Andrew Bedwani was Aidan during that - - -

All right, 'cause if we go to the second page, you say to Mr Abdi, "Then he called Aidan and he did the same thing to Aidan. Aidan said, nah, nah, sorry, I've got a family thing or something like that." Do you recall Mr Cox telling you about a call, asking him to attend the Christmas party?---No, I don't think so. I don't - - -

20 Seems like you knew about it from this conversation with Mr Abdi.---Yeah, so, Aidan would know about the Christmas party but the dealing with the Christmas parties was all myself.

Right. But do you recall Mr Cox telling you that someone from Downer had called him and asked him to come to the Christmas party?---I, I don't think so because I think I was just, I guess, shit talking with Nima, like, which is half the - - -

So, what, you think you're making up - - -?---Exactly.

30 - - - you're making up to Nima - - -?---Yeah, yes.

- - - the idea that someone from Downer had called Aidan. Why would you make that up to Nima?---To show that, just to distance myself from Nima, saying that I don't really need you to bring us back in as we can form our own contacts.

40 Right. But how would making up a conversation between somebody at Downer and Mr Cox have that effect on Nima?---Because then you'll phase Nima out. He'd say that he is not needed, so Aidan has a few contacts.

Right. What, as in because somebody wanted to - somebody at Downer wanted to invite Aidan to the Christmas party that you were paying for, that - - -?---Oh no, I don't think that Aidan got, was invited. I just, it was me showing Nima that, trying to distance myself from Nima 'cause I know he was trying to put a wedge between myself and Aidan.

Right.---Does that make sense? It's - - -

10 Well, I'm struggling to understand. Your evidence is you thought it was, you would pay for it to improve your relationship, but then you made an excuse about not attending because it was all just a bit too difficult or you knew that it would be enough that they knew that you'd paid for it. But who knew that you'd paid for it? So far as you knew, it was only Ms Inglis and Mr Gayed.---No, there was word around site that said, oh, so RJS is paying for the Christmas party? So what, I - - -

20 Okay, so where you say there was word around site, with whom?---So the, the, the site engineer, the supervisor, 'cause they all made passing comment, oh, I heard that RJS - and I would just play dumb and just, yeah.

Right. So was that, so in relation to particular individuals, do you remember them saying that to you?---Oh yes.

That is, "I heard RJS was paying for it"?---So the supervisor would have said that to me. He would have dropped a few passing comments and, "Oh, I heard RJS was doing this and this."

Okay. Was that Mr Dean?---No, no, it was Mark Silvio.

30 Right.---So the supervisor at the time, at Wollstonecraft at the time.

Okay.---Yes.

Right.---So I think I'm pretty sure there wasn't a secret. They didn't keep it as a secret.

Okay. And do you know how they'd heard that, where they'd heard that from?---It's probably from Andrew or Laura.

40 Right. And did you understand that by that stage they were talking about RJS paying for the whole thing?---I can't recall.

Right. But if they are coming to you and saying, "I heard RJS is paying for the Christmas party," that would seem to suggest they understood you were paying for the whole thing, wouldn't it?---Now it does but at the time I, 'cause of what Andrew said it would be a, I guess, a pitch-in from other subcontractor. 'Cause there was, there was other subcontractors there as well.

10 Right. And do you recall discussing with any other subcontractor how much or - - -?---Oh no, no, I didn't.

- - - how you split up costs for the Christmas party?---No.

Right.---I was just told that, yeah, everyone would pitch in and said, oh, just let me know how much. And then - - -

That was that first conversation - - -?---Conversation with Andrew, yeah.

- - - you've answered some questions about.---Yes.

20

Chief Commissioner, I've just realised the time. I apologise.

THE COMMISSIONER: Yeah, I just wanted to ask you a question before we adjourn for morning tea. On page 1 of the transcript where you say to Mr Abdi, "And he goes, 'I expect to see you there.' And I said," and then Mr Abdi says, "Bedwani said that?" And then you respond saying, "Yeah. Yeah. And I said, 'No. I was trying to,' there's no," then you go, "See, see, see how fucking dirty he is." Who, who are you referring to?---I think it was Andrew Gayed. I don't think I, I paid attention to the, when said

30

Bedwani.

The only one person you had spoken to about a conversation. Sorry, you had told us earlier that you had a conversation with Mr Cox where Mr Bedwani raised a question of RJS paying for a Christmas party.---Not paying but making a passing comment.

Making a commitment to - - -?---Yeah.

40 - - - the Christmas party. Was Mr Cox involved in this information that you're telling Mr Abdi or - - -?---No, I don't think so because it was just

more me dealing with it and then I just tell Aidan, “This is what we’re going to do,” or, “This is how much we’re going to get paid.”

So who is it you’re referring to that - - -?---Oh, it’s probably Andrew Gayed. Like I say, I don’t think I paid too much attention to Bedwani. It was more Andrew Gayed 'cause he’s the one that had the conversation with me about the Christmas. He initiated the Christmas party and the funding for the Christmas party.

10 So you didn’t pay any attention to the use of Mr Bedwani’s name?---That’s correct, yes.

Just adjourn.

SHORT ADJOURNMENT

[11.52am]

20 THE COMMISSIONER: Yes. We’ll resume. Mr Nguyen, you’re subject to the same oath you took to say the truth.---I understand.

Do you understand?---Yes.

Thank you. Yes.

30 MS DAVIDSON: The call that we just listened to took place on 23 November, Mr Nguyen. Were you aware - that is the call that’s exhibit 205. Were you aware of Mr Cox also being engaged in conversations with people at Downer in relation to the Christmas party?---Oh, from the hearing, the, the, from the hearing I heard a call between Aidan and Andrew Gayed.

Right. Do you remember at the time Mr Cox saying anything to you about speaking to Andrew Gayed about the Christmas party?---I vaguely remember that he said Andrew mentioned about the Christmas party and he said, “You deal with it.”

That is Mr Cox said you deal with it?---Yeah. Exactly, yes.

40 Do you recall him mentioning speaking to anybody else apart from Andrew Gayed, that is Mr Cox mentioning speaking to anybody else at Downer in

relation to the Christmas party?---No. Just, it was just Andrew, just Andrew Gayed and the rest was between me and Laura.

Could we have volume 25.1, which is the volume we were in previously, page 39 brought up on the screen, please? If we could scroll to the top of that page. This is an email from Laura to you on 30 November, so about a week after the call that we were just playing. Do you recall receiving this email?---No but it's there, so, yeah.

10 Do you recall whether you did give Laura a call in relation to a request that she was sending onto you at this point in time?---I can't remember if I, I called her or she called me or chased, chased me, or followed me up, yeah.

What do you remember about being followed up?---There was probably - I don't think I called her. I think she would have followed up because I was too busy onsite and she would have just called me and probably mentioned about the Christmas party.

20 Do you recall what she mentioned about the Christmas party?---She said, oh, about the payments. I remember we had a conversation that they were, we should have got paid and then, and then, and she said she would send me a link to making the payment which then I figured it's the whole amount, the whole funding for the Christmas party.

So it was at that point that you realised that you were being asked to pay for the whole thing?---For the whole, yes, that's correct, yes.

30 Do you recall asking her about that or you just realised in your own mind? ---I just realised in my own mind and, and I don't think it was her that was - I think she was just being the admin of this whole Christmas party.

So when you say you don't think it was her, who did you understand it to be?---It was most likely Andrew Gayed, yeah.

When you say most likely, was that based on the previous conversation you with him you have given evidence about or were there subsequent conversations - - -?---That's correct. No, I just - - -

40 - - - that you had with him through this period?---Just the conversation I had with Andrew Gayed.

Can we have volume 25.1, page 76? If we scroll down here, this is an email on 2 December. The previous email I showed you was 30 November and she's saying, "I've tried to call you a few times with no luck. Sorry, I know you're super busy. Can you please complete the card details at the bottom of the online form and send back to Daniel as soon as possible. I really appreciate it." Do you recall receiving this email with the link?---Oh, yes, I do because it was the day of the search warrant but I received it obviously after, when I had access to the email.

10 As in you received it later on?---Exactly, yes.

Not during the time that the search warrant was being executed, is that - - - ?---That's right.

And there's a further email if we scroll up to the top of the page. "Please complete the form in the email below before 7.30am tomorrow." So is the reason that - well, am I correct that you didn't ever click on the link and provide the payment?---That's correct because - - -

20 Is the reason you did that because you - the reason you didn't do that because the search warrants were executed?---That, that's correct, yes.

And so you realised at that point that it would be inappropriate for you to be paying for the Downer Christmas party?---That's correct, yes.

Do you recall communicating that to anybody at Downer?---I think a few days after. I didn't, I heard that Andrew found out about the search warrant.

Andrew Gayed?---Andrew Gayed, yes.

30

How did you hear that Andrew Gayed had found about the search warrant? ---Because Ben informed him.

THE COMMISSIONER: Who?---Ben. Ben. Ben.

MS DAVIDSON: Right. So did you hear a few days later that Andrew Gayed had found out - - -?---Yes.

- - - about the search warrant?---Yes.

40

And did you understand him to have found out on the day that the warrants were executed?---I'm not sure if it was on the day but it was shortly after.

Right. And so did you understand that he let other people know at Downer that, couldn't go ahead with the Christmas party. Was that - - -?
---I'm not too sure.

Was that the chain of events or you don't you?---I don't know. I just told Andrew, I just remember this conversation I had with Andrew on site, he
10 said, so Andrew said, "I heard what happened." I said, "Yeah, I know."
And then said, "I don't think it's wise to proceed with the Christmas party."

Sorry, he said that or you said that?---No, I said that. I said that. I said that, "I don't think it's wise for RJS to fund the Christmas party due to the circumstances we're in."

Right. Right. And what did he say to that?---He said, "Fair enough," and then that was the end of that.

20 Okay. Okay.

THE COMMISSIONER: Up until that point, did anyone again mention the Christmas party to you, after the search warrant had been executed?---After? Oh, no.

No one mentioned it to you.---Nothing was mentioned - maybe, like, the ground staff, just making passing, but I don't think they knew about the search warrant. They just said, "What happened to RJS? They were supposed to fund a Christmas party."
30

What about Laura Inglis?---No, I never heard from - after I had the conversation with Andrew, I never heard from her again, so - - -

What about before? After the search warrant was executed and before you had the conversation with Mr Gayed?---No, 'cause I think it was shortly after. It was probably the day, 'cause it happened Wednesday, probably Thursday or Friday is when it - - -

I'm sorry?---'Cause the, the, the search warrant happened on Wednesday, so
40 I would have been, I would have been back at work on Thursday so I - - -

I see. - - - would have had the conversation with Andrew Gayed on the Thursday, sometime during the day.

MS DAVIDSON: Right. Apart from those who you've mentioned, that is, the site supervisor, an engineer, Ms Inglis, Mr Gayed, and Mr Bedwani in terms of what Mr Cox had told you about what he had said, were you aware of anybody else at Downer knowing that you were paying for the Christmas party?---No.

10 You gave some evidence in March when you were at the Commission on the first occasion in relation to work that you had done in September or October last year, that is, 2022, in relation to assisting Downer's, well, assisting Downer in relation to defects at Banksia Station?---That's correct, yes.

Do you recall what the nature of those defects was?---So the, the nature of the defects came from I guess what they told me from the current contractor, which was Dalski, so incomplete works or just poor workmanship and - - -

20 And this is in relation to the Banksia building works?---I think, I think Banksia in general, so we did, so I did defects through I guess through the, bit of civil defects, bit of building defects.

Right. And do you recall being provided with a list of defects?---Yes.

Was that communicated to you by Downer?---That's correct, yes.

Right. And do you recall how many defects were on that list?---Just probably, I, I can't recall. Maybe a dozen.

30

All right. The Commission has heard some evidence in relation to a number in excess of 600 defects at Banksia.---Yeah so initially I think when they were, so normally after a project you will, you will go for I guess inspection with the client, stakeholders, so I think initially it was 600 they picked up and then throughout time it would have been slowly, slowly closed out.

Right.---So - - -

40 So you understood, well, is this accurate, you did understand that there were some 600 initially?---Yes. I was, they showed me, the, the paperwork for the 600 defects.

Okay.---Yeah.

Downer showed you that paperwork?---Yes. Yes.

All right. And was that, that is sometime last year that they were showing you that paperwork?---Yeah, just as an idea how many defects there were.

Right.---Was originally, yeah.

10

But by the time you came to work on it there were about a dozen. Is that your - - -?---So there was, there was about a dozen I could do that they could, I think, recoup the costs from the, from, from the contractor.

I see.---Yeah.

So you understood they were to reimbursed by Dalski in relation to a dozen defects. Is that right?---That, that's my understanding, yes. Yes.

20 And that was for work that you did?---That's correct, yes.

All right. And have you completed your engagement with the defects at Banksia?---Yes.

All right. And was that sometime last year that you finished working in relation to those?---No, so we finished mid-January of this year, beginning of this year.

30 Right. Okay. And do you recall how much was the amount that was to be reimbursed - - -?---Yeah, so about 70 - - -

- - - that you understood was to be reimbursed by Dalski?---About 70,000.

Right. And that related to the 12 defects that - - -?---The 12 defects, yeah. I don't think there was one - - -

Well, approximately 12 defects.---Approximately, I think, from memory, yes.

40 Right.---But I don't think it was fully reimbursed. I think part of it was reimbursed by Dalski 'cause they didn't either respond, responded to,

“When are you going to rectify this defect?” So I think they were given an opportunity to rectify the defects but nothing happened. The time expired, so then they would tell me, “Can you go and, go and correct the defect?”

Okay, right, and did you understand there to be some ongoing dispute between Dalski and Downer in relation to Dalski’s responsibility for those defects?---Yes, so I was informed that they gave Dalski I guess the heads-up that’s saying that we’re going to get another contractor to complete your defects.

10

Right. You understood Dalski to be disputing those defects, did you?---No, because if they did, then we wouldn’t be doing it.

Right. You were asked some questions on the last occasion - that is 20 April - in your evidence about Sadco. Do you recall giving some evidence about that?---Yes.

You indicated that you thought that was how Raja - that is Mr Sanber - was getting money out.---Yes.

20

Did you understand that Mr Sanber knew that Sadco was the means by which cash was being paid to Mr Aziz and Mr Abdi and yourself?---Yes.

And how did you reach that understanding?---Because I, I think I had a conversation with Nima where how do you, guess, funnel the cash out of the business without paying tax.

Right.---And then he said, oh, he has, his accountant provided, provided a company to invoice similar to, I guess, back in the ASN Contractors days where we did the same process.

30

Right. You recall having that conversation with Mr Abdi?---Vaguely, yes, yes.

Okay.---Because there was a lot of money. I said, “Oh, it’s, how, how would you do that?” And just out of curiosity.

Right.---Yes.

40

Right. And did you ever mention or have any discussion with Mr Sanber about Sadco?---No, I just picked up Sadco from the, I guess the spreadsheet

that he sent through or the statement they sent through. And I assume he was, it was that because it matched, I guess, the cash payment.

So when he sent through the bank statement that had the Sadco references on it, you understood he was doing that because you all knew that Sadco payments were payments that were coming through to you and Mr Aziz and Mr Abdi, is that right?---That's correct, yes.

10 And that was never - there weren't ever questions asked about those, well, were there ever questions asked as to what those Sadco payments related to when you or Mr Abdi were having discussions with Mr Sanber about the disputed profit amounts?---No, we just assumed it was the means of getting cash out because it lined, the, the figures lined up with each other.

Right. That is the figures lined up with what you understood - - -?---To be in my - - -

- - - to be, to have been paid.---That's correct, yes.

20 That is to be accessible to you in cash?---That's correct.

All right. Chief Commissioner, that's the examination. I understand leave has been granted in relation to some brief cross-examination by Mr Vo.

THE COMMISSIONER: By Mr Vo. Is that the case?

MR VO: Chief Commissioner, leave is sought to cross-examination Mr Nguyen in relation to evidence that was given by another witness, Mr Monty Nguy. That evidence was on 24 March 2023 and that relates to a
30 suggestion by Mr Nguy that Mr Nguyen had directed him to delete evidence.

THE COMMISSIONER: Yes, all right. How long would you be?

MR VO: Not more than five minutes.

THE COMMISSIONER: Yes, all right. Leave is granted.

MR VO: Mr Nguyen, you heard in Mr Nguy's evidence on 24 March that
40 after the search warrant was executed you had directed him to delete messages on WhatsApp. Is that right?---That's not correct.

Okay. Did you have a conversation with him regarding the messages contained on WhatsApp?---So we had, I can recall that I did initiate a meet-up with him just to see if he was, I guess, a search warrant was conducted on his property as well. I think it was the week after the search warrant happened to me and I remember the conversation we had was I told him "Did you get searched?" He said no. I said, "I got searched," and he said, "Oh, what happened?" and then I said, and then I just told him the story of what happened and then he asked, "Oh, what do you want me to do?" I
10 said, I, I remember telling him that "There's nothing you can do 'cause they seized everything, my laptops, my phone, so there's no point of deleting anything because it will be transparent on my devices."

So you never suggested to him to delete the messages on WhatsApp, did you?---No, there's no point. There was no point.

That's the cross-examination, Chief Commissioner.

20 THE COMMISSIONER: Thank you, yes.

MS DAVIDSON: Chief Commissioner, in light of the production yesterday by Downer, I would ask that Mr Nguyen not yet be released.

30 THE COMMISSIONER: All right. Mr Nguyen, I'm going to stand you down at this point. There may be a need to have you brought back but that's not clear that that will occur. So I'm not discharging you at this stage from your summons but for the time being you can stand down. In the event the decision is made that you need to be recalled you will be advised through your solicitor.---I understand.

Thank you. All right. You're free to go.

THE WITNESS STOOD DOWN

[12.40pm]

THE COMMISSIONER: Yes.

40 MS DAVIDSON: Chief Commissioner, what remains is to tender some outstanding volumes of the brief and the time before the luncheon

adjournment might be conveniently used in relation to that, if that's suitable to you.

THE COMMISSIONER: Yes.

MS DAVIDSON: The first of the volumes is the Sanber RJS Civil volume 3.1.

THE COMMISSIONER: Exhibit 205.

10

MS DAVIDSON: I think that may have been the last one that you allocated, Chief Commissioner.

THE COMMISSIONER: I'm sorry?

MS DAVIDSON: No, you're correct, Chief Commissioner.

THE COMMISSIONER: Sorry, no the last one was 205. That's 206.

20

#EXH-206 – PUBLIC INQUIRY BRIEF – VOL 3.1 SANBER-RJS CIVIL BRIEF

MS DAVIDSON: Thank you, Chief Commissioner. I tender volume 3.2 of the Sanber RJS Civil brief.

THE COMMISSIONER: Exhibit 207.

30

#EXH-207 – PUBLIC INQUIRY BRIEF – VOL 3.2 SANBER-RJS CIVIL BRIEF

MS DAVIDSON: I tender volume 3.3 of the Sanber RJS Civil brief.

THE COMMISSIONER: Exhibit 208.

40

#EXH-208 – PUBLIC INQUIRY BRIEF – VOL 3.3 SANBER-RJS CIVIL BRIEF

MS DAVIDSON: I tender volume 3.4 of the Sanber RJS Civil brief.

THE COMMISSIONER: Exhibit 209.

**#EXH-209 – PUBLIC INQUIRY BRIEF – VOL 3.4 SANBER-RJS
CIVIL BRIEF**

10

MS DAVIDSON: I tender volume 3.5 of the Sanber RJS Civil brief.

THE COMMISSIONER: Exhibit 210.

**#EXH-210 – PUBLIC INQUIRY BRIEF – VOL 3.5 SANBER-RJS
CIVIL BRIEF**

20

MS DAVIDSON: I tender volume 3.6 of the Sanber RJS Civil brief.

THE COMMISSIONER: Exhibit 211.

**#EXH-211 – PUBLIC INQUIRY BRIEF – VOL 3.6 SANBER-RJS
CIVIL BRIEF**

30 MS DAVIDSON: I tender volume 3.7 of the Sanber RJS Civil brief.

THE COMMISSIONER: Exhibit 212.

**#EXH-212 – PUBLIC INQUIRY BRIEF – VOL 3.7 SANBER-RJS
CIVIL BRIEF**

MS DAVIDSON: I tender volume 3.8 of the Sanber RJS Civil brief.

40

THE COMMISSIONER: Exhibit 213. Oh, sorry. 213, yes.

**#EXH-213 – PUBLIC INQUIRY BRIEF – VOL 3.8 SANBER-RJS
CIVIL BRIEF**

MS DAVIDSON: Yes. I tender volume 3.9 of the Sanber RJS Civil brief.

10 THE COMMISSIONER: Exhibit 214.

**#EXH-214 – PUBLIC INQUIRY BRIEF – VOL 3.9 SANBER RJS
CIVIL BRIEF**

MS DAVIDSON: I tender volume 3.10 of the Sanber RJS Civil brief.

20 THE COMMISSIONER: Exhibit 215.

**#EXH-215 – PUBLIC INQUIRY BRIEF – VOL 3.10 SANBER-RJS
CIVIL BRIEF**

MS DAVIDSON: I tender volume 3.11 of the Sanber RJS Civil brief.

THE COMMISSIONER: Exhibit 219.

30 MS DAVIDSON: 216, I believe, Chief Commissioner.

THE COMMISSIONER: Sorry, 216. Sorry. Yeah, 216.

**#EXH-216 – PUBLIC INQUIRY BRIEF – VOL 3.11 SANBER-RJS
CIVIL BRIEF**

40 MS DAVIDSON: I tender volume 5.5 of the Laphai SDL brief.

THE COMMISSIONER: Exhibit 217.

**#EXH-217 – PUBLIC INQUIRY BRIEF – VOL 5.5 LAPHAI-SDL
FINANCIAL BRIEF**

MS DAVIDSON: I tender volume 15.1 of the Ballyhooly brief.

THE COMMISSIONER: Exhibit 218.

10

**#EXH-218 – PUBLIC INQUIRY BRIEF – VOL 15.1 BALLYHOOLY
BRIEF**

MS DAVIDSON: I tender volume 15.2 of the Ballyhooly brief.

THE COMMISSIONER: Exhibit 219.

20

**#EXH-219 – PUBLIC INQUIRY BRIEF – VOL 15.2 BALLYHOOLY
FINANCIAL BRIEF**

MS DAVIDSON: I tender volume 14 of the Dean-Camlin brief.

THE COMMISSIONER: Exhibit 220.

30

**#EXH-220 – PUBLIC INQUIRY BRIEF – VOL 14.1 DEAN-CAMLIN
BRIEF**

MS DAVIDSON: I tender volume 14.2 of the Dean-Camlin brief.

THE COMMISSIONER: Exhibit 221.

40

**#EXH-221 – PUBLIC INQUIRY BRIEF – VOL 14.2 DEAN-CAMLIN
BRIEF**

MS DAVIDSON: I tender volume 14.3 of the Dean-Camlin brief.

THE COMMISSIONER: Exhibit 222.

**#EXH-222 – PUBLIC INQUIRY BRIEF – VOL 14.3 DEAN-CAMLIN
BRIEF**

10

MS DAVIDSON: I tender volume 16.1 of the ASN Contractors brief.

THE COMMISSIONER: Exhibit 223.

**#EXH-223 – PUBLIC INQUIRY BRIEF – VOL 16.1 ASN
CONTRACTORS BRIEF**

20

MS DAVIDSON: I tender volume 16.2 of the ASN Contractors brief.

THE COMMISSIONER: Exhibit 224.

**#EXH-224 – PUBLIC INQUIRY BRIEF – VOL 16.2 ASN
CONTRACTORS BRIEF**

30

MS DAVIDSON: I tender volume 16.3 of the ASN Contractors brief.

THE COMMISSIONER: Exhibit 225.

**#EXH-225 – PUBLIC INQUIRY BRIEF – VOL 16.3 ASN
CONTRACTORS BRIEF**

MS DAVIDSON: I tender volume 18.1 of the Cellebrite brief.

40

THE COMMISSIONER: 18.1 Cellebrite?

MS DAVIDSON: I'm sorry. C-e-l-l-e-b - - -

THE COMMISSIONER: 226.

**#EXH-226 – PUBLIC INQUIRY BRIEF – VOL 18.1 TONY NGUYEN
– CELLEBRITE BRIEF**

10 MS DAVIDSON: Thank you. I tender volume 18.2 of the Cellebrite brief.

THE COMMISSIONER: Exhibit 227.

**#EXH-227 – PUBLIC INQUIRY BRIEF – VOL 18.2 TONY NGUYEN
– CELLEBRITE BRIEF**

20 MS DAVIDSON: I tender volume 18.3 of the Cellebrite brief.

THE COMMISSIONER: Exhibit 228.

**#EXH-228 – PUBLIC INQUIRY BRIEF – VOL 18.3 TONY NGUYEN
– CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 18.4 of the Cellebrite brief.

30 THE COMMISSIONER: 229.

**#EXH-229 – PUBLIC INQUIRY BRIEF – VOL 18.4 TONY NGUYEN
– CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 18.5 of the Cellebrite brief.

40 THE COMMISSIONER: Exhibit 230.

**#EXH-230 – PUBLIC INQUIRY BRIEF – VOL 18.5 TONY NGUYEN
– CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 18.6 of the Cellebrite brief.

THE COMMISSIONER: 231.

10 **#EXH-231 – PUBLIC INQUIRY BRIEF – VOL 18.6 TONY NGUYEN
– CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 18.7 of the Cellebrite brief.

THE COMMISSIONER: 232.

20 **#EXH-232 – PUBLIC INQUIRY BRIEF – VOL 18.7 TONY NGUYEN
– CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 18.8 of the Cellebrite brief.

THE COMMISSIONER: 233.

30 **#EXH-233 – PUBLIC INQUIRY BRIEF – VOL 18.8 TONY NGUYEN
– CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 18.9 of the Cellebrite brief.

THE COMMISSIONER: Exhibit 234.

40 **#EXH-234 – PUBLIC INQUIRY BRIEF – VOL 18.9 TONY NGUYEN
– CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 18.10 of the Cellebrite brief.

THE COMMISSIONER: Exhibit 235.

**#EXH-235 – PUBLIC INQUIRY BRIEF – VOL 18.10 TONY NGUYEN
– CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 18.11 of the Cellebrite brief.

10

THE COMMISSIONER: 236.

**#EXH-236 – PUBLIC INQUIRY BRIEF – VOL 18.11 TONY NGUYEN
– CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 18.12 of the Cellebrite brief.

20

THE COMMISSIONER: 237.

**#EXH-237 – PUBLIC INQUIRY BRIEF – VOL 18.12 TONY NGUYEN
– CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 18.13 of the Cellebrite brief.

THE COMMISSIONER: Exhibit 238.

30

**#EXH-238 – PUBLIC INQUIRY BRIEF – VOL 18.13 RAJA SANBER
– CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 18.14 of the Cellebrite brief.

THE COMMISSIONER: Exhibit 239.

40

**#EXH-239 – PUBLIC INQUIRY BRIEF – VOL 18.14 RAJA SANBER
– CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 18.15 of the Cellebrite brief.

THE COMMISSIONER: Exhibit 240.

10 **#EXH-240 – PUBLIC INQUIRY BRIEF – VOL 18.15 RAJA SANBER
– CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 18.16 of the Cellebrite brief.

THE COMMISSIONER: Exhibit 241.

20 **#EXH-241 – PUBLIC INQUIRY BRIEF – VOL 18.16 RAJA SANBER
– CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 18.17 of the Cellebrite brief.

THE COMMISSIONER: Exhibit 242.

30 **#EXH-242 – PUBLIC INQUIRY BRIEF – VOL 18.17 RAJA SANBER
– CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 18.18 of the Cellebrite brief.

THE COMMISSIONER: Exhibit 243.

40 **#EXH-243 – PUBLIC INQUIRY BRIEF – VOL 18.18 AIDAN COX –
CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 18.19 of the Cellebrite brief.

THE COMMISSIONER: Exhibit 244.

**#EXH-244 – PUBLIC INQUIRY BRIEF – VOL 18.19 AIDAN COX –
CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 18.20 of the Cellebrite brief.

10

THE COMMISSIONER: Exhibit 245.

**#EXH-245 – PUBLIC INQUIRY BRIEF – VOL 18.20 AIDAN COX –
CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 18.21 of the Cellebrite brief.

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THE COMMISSIONER: Exhibit 246.

**#EXH-246 – PUBLIC INQUIRY BRIEF – VOL 18.21 AIDAN COX –
CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 18.22 of the Cellebrite brief.

30

THE COMMISSIONER: Exhibit 247.

**#EXH-247 – PUBLIC INQUIRY BRIEF – VOL 18.22 AIDAN COX –
CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 18.23 of the Cellebrite brief.

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THE COMMISSIONER: Exhibit 248.

**#EXH-248 – PUBLIC INQUIRY BRIEF – VOL 18.23 SENG LAPHAI
– CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 18.24 of the Cellebrite brief.

THE COMMISSIONER: Exhibit 249.

10 **#EXH-249 – PUBLIC INQUIRY BRIEF – VOL 18.24 MONTY NGUY
– CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 18.25 of the Cellebrite brief.

THE COMMISSIONER: Exhibit 250.

20 **#EXH-250 – PUBLIC INQUIRY BRIEF – VOL 18.25 KEVIN
WATTERS – CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 18.26 of the Cellebrite brief.

THE COMMISSIONER: Exhibit 251.

30 **#EXH-251 – PUBLIC INQUIRY BRIEF – VOL 18.26 BEN
VARDANEGA – CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 18.27 of the Cellebrite brief.

THE COMMISSIONER: Exhibit 252.

40 **#EXH-252 – PUBLIC INQUIRY BRIEF – VOL 18.27 TONY NGUYEN
– CELLEBRITE BRIEF**

MS DAVIDSON: I tender volume 20.1 of the brief described as Statements and EROIs.

THE COMMISSIONER: Exhibit 253.

#EXH-253 – PUBLIC INQUIRY BRIEF – VOL 20.1 STATEMENTS AND EROIS BRIEF

10

MS DAVIDSON: I tender volume 20.2 of the Statements and EROIs brief.

THE COMMISSIONER: Exhibit 254.

#EXH-254 – PUBLIC INQUIRY BRIEF – VOL 20.2 STATEMENTS AND EROIS BRIEF

20

MS DAVIDSON: I tender volume 20.3 of the Statements and EROIs brief.

THE COMMISSIONER: Exhibit 255.

#EXH-255 – PUBLIC INQUIRY BRIEF – VOL 20.3 STATEMENTS AND EROIS BRIEF

30

MS DAVIDSON: I tender volume 20.4 of the Statements and EROIs brief.

THE COMMISSIONER: Exhibit 256.

#EXH-256 – PUBLIC INQUIRY BRIEF – VOL 20.4 STATEMENTS AND EROIS BRIEF

40

MS DAVIDSON: I tender volume 22.1 of the Corruption Prevention Transport for NSW brief.

THE COMMISSIONER: Exhibit 257.

#EXH-257 – PUBLIC INQUIRY BRIEF – VOL 22.1 CORRUPTION PREVENTION TFNSW BRIEF – GLENFIELD ALLIANCE AGREEMENT AND TAP FRAMEWORK AGREEMENT

MS DAVIDSON: I tender volume 22.2 of the Corruption Prevention Transport for NSW brief.

10

THE COMMISSIONER: Exhibit 258.

#EXH-258 – PUBLIC INQUIRY BRIEF – VOL 22.2 CORRUPTION PREVENTION TFNSW BRIEF – CORRESPONDENCE

MS DAVIDSON: I tender volume 22.3 of the Corruption Prevention Transport for NSW brief.

20

THE COMMISSIONER: Exhibit 259.

#EXH-259 – PUBLIC INQUIRY BRIEF – VOL 22.3 CORRUPTION PREVENTION TFNSW BRIEF – DOWNER EDI POLICY AND PROCEDURE

MS DAVIDSON: I tender volume 22.4 of the Corruption Prevention Transport for NSW brief.

30

THE COMMISSIONER: Exhibit 260.

#EXH-260 – PUBLIC INQUIRY BRIEF – VOL 22.4 CORRUPTION PREVENTION TFNSW BRIEF – REPORTS

MS DAVIDSON: I tender volume 22.5 of the Corruption Prevention Transport for NSW brief.

40

THE COMMISSIONER: Exhibit 261.

**#EXH-261 – PUBLIC INQUIRY BRIEF – VOL 22.5 CORRUPTION
PREVENTION TFNSW BRIEF – TFNSW POLICY AND
PROCEDURE**

10 MS DAVIDSON: I tender volume 22.6 of the Corruption Prevention
Transport for NSW brief.

THE COMMISSIONER: Exhibit 262.

**#EXH-262 – PUBLIC INQUIRY BRIEF – VOL 22.6 CORRUPTION
PREVENTION TFNSW BRIEF – TRANSCRIPTS AND
STATEMENTS**

20 MS DAVIDSON: I tender volume 22.7 of the Corruption Prevention
Transport for NSW brief.

THE COMMISSIONER: 263.

**#EXH-263 – PUBLIC INQUIRY BRIEF – VOL 22.7 CORRUPTION
PREVENTION TFNSW BRIEF – VICTORIA ST TAP MANAGING
CONTRACTOR CONTRACT**

30 MS DAVIDSON: I tender volume 22.8 of the Corruption Prevention
Transport for NSW brief.

THE COMMISSIONER: 22 point - - -

MS DAVIDSON: 22.8.

THE COMMISSIONER: Eight, yeah. 264.

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**#EXH-264 – PUBLIC INQUIRY BRIEF – VOL 22.8 CORRUPTION
PREVENTION TFNSW BRIEF – NIF SSEW MANAGING
CONTRACTOR CONTRACT**

MS DAVIDSON: I tender volume 22.9 of the Corruption Prevention
Transport for NSW brief.

10 THE COMMISSIONER: 265.

**#EXH-265 – PUBLIC INQUIRY BRIEF – VOL 22.9 CORRUPTION
PREVENTION TFNSW BRIEF – NORTH STRATHFIELD TAP
MANAGING CONTRACTOR CONTRACT**

MS DAVIDSON: I tender volume 22.10 of the Corruption Prevention
Transport for NSW brief.

20 THE COMMISSIONER: 266.

**#EXH-266 – PUBLIC INQUIRY BRIEF – VOL 22.10 CORRUPTION
PREVENTION TFNSW BRIEF – KINGSWOOD TAP MANAGING
CONTRACTOR CONTRACT**

MS DAVIDSON: I tender volume 22.11 of the Corruption Prevention
Transport for NSW brief.

30 THE COMMISSIONER: 267.

**#EXH-267 – PUBLIC INQUIRY BRIEF – VOL 22.11 CORRUPTION
PREVENTION TFNSW BRIEF – LITHGOW SUBCONTRACT
DOWNER EDI WITH RJS**

40 MS DAVIDSON: I tender volume 22.12 of the Corruption Prevention
Transport for NSW brief.

THE COMMISSIONER: 268.

#EXH-268 – PUBLIC INQUIRY BRIEF – VOL 22.12 CORRUPTION PREVENTION TFNSW BRIEF – WOLLSTONECRAFT TAP MANAGING CONTRACTOR CONTRACT

10 MS DAVIDSON: I tender volume 22.13 of the Corruption Prevention Transport for NSW brief.

THE COMMISSIONER: 269.

#EXH-269 – PUBLIC INQUIRY BRIEF – VOL 22.13 CORRUPTION PREVENTION TFNSW BRIEF – BANKSIA TAP MANAGING CONTRACTOR CONTRACT

20 MS DAVIDSON: I tender volume 22.14 of the Corruption Prevention Transport for NSW brief.

THE COMMISSIONER: Exhibit 270.

#EXH-270 – PUBLIC INQUIRY BRIEF – VOL 22.14 CORRUPTION PREVENTION TFNSW BRIEF – BIRRONG TAP MANAGING CONTRACTOR CONTRACT

30 MS DAVIDSON: I tender volume 22.15 of the Corruption Prevention Transport for NSW brief.

THE COMMISSIONER: 271.

#EXH-271 – PUBLIC INQUIRY BRIEF – VOL 22.15 CORRUPTION PREVENTION TFNSW BRIEF – CANLEY VALE TAP MANAGING CONTRACTOR CONTRACT

40

MS DAVIDSON: I tender volume 22.16 of the Corruption Prevention Transport for NSW brief.

THE COMMISSIONER: 272.

#EXH-272 – PUBLIC INQUIRY BRIEF – VOL 22.16 CORRUPTION PREVENTION TFNSW BRIEF – ROSEVILLE TAP MANAGING CONTRACTOR CONTRACT

10

MS DAVIDSON: I tender volume 22.17 of the Corruption Prevention Transport for NSW brief.

THE COMMISSIONER: 273.

#EXH-273 – PUBLIC INQUIRY BRIEF – VOL 22.17 CORRUPTION PREVENTION TFNSW BRIEF – GLENBROOK TAP MANAGING CONTRACTOR CONTRACT

20

MS DAVIDSON: I tender volume 22.18 of the Corruption Prevention Transport for NSW brief.

THE COMMISSIONER: 274.

#EXH-274 – PUBLIC INQUIRY BRIEF – VOL 22.18 CORRUPTION PREVENTION TFNSW BRIEF – ADDITIONAL MATERIAL PROVIDED BY TFNSW

30

MS DAVIDSON: I tender volume 22.19 of the Corruption Prevention Transport for NSW brief.

THE COMMISSIONER: 275.

#EXH-275 – PUBLIC INQUIRY BRIEF – VOL 22.19 CORRUPTION PREVENTION TFNSW BRIEF – ADDITIONAL PROCUREMENT MANAGEMENT PLANS

MS DAVIDSON: I tender volume 23.1 of the Corruption Prevention Inner West Council brief.

THE COMMISSIONER: 276.

10

#EXH-276 – PUBLIC INQUIRY BRIEF – VOL 23.1 CORRUPTION PREVENTION IWC BRIEF – VARIOUS DOCUMENTS

MS DAVIDSON: I tender volume 23.2 of the Corruption Prevention Inner West Council brief.

THE COMMISSIONER: 277.

20

#EXH-277 – PUBLIC INQUIRY BRIEF – VOL 23.2 CORRUPTION PREVENTION IWC BRIEF – ORGANISATIONAL CHANGE

MS DAVIDSON: I tender volume 23.3 of the Corruption Prevention Inner West Council brief.

THE COMMISSIONER: 278.

30

#EXH-278 – PUBLIC INQUIRY BRIEF – VOL 23.3 CORRUPTION PREVENTION IWC BRIEF – RECORDS OF INTERVIEW

MS DAVIDSON: I tender volume 23.4 of the Corruption Prevention Inner West Council brief.

THE COMMISSIONER: 279.

40

**#EXH-279 – PUBLIC INQUIRY BRIEF – VOL 23.4 CORRUPTION
PREVENTION IWC BRIEF – FURTHER VARIOUS DOCUMENTS**

MS DAVIDSON: I tender volume 23.5 of the Corruption Prevention Inner
West Council brief.

THE COMMISSIONER: 280.

10

**#EXH-280 – PUBLIC INQUIRY BRIEF – VOL 23.5 CORRUPTION
PREVENTION IWC BRIEF – FURTHER VARIOUS DOCUMENTS**

MS DAVIDSON: I tender volume 24.1 of the Innocon brief.

THE COMMISSIONER: 281.

20 **#EXH-281 – PUBLIC INQUIRY BRIEF – VOL 24.1 INNOCON
BRIEF**

MS DAVIDSON: I tender volume 24.2 of the Innocon brief.

THE COMMISSIONER: 282.

30 **#EXH-282 – PUBLIC INQUIRY BRIEF – VOL 24.2 INNOCON
FINANCIAL BRIEF**

MS DAVIDSON: I tender volume 26.1 of the Maize brief.

THE COMMISSIONER: 283.

40 **#EXH-283 – PUBLIC INQUIRY BRIEF – VOL 26.1 MAIZE BRIEF**

MS DAVIDSON: Thank you, Chief Commissioner. That concludes the tender. I would ask, given the need to continue inquiries in relation to the recent production of documents by Downer that the public inquiry be adjourned to Monday 10 May. I withdraw that. Monday 8 May.

THE COMMISSIONER: Yes, all right. The public inquiry will be adjourned until 8 May 2023 at 10am.

MS DAVIDSON: May it please the Commission.

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THE COMMISSIONER: The Commission will adjourn.

AT 12.53PM THE MATTER WAS ADJOURNED ACCORDINGLY
[12.53pm]