

INDEPENDENT COMMISSION AGAINST CORRUPTION

**RECORD OF INTERVIEW BETWEEN INVESTIGATOR [REDACTED] AND
ANDREW BEDWANI AT 39 DELHI ROAD NORTH RYDE, ON MONDAY 31ST
5 OCTOBER 2022**

TIME: 10.20AM

**PRESENT: [REDACTED] INVESTIGATOR, ICAC
[REDACTED] ASSISTANT INVESTIGATOR, ICAC
10 ANDREW BEDWANI
SHAUN BAILEY**

[REDACTED] Electronically recorded record of interview between [REDACTED] from the
Independent Commission Against Corruption and Mr Andrew Bedwani at
15 39 Delhi Road, North Ryde, Sydney on Monday 31st of October 2022.
The time now is 10.20am. Also present in the room is?

BEDWANI: Andrew Bedwani.

[REDACTED] And Mr - Andrew can I just get you to spell your surname and provide
your date of birth and residential address?

20 BEDWANI: Sure, it's [spelt] B-E-D-W-A-N-I. The date of birth is the [REDACTED]
[REDACTED] 1977. And my residential address is number [REDACTED]
Rydalmere.

[REDACTED] Okay, also present in the interview room here at Downer Corporate
Building is?

25 [REDACTED] [REDACTED] [spelt] [REDACTED].

[REDACTED] And [REDACTED] is an Investigator at the Independent Commission Against
Corruption. Also present in the interview room is?

BAILEY: Shaun Bailey a Solicitor from Ingenium Legal.

[REDACTED] Thank you Mr Bailey, and you're here representing Mr Bedwani?

30 BAILEY: Correct.

[REDACTED] Thank you. Mr Bedwani do you agree - do you agree sorry that prior to
the commencement of this interview I basically outlined the processes,
um, and why myself and my colleague are here this morning?

BEDWANI: Yes, I agree.

[REDACTED] Has any, has any threat, promise or inducement been held to you to participate in this interview this morning?

BEDWANI: No.

5 [REDACTED] Have you, are you here on a voluntary basis?

BEDWANI: I am yes.

[REDACTED] As – as I indicated to you Mr Bedwani that, um, I don't intend to administer a criminal caution, um, to you, um, at this time and do you understand that?

10 BEDWANI: Yes.

[REDACTED] You know you also agree that I said to that if I believe that you had answered a question that I felt compelled that I had to for your own protection administer that caution I would do so?

BEDWANI: Yes.

15 [REDACTED] Okay. Mr Bedwani can you, I will just get you to, um, for a better word, can you outline what you do here at Downer? What is your position?

BEDWANI: Sure, can I just sorry before we -

[REDACTED] Sure, absolutely.

20 BEDWANI: - get into the questioning, just wanted to let you both know, I am under a confidentiality with Downer so there's certain questions that I just need to make sure that I'm not in breach of my confidentiality.

[REDACTED] Sure.

BEDWANI: And we may need to just refer those questions to, um, Downer legal to get approval -

25 [REDACTED] Okay -

BEDWANI: - to answer those questions.

[REDACTED] Yeah, that's okay, yeah, I understand that you've been given certain advice by your sitting counsel.

BEDWANI: So, we did try and seek a clearance but because we didn't know the content of this interview -

[REDACTED] Sure.

5 BEDWANI: - they were unable to give a, to give me a blanket approval. So if there is any questions like that, I will probably just have to defer those questions, see if we can get approval today and then respond to them appropriately?

[REDACTED] Sure. What we - we would probably say that we could say almost questions on notice?

BEDWANI: Yeah, that's fine, yeah, sure.

10 [REDACTED] Sure, okay. [inaudible] okay sorry. Mr Bedwani, can I ask you what your position here is at Downer?

BEDWANI: So, my position is a Senior Project Manager, um, -

[REDACTED] Okay.

BEDWANI: - acting in the capacity of a Project Director.

15 [REDACTED] Sure, okay. How long have you been employed by Downer?

BEDWANI: Six years.

[REDACTED] Six years?

BEDWANI: Just over six years.

20 [REDACTED] Okay. Can I, um, could you provide for me your, um, your work experience, your work history?

BEDWANI: Prior to Downer?

[REDACTED] Yeah, Prior to Downer, yes.

25 BEDWANI: Okay. So prior to Downer I worked in the building construction industry for probably three years as a site engineer, um, I then joined Arenco in New South Wales as a Project Engineer.

[REDACTED] This is working backwards, where going from the Royal Commission back?

BEDWANI: From the start – from the start of my career up to present.

██████████ Okay, sure.

BEDWANI: So, I was with Arengo for a year as a Project Engineer and I was promoted to a Project Manager. I worked with Arengo for six years as a Project Manager, um, I then moved on to, um, Abbey Group for a period of six months, after which they were procured by LandLease. I left the organisation, um, I joined a company called Hewitt Civil, um, I was there for nine months, they went into administration and then I joined Downer. I was actually working for Downer for two years on contract and then a further six years as a full-time employee.

10 ██████████ Can I just get some, um, you mentioned that you were, you worked on the Building Construction Commission, is that right?

BEDWANI: Not Commission, no I was working in – in building -

██████████ In building, sorry -

BEDWANI: - or building in residential [inaudible] residential.

15 ██████████ - okay that was my misinterpretation, sorry, okay. Mr Bedwani can you, um, outline your, um, academic qualifications?

BEDWANI: Yeah, I've got a Degree in Civil Engineering.

██████████ And you completed that at which university?

BEDWANI: University of Western Sydney.

20 ██████████ And just what year?

BEDWANI: 2000.

██████████ If you can remember?

BEDWANI: 2000, yeah.

25 ██████████ 2000 okay. Mr Bedwani can you, um, provide me with a, um, with your – with your role here at Downer, what sort of scope of work that you undertake?

BEDWANI: Okay, um, so obviously quite a broad remit. I manage a team, there is between you know 40 to 60 people depending on the size of the project. I have a various discipline leads that report indirectly into me as part of the delivery of the project, um, so commercial management, sub-contractor management, obviously resource management, procurement, HR,

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onboarding of staff, um, managed the commercials, managed the program, financial reporting, um, client liaison you know the stakeholder management that's you know general that general scope.

5 [REDACTED] Okay. Can you just touch on the, Mr Bedwani, in response to my question, um, could you, um, just provide a bit more context about your responsibilities as a Senior Project Manager here at Downer?

BEDWANI: Yes, so I'm obviously responsible for the overall – overall delivery of the project to maintain a good client relationships, to mentor and – and guide my team to provide advice, provide direction, um, and obviously the financial outcome of the project.

10 [REDACTED] Okay, um, would that include, um, can you tell me about your -your responsibility in – in - in the context of – of budget on projects?

BEDWANI: Okay. So, as the Project Director or the Senior Project Manager, I'm responsible for a delivery of the project within budget, um, so there's various, um, ways in which we do that through forecasting, forecast reviews through a procurement processes, um, management of – of costs, um, [pause] so yeah, overall – overall responsibility to deliver within – within budget. So, the budget I suppose is mine and that – that I'm accountable for it.

20 [REDACTED] Okay, um, is part of your role as the Senior Project Manager, um, if they, if you're managing a specific project are you responsible for the entire project manager, sorry project management of that project to – to deliver on time and within budget?

BEDWANI: No, so obviously I have a team that reports to me, um, generally I manage a program of works and under which I will have teams delivering individual components that report up to me. So, they will be responsible for their own budget within that project, um, but obviously within delegations of authority and then the overall, um, program delivery, um, I'm responsible for.

30 [REDACTED] Could you just expand on – on those on the terms that you manage? What – what do they do and – and how do they report up to you?

BEDWANI: Okay. So, each Project Manager has a site team, so like Engineers, Supervisors, um, Site Engineers whatever it may be, site admins that report to them directly, um, and then that Project Manager would report to me. So they would have their project budget which they are accountable

for within their delegation, aah, they would then have forecasts, budget reviews whatever else conducted with me and then I would do the same thing with, um, the project board.

5 [REDACTED] Okay, um, [pause] Mr Bedwani can you, um, provide, um, some context for me and – and I will use that phrase context, um, throughout our probably our conversation this morning. What happens when a – a variation is required in relation to costing on – on a project that you’ve managed? What’s the process?

10 BEDWANI Okay, so again depending on how the - the variation was initiated whether it was a client requested variation or whether it was a change on site, um, there’s a different process. If it was a client generated variation, they would issue us with a variation request. We would then price the variation, we would go back to the client with an indication of what that price and in the impact of the program was, it would then be approved, 15 and we would execute the – the variation on site. If it was a change in scope or, um, an omission of scope or some a condition that change within site that would then be generated from the site to the relevant Project Manager, um, if it was within their delegation of authority, ordinarily, they would negotiate and approve it at site level, um, however I would be 20 aware in general of – of the majority of variations, final approval would have to come through me.

[REDACTED] Okay.

25 BEDWANI: So, there would be a notification of – of change, um, whether it was requested by Downer or whether it was a subcontractor-initiated change, um, it would then go through a similar process. It would either be quoted as a lump sum, signed off and variation orders issued, or it would be claimed as a variation by the sub-contractor reviewed by the Project Manager, if it was within their delegation they would approve it, if it wasn’t it would come up to me for review and approval.

30 [REDACTED] Okay..[pause] within your role do you, um, do you address, um, [pause] how – how, how would you address defects in – in – in – in projects, is -is that part of your role as a Senior Project Manager, or does that then -

BEDWANI: No.

[REDACTED] - go to another person?

BEDWANI: That would be managed within the project team and, um, with the assistance of the quality team.

██████████ Okay so when a project is, um, awarded to – to Downer -

BEDWANI: Yes.

5 ██████████ - um, are you involved at your level in the costings of that project or has that already been delivered or – or, um, has that already been undertaken prior to the delivery to Downer?

10 BEDWANI: It depends on the project so in some instances where the delivery team is available they would be involved with the pricing, um, in other instances they're obviously delivering projects, um, so there is an estimated team that would tender on that job and then the – the project team would be, um, basically hand it over that –

██████████ Okay.

BEDWANI: - that tender to deliver.

15 ██████████ Have you been involved in the, in that part of the business in the tendering and the costing of the projects?

BEDWANI: Yes, I have.

██████████ Can you explain to me how a project is costed, in – in – in layman's terms if you can?

20 BEDWANI: Sure.

██████████ Or if you?

25 BEDWANI: So generally we would be given a tender package with a scope of works with certain deliverables, um, priced and non-priced deliverables. If we had the in-house expertise, we normally get a – a quantity surveyor or an estimator to price certain elements of the scope. Where there's specialised services, electrical services, high voltage stuff that we don't have, um, the knowledge within Downer to price we would then go to the market for market pricing. That whole price would then be reviewed and compiled, um, by the estimator and then reviewed by, um, whoever is involved with you know that, with that tender.

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██████████ Okay, um, and if, and – and during that process if there were variations to the, to that, um, scope of works -

BEDWANI: Yes.

█ um, did you, as a Senior Project Manager, would you have the final say on
- on the – on the costings?

BEDWANI: through the tender process?

5 █ Through the tender process?

BEDWANI: Um, so when you say variations of this be like a - a change in?

█ Possibly a possibly a change in – in -

BEDWANI: So normally during the tender -

█ - whether it be design or?

10 BEDWANI: - sorry just to clarify this is Downer tendering for a project -

█ Okay.

BEDWANI: - we haven't been awarded?

█ No, that's that that's right yes.

15 BEDWANI: Okay. So in that circumstance the client would ordinarily issue an
addendum, um, or there would be an RFI process that outlined the change.
The client would then confirm whether that change was required, if not
then it would be excluded, if there was an addendum to the scope then we
would price it accordingly. So I wouldn't have a say in whether that price
-

20 █ Okay.

BEDWANI: - was included or not, it was its – it's directed by the client.

█ Sure, um, it may be a case that during the interview I might double up on
– on questions -

BEDWANI: Yeah, that's fine.

25 █ - which you've already answered and so just because, um, I've, where just
trying to get understanding of - of it's a fairly complex –

BEDWANI: Sure.

█ - process which is probably not so complex in your mind but -

BEDWANI: No that's fine.

██████████ - to a lay person like myself were trying to just understand that how it all fits in - in this – in this process.

BEDWANI: Yes.

5 ██████████ Um, so when Dow - Downer is, receives a – a package or scope of works, um, and there's variations that are – that are required and – and if it's a financial requirement that the package needs to be, um, more funding more, it's not [inaudible], it will cost more money than initially first budgeted for. Whose responsibility is it to – to authorise that – that
10 increase in expenditure?

BEDWANI: Sorry increase in expenditure for?

██████████ To complete the [pro] to complete that – that a that project that has been awarded?

BEDWANI: So, this is post award?

15 ██████████ Post award, yes.

BEDWANI: So, the project's been awarded?

██████████ Awarded, yes.

BEDWANI: And then there's a variation directed?

20 ██████████ Yes directed you've [inaudible], somethings happened and you realise that the scope of works to be concluded hasn't been priced correctly and there's going to be more money that's required to complete it. Who has -

BEDWANI: Okay so if.

██████████ - did you have that financial delegation to approve it?

BEDWANI: Again it depends on, um, the value of that change.

25 ██████████ Sure.

BEDWANI: Um, so there is a delegation of authority that, you know each person within the business has, um, and there is a review process and a – and a sign off, um, relevant to the – the value of the variation or the – the value of the change.

█ Like -

BEDWANI: Sometimes it would sit with the Project Manager, sometimes it would sit with me, sometimes it would go to the Operations Manager or even the GM. It depends on the size of the variation.

5 █ Yeah. In – in your own – in your own opinion what would cause projects to blow out in – in – in – in cost to delivery?

10 BEDWANI: Ah, there is obviously a number of factors, um, there's scope, change, um, incorrectly priced or identified change. There's – there's latent conditions, um, there's program impacts whether there's acceleration or whether there's been impacts through weather or through other, um, means beyond our control that will require additional effort to get back on – on target and then there's probably the – the next big thing is the quality management defects and – and you know poor delivery, um.

15 █ Yeah, um, it and I would imagine that this would be common in most packages that are in – in – in your work environment for different companies that do this sort of work that there is -

BEDWANI: They're all common issues -

█ - common issues that.

BEDWANI: - that's just how there dealt with and how there managed, yeah.

20 █ Yeah. [pause] So should it be the - the occasion or necessity that price that more money is required, do you at – at your level do you have the authority to sign off on the – on the expenditure required, or does that have to be further approved by someone in a higher position within the Downer organisation?

25 BEDWANI: So, again depending on, um, the value of that change, um, there's approval required by the Board, um, so any - you know any variant, variants within a the budget would need to be approved. There is often contingencies that are held either by the Project Director or by the Project Board and again depending on the value of that change if it's within my variation if it's within my delegation of authority and it's within my contingency then I can approve that change. If it's a larger change then that would have to be taken up to the Board by myself, and during our Board Meetings we would request that additional funding or release of contingency to cover that change.

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██████████ What – what at your position here at Downer, what is your financial, um, delegation, what’s – what’s the cap price wise?

BEDWANI: For, um?

██████████ For approving further expenditure on projects?

5 BEDWANI: Twenty thousand dollars.

██████████ So, anything above twenty thousand has to be reported to the Board?

BEDWANI: Correct, yeah.

██████████ Okay, so obviously anything exceeding, um?

10 BEDWANI: So, any – any fluctuation greater than twenty thousand dollars, whether it’s positive or negative it needs to be, um, -

██████████ Needs to be reported?

BEDWANI: - reported to the Board, yeah.

██████████ Okay, okay. Mr Bedwani have you – have you worked with Transport NSW on Infrastructure Projects?

15 BEDWANI: Yes, I have.

██████████ In your time here at – at Downer?

BEDWANI: Yes correct, yes.

20 ██████████ Okay, um, if I [pause] run through a number of, um, Transport programs, if you can indicate if you’ve had some capacity of on working or not working on them and then we can, I can then expand some questions on individual packages that I – that I nominate?

BEDWANI: Sure.

25 ██████████ Um, and if there there’s some other packages which I [pause] may not have included, I will ask you to – to say, um, or I will ask you, have you worked on [other] additional packages that I may not be aware of.

Have you worked at on projects at Toongabbie?

BEDWANI: Yes.

██████████ At Homebush?

BEDWANI: No.

[REDACTED] Sydney Trains?

BEDWANI: Sydney Trains what sorry?

[REDACTED] On the new -the new Light Rail Network?

5 BEDWANI: No.

[REDACTED] Harris Park?

BEDWANI: No.

[REDACTED] Um.

10 BEDWANI: Sorry when you say have I worked on, I did cover for the Project Manager on that project for two weeks.

[REDACTED] Okay, I – I – I will just ask a couple of questions about that [fine] -

BEDWANI: That's fine.

[REDACTED] Okay, thank you. Panania?

BEDWANI: No.

15 [REDACTED] Wollstonecraft?

BEDWANI: I was the Project Director on that.

[REDACTED] Okay. Glenbrook?

BEDWANI: Yes.

20 [REDACTED] Okay, are there some other, um, projects or tenders that I may not have mentioned that you have worked on at - at Downer -

BEDWANI: Yes.

[REDACTED] - in conjunction with Transport for NSW?

BEDWANI: Yes.

[REDACTED] Could you just outline them for me?

BEDWANI: Yeah, so, um, so the second tranche of TAP which Glenbrook, Wollstonecraft, sorry Glenbrook, Kingswood, um, Hazelbrook and North Strathfield were part of that tranche of works.

[REDACTED] Okay.

5 BEDWANI: Brookvale Pedestrian Bridge was part of that tranche of works and I was a Project Director on that tranche. Wollstonecraft was part of the next tranche which also included Birrong Station, um, Banksia Station, Roseville Station [Birrong/Banksia/Wollstonecraft/Roseville, is that five
10 Birrong/Banksia/Wollstonecraft/Roseville], who am I missing [pause] and Canley Vale Station.

[REDACTED] Okay, okay.

BEDWANI: I was part of that tranche and again I was the Project Director on that program of works, and I was also involved with the New Intercity Fleet, um, SSEW it's called Station Signalling Enabling Works -

15 [REDACTED] Okay.

BEDWANI: - I was involved with that program of works as well.

[REDACTED] Okay. With those projects that we, I have identified and that you've also assisted in – in nominating -

BEDWANI: Yes.

20 [REDACTED] - Toongabbie. What was your role at Toongabbie?

BEDWANI: I was a Project Manager.

[REDACTED] Project Manager, okay. At Homebush?

BEDWANI: Homebush, I wasn't –

[REDACTED] Wasn't.

25 BEDWANI: - involved with.

[REDACTED] I think we said Sydney Trains or the – the new fleet system, you said that you didn't work, that's correct?

BEDWANI: That's correct, yes.

[REDACTED] Harris Park?

BEDWANI: Harris Park, um, I was overseeing that project for probably about two or three weeks while the Project Manager was on annual leave.

[REDACTED] Okay. I think you said Panania?

BEDWANI: I wasn't involved with.

5 [REDACTED] Um, Canley Vale?

BEDWANI: Canley Vale I was a Project Director.

[REDACTED] Project Director. Glenbrook?

BEDWANI: Project Director.

[REDACTED] [pause] Wollstonecraft?

10 BEDWANI: Project Director.

[REDACTED] Kingswood?

BEDWANI: Project Director.

[REDACTED] Project Director. [Have I missed one there? Which one have I?]

[REDACTED] There's like Birrong and Banksia.

15 [REDACTED] Birrong?

BEDWANI: Birrong I was Project Director, and Banksia I was Project Director.

[REDACTED] Banksia?

BEDWANI: Project Director.

[REDACTED] Yeah.

20 [REDACTED] And Rosehill.

[REDACTED] And Rosehill?

BEDWANI: and yeah, not Rosehill, Roseville.

[REDACTED] Roseville.

25 [REDACTED] Sorry Roseville sorry, okay. That's a fair that's a lot of packages that you've worked on?

BEDWANI: Yes, yeah –

[REDACTED] Yeah.

BEDWANI: - yeah.

5 [REDACTED] Tell me on, what can you tell me, who did you work with from, um, at the Glenbrook project, um, at when you as the Project Manager for Downer? Who did you work with?

BEDWANI: Who did I work with?

[REDACTED] With - with, um, who was your equal at -at Transport for NSW?

BEDWANI: Okay, so initially on that, um, program it was Nadine Bourezg -

10 [REDACTED] Mm hm.

BEDWANI: - and then subsequently Con Kouparitsas.

[REDACTED] Mm hm. What about people from within Downer itself, um, other Project Managers -

BEDWANI: Okay.

15 [REDACTED] - who you would have managed?

BEDWANI: So the delivery team on Glenbrook specifically?

[REDACTED] Yes.

BEDWANI: Um, so there was a Project Manager, um, there was Site Manager.

[REDACTED] And who was the Project Manager if you can just run me through?

20 BEDWANI: So, the Project Manager was Andrew Gayed.

[REDACTED] Okay.

25 BEDWANI: The Site Supervisor was Ross Dean. The Engineer on that job was Ryan Camilleri and [who was the project engineer] Owell maybe Owell Malabran, um, that was the - the direct delivery team and then obviously I had my commercial team, um, my planning team, zero harm, enviro, um, comms.

[REDACTED] Okay, um, and can you just tell me Mr Bedwani the Glenbrook project what, um, what time period, um, did that, um -

BEDWANI: Okay, what type, when was I working on it?

[REDACTED] - yeah, when were you working [inaudible]?

BEDWANI: So I actually came into the that tranche, um, late so I was working on the New Intercity Fleet, um, when that tranche was awarded. There was another, um -

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[REDACTED] What – what, sorry what – what time as in what years, um, and if you – if you can remember?

BEDWANI: [pause] I think I came onto the job and [was it 2020 or 21], around March April maybe 2020.

10

[REDACTED] Okay.

BEDWANI: I think it's a fair stretch now.

[REDACTED] Okay, sure. How – how long where you, um, how long did you work, um, on that Glenbrook project for?

BEDWANI: Um, for the duration or from for the – for the -

15

[REDACTED] Until it was completed?

BEDWANI: - remainder of the duration, yeah.

[REDACTED] Do you remember when it was completed?

BEDWANI: [pause] No. [pause] No I can't sorry, I can't remember, -

[REDACTED] Okay.

20

BEDWANI: - I can't recall.

[REDACTED] Sure. [pause] With – with Glenbrook, um, was any labour hire, um, companies, um, hired for those specific reasons, just for – for – for labour?

BEDWANI: Yes, that there was, yeah.

[REDACTED] Do you know which company was used?

25

BEDWANI: [pause] Um, [pause] no I can't recall the name.

[REDACTED] Okay. When labour hire companies, [what] when labour hire was – was necessary -

BEDWANI: Yes.

[REDACTED] - um, whose responsibility was it to outsource or to source that – that, um, part of the – the – the package?

5 BEDWANI: Okay, so the, there's, there was a process in – in place for engagement of all, um, the suppliers of subcontractors, um, unfortunately when I came onto the job at the time that it hadn't been followed strictly.

[REDACTED] Is that – is that in a - is that a tendering process?

10 BEDWANI: It's a tendering process, yes, so there's a Downer process that's required within Downer but because of the nature of the contract it's a, it was a Managing Contract, um, and so the process required Downer to nominate the potential subcontractors of suppliers. Transport for NSW would then approve that list of tenderers, we would then go to the market get pricing and then go back to Transport with a recommendation. For labour hire and certain elements of work because it was difficult to source, um,
15 resources from one organisation or from one supplier, a for that process we actually had a panel, so we would go to the market we would get competitive tenders and then we would engage multiple suppliers and the intent was for you to go to the first person on the panel. If they couldn't supply those resources you would go to the second or third, um, to ensure
20 that we had adequate resourcing on them.

[REDACTED] Okay.

BEDWANI: Because it was you know five jobs that we're delivering at once.

[REDACTED] Yes, okay, so in that, with that process, um, did you have a - a - a voice, or
25 a, um, did you have, or [do] did you direct a certain labour hire company to be awarded a contract?

30 BEDWANI: No, so I would never direct anyone, um, as I, um, advised earlier that process hadn't been strictly followed when I come onto the job and so myself and the commercial manager actually went through quite a tedious task of retrospectively going back and getting all the approvals in place, getting all the contracts set up correctly, um, but with all of those contracts and with any tender, um, it's based on, um, a number of criteria so it's not that I direct use this person or use that person, it's a tender process, there's an assessment criteria, um, each person gets awarded, um, the score is based on price and non-price elements and then a recommendation is put
35 forward based on, um, on that information.

██████████ Okay. Who was, you mentioned, um, you – you had a commercial manager that assisted you in – in identifying this problem with -with tenders and retrospectively, um, [pause] addressing the issue -

BEDWANI: Yes.

5 ██████████ - who was the Commercial Manager?

BEDWANI: He is Amit Patel.

██████████ Amit Patel?

BEDWANI: Yes.

10 ██████████ Okay. Um, and what was the for a better word the anomaly that you – that you had identified in this process?

BEDWANI: So none of the, um, none of the I suppose the recommendations, um, had been put forward for approval, so none of the subcontractors were, um, nominated for tender to start with. So there's a letter that goes out to the client that says we want to go to these many people for a pricing, that process hadn't been followed and then the recommendation for award hadn't been followed either, so we retrospectively went back and, um, submitted those I suppose, those formal letters for, um, approval.

15

██████████ Okay, um, and [I mean] we're still talking about Glenbrook at this stage.

BEDWANI: Sure.

20 ██████████ Um, um, [long pause] when you've had a little bit of time to think, [you] can you think of any of the labour – labour hire company that you may have used or that was used on this project that, um, that was there on – on your upon your arrival?

BEDWANI: I know who it was, [I just] the name just won't come to me.

25 ██████████ Yeah okay, and it - and it may come to you later on.

BEDWANI: Yeah, yeah, yeah.

██████████ And that's fine, I'm just, um. Was it a company called, um, Indigeco?

BEDWANI: Indigeco was used. I think that they came on board a little bit later on.

██████████ Later on, but they, were they the company that were to your best of your memory, were they the labour hire company that was there when you took over the – the Glenbrook project -

BEDWANI: Yes.

5 ██████████ - as a Senior Project Manager?

BEDWANI: Yes correct.

██████████ 31.19 Okay, um, and this was the company that you – that you identified that hadn't followed the correct process of being awarded that – that, um, that tender?

10 BEDWANI: No. So when I said that they hadn't followed the process, um, I - I can't comment whether they had followed the process or not. What I know is that Downer internally hadn't followed that procurement process –

██████████ Okay.

15 BEDWANI: - with Transport, so as far as I am aware, um, the tender packages were issued to the market and the pricing was received and the contracts were awarded -

██████████ Yeah.

BEDWANI: - correctly it's just that the formal process with Transport hadn't been followed.

20 ██████████ Okay. Who – who at Transport for NSW, whose responsibility, was it to - to your knowledge cause obviously you don't work for them, would - would have been responsible for that, um, awarding that tender?

BEDWANI: For awarding which tender?

██████████ The – the labour hire?

25 BEDWANI: So, they don't award any tenders.

██████████ Okay.

BEDWANI: Um, [It's prob] I know it's probably a bit complex, a bit convoluted.

██████████ And this [inaudible] it is a bit – bit complex.

BEDWANI: So, Transport doesn't award anything. They approve the recommendation.

██████████ They approve, sure.

BEDWANI: Or they come back with comments, um, because at the end of the day it's a Managing Contract and so basically we are spending their budget it's not like we get awarded lump sum it's basically, um, the - the model for deliveries is a little bit different. Every dollar we spend we need to seek approval from the client to spend that money so, um, in terms of the recommendations that would have been at the Project Director from Transport's side that would ultimately sign-off on the recommendation to say yes if you're approved to engage that subcontractor or that supplier and to use that, um, supplier based on the information that we've provided.

██████████ Okay.

BEDWANI: So it was basically a validation that the correct process had been used that they were – they were within the budget, so we had certain budgets for every element of work and we would need to demonstrate whether there was pain or gain, um, within that budget and then they would sign off the recommendation. So they weren't involved in the tender process at all, it's just the formal approval.

██████████ Okay. Would [pause] why was the, what – what did you notice [about], what did you notice was wrong with the – the procurement process for Indigeco being awarded the Glenbrook, um, tender?

BEDWANI: Again.

██████████ Cause you mention something about, um, entities being listed, um, one, two, three, four, if the first one couldn't do the work, the second one on the list will then be contacted and – and so forth?

BEDWANI: Yes, so that was the general thing, um, -

██████████ Okay.

BEDWANI: - often the guys would have resources from one organisation which were working well on – on the site and they had that sort of relationship with the resource they were good performers.

██████████ Yep.

BEDWANI: Whatever it was and so for consistency, um, they would use that labour hire organisation.

██████████ Okay.

BEDWANI: So often it was more than one labour hire organisation, and often different sites did you use different labour providers.

██████████ Sure, okay.

5 BEDWANI: Um, so again it was a common theme it wasn't an issue with one specific supplier or subcontractor, it was that - that formal approval process hadn't been followed, um, with the client and I suppose to my knowledge the reason it hadn't been followed was because the person looking after the job and a lot of the people delivering that particular tranche were new to the program they hadn't they weren't involved with the previous tranche and so that process probably was just unknown to them or wasn't, um, I suppose given a, given, um, the effort that it deserved.

10

██████████ Okay, um, alright. I'm going to take you to the Wollstonecraft package, the TAP Project.

15 BEDWANI: Yes.

██████████ When did you commence work on this package?

BEDWANI: So, I was involved with that from the beginning.

██████████ From the beginning?

BEDWANI: Of the project.

20 ██████████ What timeframe, what sort of year, start, finish?

BEDWANI: Um, so I was involved with the tender back in 2019, yes so may have been before that wouldn't it.

██████████ Okay.

25 BEDWANI: Um, so I was involved with the – the – the estimate and the, um, the price build up for that package of works and then involved with the delivery of that.

██████████ Okay. Um, who you - you mention some names previously, so who did you work with on the Wollstonecraft package [at] with Downer like Downer employees, which?

30 BEDWANI: Okay, so the – the Project Manager was Andrew Gayed on that job, um, we had a few new guys. We had Mostafa Mostafa was the engineer and,

um, 'who was their supervisor on that job' Mark, not Mark Tadic. I've forgotten his name as well now.

██████████ That's okay and it will come to you it's okay.

BEDWANI: Sorry

5 ██████████ It's okay.

BEDWANI: I'm drawing blanks everywhere today.

██████████ No that's fine, that's fine. Who else, can you remember any other who people obviously like your Project Managers and - and?

10 BEDWANI: Yeah so Andrew was the Project Manager, Andrew Gayed was the Project Manager, Mostafa was the Engineer, Ryan Camilleri was on that job for a short period of time, um, and then he resigned and went over to Haslin and he was replaced with another engineer.

██████████ Okay, um, okay it's just on almost 11.00 o'clock.

BEDWANI: Yeah.

15 ██████████ We will just take a quick break.

BEDWANI: Sure.

BAILEY: Yeah, sure.

██████████ So, that if anyone needs a drink, or bathroom we will do that. So the time is 11.57am, um, the interview will just be suspended for a short time.

20 BAILEY: 10.50.

██████████ 10.50 sorry, my mistake sorry.

25 ██████████ Resumption of interview between ██████████ and Andrew Bedwani. The time is 11.06 on Monday the 31st of October of 2022. Mr Bedwani I'm just going to pick up from where we left off on in relation to the, um, [Wollstone], have we touched on Wollstonecraft?

██████████ We just started.

██████████ Just started, hadn't we?

BEDWANI: Yes.

██████████ Okay. Was any labour hire company used on the Wollstonecraft project that you – that you can remember?

BEDWANI: Yes.

██████████ And which company was that?

5 BEDWANI: Indigeco.

██████████ Indigeco. [pause] In your position as the Senior Project Manager within Downer, did you have any communications with the people from Indigeco during this project?

BEDWANI: Yes.

10 ██████████ And who would have you spoken to from Indigeco?

BEDWANI: I would have spoken to Todd Mason and Greg Barnes.

██████████ And what was their positions or roles at Indigeco?

BEDWANI: So, they're Directors of the company.

██████████ Both people?

15 BEDWANI: Yes.

██████████ Okay, and what would you be speaking to them about, what was the context of that conversation or conversations?

20 BEDWANI: Generally about resourcing, the capacity to resource the job, um, and if there was any issues with performance on site or in resolving payment claims or anything of that nature.

██████████ Okay. [pause] Would you know, or could you tell me why Indigeco was awarded the labour hire contract at Wollstonecraft?

25 BEDWANI: They would have followed the procurement process and they would have been probably one of the most competitive tenderers and recommended for award.

██████████ And who, and you've said that Downer don't award?

BEDWANI: Downer does award.

- Downer so sorry, Downer does award, um, so who – who would have, on whose recommendation at Downer would have agreed that Indigeco be awarded that – that – that work?
- BEDWANI: It would have been the Project Manager.
- 5 [REDACTED] And who would that be?
- BEDWANI: Andrew Gayed.
- [REDACTED] Andrew Gayed, okay. Um, would you have known how much that scope of work or contract value that Indigeco had been awarded?
- BEDWANI: So, they, because they are on a schedule of rates, they don't actually get
10 awarded as specific value of scope.
- [REDACTED] Okay.
- BEDWANI: Um, but I would know roughly the budget that we had for labour hire.
- [REDACTED] Okay, and what - and what would have, and I appreciate that's a couple of years ago.
- 15 BEDWANI: Yeah.
- [REDACTED] That this particular project we're talking about which is Wollstonecraft. What was their value?
- BEDWANI: Look, I wouldn't be able tell you specifically what their value was but
20 generally for labour on a TAP project it's probably between two to four hundred grand, somewhere within that vicinity.
- [REDACTED] Okay, and if it were, if it is between say two hundred and four hundred thousand, if when the projects concluded and that and there's money that had been budgeted for labour hire that was not used, what happens to that money?
- 25 BEDWANI: So, on all of these programs of work like [inaudible] managing contracts so it's a pain gain model.
- [REDACTED] So, what does that mean?
- BEDWANI: So, that means that we have a target budget which is agreed with the client
30 prior to award, we then aim to deliver I suppose the project to that target, um, for any specific package, sorry it's the specific budgets for specific packages, but the pain gain is calculated on the net result, so if there is a

gain, so if we don't spend the budget, the client gets 75% of that, um, gain back and Downer gets.

██████████ So, it's reimbursement?

BEDWANI: It's – its, yeah, the – the client retains that I suppose –

5 ██████████ Okay.

BEDWANI: - we don't get paid that money.

██████████ Sure.

BEDWANI: The client retains that budget, and Downer as a business gets 25% of the gain.

10 ██████████ The gain, and what happens if it's the opposite way?

BEDWANI: It's the same so we – we incur 25% of the pain and the client incurs 75%.

██████████ Of it as well?

BEDWANI: Yeah, correct.

██████████ Okay.

15 BEDWANI: So they pay, so that if it's a ten dollars more they pay seven dollars fifty, we pay two dollars fifty.

██████████ Okay, okay. [pause] And is this pain gain is that a is that consistent across all projects for Downer?

20 BEDWANI: No, it's consistent across the TAP program of works, so it's a managing contract framework under which these projects were delivered.

██████████ Okay, and – and TAP is administered by Transport for NSW?

BEDWANI: Correct.

25 ██████████ Okay, okay. With Wollstonecraft [pause] okay I will just – I will just stop there. I'm going to direct you to another company. What is your knowledge of the company AVCO?

BEDWANI: Who sorry?

██████████ AVCO?

BEDWANI: Could you spell that sorry.

[REDACTED] Yes, absolutely [spelt] A-V-C-O.

BEDWANI: I don't know who they are at all. It's not ATCO, [spelt] A-T-C-O?

[REDACTED] Unless I've misspelt it.

5 BEDWANI: So ATCO provides sheds -

[REDACTED] I think it's - I think - I think it's AVCO -

BEDWANI: - portable buildings.

[REDACTED] - I think it's AVCO.

BEDWANI: [spelt] A-V.

10 [REDACTED] Yeah, I believe so.

BEDWANI: No, I don't know.

[REDACTED] Okay. We're aware - we're aware that AVCO have submitted an invoice to Downer for a storage of materials at a Rossmore property. Do you have any knowledge of this?

15 BEDWANI: No.

[REDACTED] Okay. I'm just going to show you an email. The email is dated Wednesday the 10th of June 2020, um, and I'm just going to ask you some questions and I'm going to show you the - the document.

BEDWANI: Sure, sure.

20 [REDACTED] And it's from Andrew Bedwani, at Andrew.Bedwani@downergroup.com and it is sent to Amit Patel also at the Downer Group.

BEDWANI: Yes.

[REDACTED] Um, what was Amit Patel's role at this time during this scope of works?

BEDWANI: Excuse me Amit was the Commercial Manager.

25 [REDACTED] Commercial Manager, okay.

[PAUSE]

BEDWANI: Are you okay?

[REDACTED] I'm – I'm also going to show just the another part of –

BEDWANI: Sure.

[REDACTED] - the second part of the other email?

BEDWANI: Yes sure, sure.

5 [REDACTED] And it's and I apologise at the, it's a further communication between yourself and Amit Patel dated the 30th of May 2020.

BEDWANI: Okay.

[REDACTED] Front page.

BEDWANI: Sure.

10 [REDACTED] Just if you can mark that one and today's date at the top?

[REDACTED] Mm hm.

[REDACTED] Sorry I'll – I'll just ask some further questions?

BEDWANI: Yeah, sure.

15 [REDACTED] When you've had a chance to just look at that first page, and then I will take you to the - the – the back page in a minute.

[PAUSE]

BEDWANI: Okay.

[REDACTED] Okay. Sign this?

BEDWANI: Sure.

20 [REDACTED] I will just take you to the front that front page. [pause] Now I'm going to take you back to this -

BEDWANI: Yeah sure.

25 [REDACTED] - this first email do you – do you have a, you've said to Amit "further to yesterday's email we are storing the following materials at AVCO's yards". And I will just get you to.

BEDWANI: So I – I haven't said that it was Andrew Gayed that said that.

5 [REDACTED] Sorry I apologise, um, that was my mistake, sorry. There's a number of, um, points that he says - all hoarding all from Glenbrook, chain fencing containers, stockpiles, hazards materials, [alkali] alkalize machine, scaffolding and ladders. What, um, what can you tell me about that context? Did Amit Patel speak to you about those concerns, about the materials being held at a property and being paid for?

BEDWANI: So, obviously, um, here Amit's brought this to my attention and I've said to my [inaudible] not that's not again that's not acceptable, it's not in line with -

10 [REDACTED] Okay.

BEDWANI: - our procurement processes and approval [proc] requirements.

[REDACTED] Yeah, okay. What can you tell me what took place after this had been raised to you by Amit Patel?

15 BEDWANI: Um, I'm honestly trying to remember the situation, ah, so as I - as I recall we had a discussion with Amit about Andrew not following the correct process and that, um, this shouldn't have happened without approval and we would need to seek approval from Transport for these costs, because like I advised earlier there was a process that we had to follow.

[REDACTED] Yes.

20 BEDWANI: It was their budget and we needed to get approval for spending any dollar on the job.

[REDACTED] Okay. [pause] I'm just going to take you back to.

[REDACTED] Can you just mark that number two for me.

[REDACTED] Yep.

25 [REDACTED] Okay.

[REDACTED] [pause] Do you remember the conversation that you had with Andrew in relation to this - this matter?

BEDWANI: No, I didn't have a conversation. I think Amit would have had a discussion with Andrew.

30 [REDACTED] Okay, okay. And just going to show you page, um, this is as you appreciate a [ch] a chain email, sorry from the 10th of June and it's

ongoing in relation to this issue. It – it still relates to the payment of some \$28 thousand which is, looks like it's been billed to Downer for the storage of this.

BEDWANI: Yes.

5 [REDACTED] These, um, these materials and so forth at a – a property at Rossmore, and you will see on the email chain it's from [Amil] Amit sorry Patel to Andrew Gayed and on the first page of the -of the email chain, um, you, it appears that you have been CCed into the email chain for your attention.

BEDWANI: Yes.

10 [REDACTED] I will just get you to have a look at that document.

BEDWANI: Sure.

[PAUSE]

[REDACTED] And I apologise we've spoken to a number of people during this inquiry and there's so many Andrews' -

15 BEDWANI: Sure, yeah that's fine, no that's fine.

[REDACTED] - and I do apologise for calling you Andrew Gayed.

BEDWANI: Okay. So, he's just confirming that we haven't got approval, um.

[REDACTED] For that, for the whole of that property order pay? Would that be [its] – would that be right that the?

20 BEDWANI: Yes, so we haven't got approval from the client to claim that a cost as a reimbursable cost and therefore if we were to pay it, it would come out of Downer's budget.

[REDACTED] Sure, okay. Do you know what – what was the end result of this \$28 thousand dollar –

25 BEDWANI: No.

[REDACTED] - invoice for a better word?

BEDWANI: No, I don't know.

[REDACTED] Okay.

[REDACTED] I will just mark that as number three, today's date please.

[REDACTED] Mm hm.

[REDACTED] Okay. [pause] Was this the first time, um, Mr Bedwani that you have made – made aware that there was, um, goods being stored at a property and - and Downer being issued an invoice to – to pay for these goods?

5 BEDWANI: Through this – this email, yes.

[REDACTED] Okay.

BEDWANI: Yeah.

[REDACTED] Do you know what, um, what did you do as - as the Senior Project Manager? What was your responsibilities on – on being notified about this, this unusual practice?

10 BEDWANI: So as indicated in the email, I'd -I'd expressed my concern that the process hadn't been followed, um, and I advised Amit that we needed to have a discussion with Andrew to – to make sure that, um, the proper processes were followed and that he couldn't just go and engage with any supplier or subcontractor or whoever it may be -

15 [REDACTED] Yeah.

BEDWANI: - without the necessary approval.

[REDACTED] And – and did you have or did you have a conversation, I just want to reconfirm, did you have a conversation with Andrew Gayed about this matter?

20 BEDWANI: No, I didn't, no. So generally Amit, as the Commercial Manager would have the discussions with the guys and then if it needed to be escalated, it would be escalated to me.

[REDACTED] Okay. [pause] And you're not sure what how this matter was [resolv] -

25 BEDWANI: No.

[REDACTED] - was resolved?

BEDWANI: I can't recall to be honest.

[REDACTED] Okay.

BEDWANI: From memory I don't think we paid the – the money, I - I remember having a conversation with Amit that we shouldn't pay it but I'm not, I honestly can't recall.

5 [REDACTED] Okay. If this was paid, would you have had to sign off on – on the authority to for the money to be paid, as your role as Senior Project Manager?

BEDWANI: It would still be within Andrew's delegation.

[REDACTED] It would be?

BEDWANI: Yes.

10 [REDACTED] And – and wouldn't be for you to authorise or as a Senior Project Manager who over sat Andrew?

BEDWANI: I would have to be informed that the payment was being made. So that again, that – that would be within his delegation.

[REDACTED] Okay.

15 BAILEY: That's Andrew Gayed.

[REDACTED] Gayed.

BEDWANI: Correct.

[REDACTED] Yep. [Pause] Could it be the fact that Andrew Gayed did pay this - this invoice, for this - for this cost?

20 BEDWANI: I couldn't comment on that, possibly.

[REDACTED] Possibly?

BEDWANI: He may have, yeah.

[REDACTED] Okay.

BEDWANI: He may have approved the payment.

25 [REDACTED] Sure. Had and if he did and this is a way of talking subjectively had – had he would Amit at all been aware of that payment?

BEDWANI: Yes.

██████████ Okay. But to the best of your knowledge, you're not aware that this [20] this outstanding invoice for 28 thousand was paid?

BEDWANI: Correct.

5 ██████████ Okay. [pause] Okay, um, Mr Bedwani I'm going to ask you a, your, if you know a number of people, and so I apologise. There are a number of people on my list that I will get you to either confirm that you know them or that you don't know them.

BEDWANI: Sure.

██████████ And then I will – I will expand on – on your responses.

10 BEDWANI: Sure.

██████████ And you touched on this first person so, um, that should be an easy lead in, um, Con Kouparitsas.

BEDWANI: Yes.

15 ██████████ Okay. So, what I will do is, I – I to make it easy will if you say you know, I will expand, if you don't know a person we will move on.

BEDWANI: Sure.

██████████ That makes it just that little bit easier. Who – who was Con Kouparitsas?

20 BEDWANI: So initially when I started working on TAP, Con was the Senior Project Manager on a number of the stations, I think it was Homebush and Panania.

██████████ Mm hm.

BEDWANI: Subsequently he was the – the client's reps delegate and then he was the client's rep.

25 ██████████ Okay. And who did he work for? Sorry, who did Con Kouparitsas work for?

BEDWANI: He worked for Transport for NSW.

██████████ And what was his position?

BEDWANI: Senior Project Manager.

- ██████████ Okay. And what was the context of your relationship with Con Kouparitsas?
- BEDWANI: Um, he was my counterpart, delivering TAPS, so he was a client's representative, so all formal correspondence –
- 5 ██████████ Okay.
- BEDWANI: - was directed to him.
- ██████████ Yeah, okay. Did you have regular communication with Mr Kouparitsas?
- BEDWANI: What do you mean regular?
- 10 ██████████ Oh regular communication, um, during the scope of works that you were managing?
- BEDWANI: Yes, yes.
- ██████████ Um, and what was the, and I – I'm not assuming what was the most common used form of communication that you spoke with him, email, phone?
- 15 BEDWANI: Probably phone.
- ██████████ Probably phone. Okay. And what projects -
- BEDWANI: Sorry –
- ██████████ Sorry.
- BEDWANI: - just to clarify are we talking about, um, formal communication or just casual catch ups, or?
- 20 ██████████ Oh, just of both actually, so would you have, if there was a – a work issue would it be email?
- BEDWANI: So, if it was a work issue it would generally be a phone call followed up by an email.
- 25 ██████████ Okay. So, what projects if any did you collaborate together on?
- BEDWANI: Um, so we were working together on Glenbrook, Hazelbrook, Kingswood and North Strathfield, and then briefly on Wollstonecraft, Roseville, Birrong and Banksia. He was involved with the – the initial tender process on those four.

- ██████████ Okay. Had you worked with, um, Con Kouparitsas, um, prior to being awarded the position of Senior Project Manager for Downer?
- BEDWANI: Prior to, not, I hadn't worked with him directly he was involved with TAP on Homebush and Panania.
- 5 ██████████ Okay.
- BEDWANI: So, I knew of him and we were in attendance of the same meetings, but we never worked directly together.
- ██████████ Okay. Did you have any personal grievances with Mr Con Kouparitsas?
- BEDWANI: Aah, no we used to catch up for a chat or for a coffee occasionally.
- 10 ██████████ Okay, um, Greg Barnes.
- BEDWANI: Yes.
- ██████████ How do you know Greg Barnes?
- BEDWANI: So, Greg actually employed me at Downer he, I used to report directly to Greg.
- 15 ██████████ Okay.
- BEDWANI: He was the Project Director on the initial tranche of TAP.
- ██████████ Mm hm. And what was his position at Downer at that time?
- BEDWANI: Aah, he was Senior Project Manager.
- ██████████ Okay. And what was the context of – of that relationship?
- 20 BEDWANI: What do you mean sorry?
- ██████████ A work and work wise when you first?
- BEDWANI: So, I reported to Greg.
- ██████████ To him, okay. [pause] Do you know what Greg Barnes does at the moment?
- 25 BEDWANI: Yeah, Greg Barnes left Downer and he is running his own business, so he's involved with Indigeco.
- ██████████ Okay. When did – when did Greg Barnes leave Downer?

BEDWANI: I think it was towards the end of 2018.

[REDACTED] Okay.

BEDWANI: But he was then consulting back into Downer for a period of time.

5 [REDACTED] Okay. [pause] What projects did you work with Greg Barnes on, the best you, just the best you can [inaudible]?

BEDWANI: Yeah sure. I worked with him on Toongabbie Station, um, -

[REDACTED] Mm hm.

BEDWANI: - and I worked with him on NIF for a period of time before we left.

[REDACTED] NIF is the?

10 BEDWANI: The New Intercity Fleet.

[REDACTED] New Intercity Fleet for trains, yes.

BEDWANI: Correct.

[REDACTED] Okay. Any personal grievances with Greg Barnes?

15 [REDACTED] Yeah, Greg and I get along quite well, and we sort of kept in touch after he left.

[REDACTED] Okay. Do you socialise with Greg Barnes at this – at this present point in time, outside of work?

BEDWANI: Only through work functions or work related get togethers.

20 [REDACTED] Okay. Would you socialise or do you have a social relationship with him or personal relationship outside of work?

BEDWANI: To some extent like we catch up occasionally just to see how he's going, how his business is going, and I will touch base with him every now and then just to see how things are going, if you know what his up to or did any new ventures, um, but yeah just an occasional phone call nothing more.

25 [REDACTED] Okay, um, did, was Greg Barnes in – was Greg Barnes working at Indigeco when they were awarded the Wollstonecraft tender?

BEDWANI: Yes, I believe so.

██████████ Did you have regular communication with him during that time?

BEDWANI: Yes, I would have the same communication as I do now.

██████████ Okay. Just a moment please.

BEDWANI: Sure.

5 [LONG PAUSE]

██████████ Okay. Do you know Priscilla Mason?

BEDWANI: Yes.

██████████ Okay, and where – where do you know Priscilla Mason from?

BEDWANI: So, Priscilla Mason is Todd's wife.

10 ██████████ Mm hm.

BEDWANI: Aah and she use to attend a site at North Eveleigh which is one of the jobs that I was delivering a while back. She used to come and, um, because Todd use to travel, um,

██████████ Yeah

15 BEDWANI: - from the Central Coast or from wherever he was -

██████████ Okay, yep.

BEDWANI: - so she was often with him on site and occasionally she just help cleaning up around the site, and that's when I first met Priscilla. She then worked with Downer as a Safety Administrator on a number of the projects.

20 ██████████ Okay. [pause] Do you know what Priscilla Mason who she works for at present?

BEDWANI: I believe she is a Director at Indigeco.

██████████ Okay. When she was at Downer what was her – what was her positional role?

25 BEDWANI: I think the official role was Safety Administrator?

██████████ Safety Administrator okay. What was – what was there - what was her conduct on site like, to your knowledge?

BEDWANI: Um, there was no issues with her conduct.

[REDACTED] Okay. And in context what was your relationship with her at Downer, did she report up to you or are you at the same level?

5 BEDWANI: No, she reported to the Zero Harm Adviser at the time, who reported to me.

[REDACTED] Okay, so you would sit over, you would supervise her, is that?

BEDWANI: Yeah, correct, indirectly.

[REDACTED] Indirectly, okay, um, and what projects did you – did you work together on?

10 BEDWANI: Toongabbie and North Eveleigh.

[REDACTED] Okay. Do you know when Priscilla Mason left Downer?

BEDWANI: I think it was around 2018.

[REDACTED] Okay. Did you have any personal grievances with Priscilla Mason?

BEDWANI: No.

15 [REDACTED] Okay. Do you have any social or do you socialise with Priscilla Mason outside of Downer, um, work functions?

BEDWANI: No.

[REDACTED] Okay. Do you know Todd Mason?

BEDWANI: Yes, I do.

20 [REDACTED] And how do you know Todd?

BEDWANI: Todd was my Supervisor at North Eveleigh -

[REDACTED] Okay.

BEDWANI: - and he was also involved at Homebush Station as the Supervisor.

[REDACTED] Okay, and which company did – did Todd Mason work for at this time?

25 BEDWANI: Indigeco.

[REDACTED] Sorry when he was the [Sup]?

BEDWANI: Aah, for Downer, sorry.

[REDACTED] He was at Downer, okay. and his – his official position or title was?

BEDWANI: Site Supervisor.

[REDACTED] Okay, and what do they do, or what was the?

5 BEDWANI: So, they manage the day to day running of the project and make sure, um, that the site is saved that the subcontractors are performing within Downer policies and procedures, um, that they're delivering the scope and on time and in a to a level of that's acceptable to the business.

[REDACTED] Okay, and the context of your relationship with Todd Mason?

10 BEDWANI: He use to report to me.

[REDACTED] Okay.

BEDWANI: And, on – on North Eveleigh problems.

[REDACTED] Okay, and what projects did you work together on?

BEDWANI: Just North Eveleigh.

15 [REDACTED] Just North Eveleigh, okay. Did you have any personal grievances with Todd?

BEDWANI: No.

[REDACTED] Okay. Do you – do you socialise with Todd outside of Downer at functions?

20 BEDWANI: No.

[REDACTED] Okay. Andrew Gayed?

BEDWANI: Yes, I know Andrew.

[REDACTED] Okay, um, how do you know Andrew?

BEDWANI: Andrew reported to me, um, on a number of occasions.

25 [REDACTED] Okay.

BEDWANI: So, he was a direct report.

[REDACTED] And the company which Andrew worked for at this time was Downer?

BEDWANI: Was Downer, correct.

[REDACTED] And his [pos] his sorry his position his official?

BEDWANI: He was a Project Manager.

5 [REDACTED] A Project Manager. And what projects did you work together with Andrew Gayed on?

BEDWANI: Glenbrook Station and Wollstonecraft Station.

[REDACTED] Okay, and the context of your work relationship, you were Senior Project Manager?

BEDWANI: Correct.

10 [REDACTED] How would you describe, um, Andrew Gayed, um, his, how he conduct himself at work?

BEDWANI: Andrew is always pretty professional, he did have a - a temper and there was often situations where there had been heated discussions between him, and the other member of the team or with the client.

15 [REDACTED] Okay. Um, did you have any personal grievances with Andrew Gayed?

BEDWANI: No.

[REDACTED] Okay. Did you work with Andrew Gayed when you were on contract role at Downer?

BEDWANI: No.

20 [REDACTED] Okay. Does Andrew Gayed still work for Downer?

BEDWANI: No, he doesn't.

[REDACTED] He's gone, okay. When did - when did Andrew Gayed leave Downer?

BEDWANI: He resigned [pause] 2019, sometime middle of -

[REDACTED] Okay.

25 BEDWANI: Middle of the year maybe, early start of the year.

[REDACTED] Okay. Do you know where he is working at the moment?

BEDWANI: I'm not sure. No.

██████████ Okay. When's the last time that you spoke with Andrew Gayed, or – or saw or saw him personally?

5 BEDWANI: At - when he resigned, he came to my office to advise me that he was going to resign. He then went on leave for a number of weeks. There was a few issues that we had, um, with particular scope of works on Wollstonecraft Station.

██████████ And what were they, what were the issues?

10 BEDWANI: So, there had been some variation to some electrical scope, it was unclear at the time what the subcontractor had allowed for in, um, in their submission, and so as part of the handover process I asked him if he could come to the

[RECORDING ENDS]

15 ██████████ Resumption of interview between ██████████ and Andrew Bedwani on Monday 31st of October 2022, it's almost 4 minutes past midday. Just for the integrity of the – of this record of interview, um, I've just had to change or activate my work iPhone to record the last part of our record of interview as my, um, handheld recorder has looks like the battery has expired, um, both Andrew and Shaun do you agree that I've – I've informed you –

20 BAILEY: Yes.

BEDWANI: Yes.

██████████ - at the start and also at just to prior the last recess that this process would probably be required due to the recording being or the recording device being expired by battery life?

25 BEDWANI: Yeah agree.

BAILEY: Agree.

██████████ Would you agree that I haven't asked any questions in relation to this record of interview prior to the resumption of this interview?

BAILEY: Yes.

30 BEDWANI: Yes, agree.

- 5 [REDACTED] Fantastic, okay. Just prior to, um, to our last recess, Andrew we've we asked you a number of questions in relation to your knowledge of people and their roles within different entities and projects on which you collaborated on. You - you've indicated that a number of persons, um, who were formally employed at Downer at – at different times and at different roles have resigned.
- BEDWANI: Correct.
- 10 [REDACTED] Are you, um, are you aware the circumstances of why these particular individuals resigned all within a certain looks like a close proximity of time in 2019?
- BEDWANI: Yeah, so at the time, um, the nature of the industry we had a lot of resignations it's you know it was a bit of attrition people looking for promotions, other opportunities, people cited personal reasons for leaving but it wasn't uncommon in the industry for – for that number of people to resign within a certain period. We had a similar situation probably twelve months prior with you know probably seven or eight employees leaving and going to almost the same organisations, so it does happen, yeah.
- 15 [REDACTED] Okay. Okay, Andrew, do you know what, um, APIC stands for [spelt] A-P-I-C?
- 20 BEDWANI: Yes, I do.
- [REDACTED] And what does that to your knowledge what does APIC the acronym?
- BEDWANI: What does it stand for ah I know what it implies [inaudible].
- [REDACTED] Or implies for a better word.
- BEDWANI: Yeah, so it's the Indigenous targets or Indigenous spend required or prescribed on a project.
- 25 [REDACTED] Okay. How does that and how does this and it's actually referred to as the, um, legislated as the Aboriginal participation in construction.
- BEDWANI: Yes.
- [REDACTED] So how does this affect the construction industry?
- 30 BEDWANI: So certain contracts have other mandatory or – they're all mandatory at the moment now but initially a target, um, spend.

- ██████████ Mm hm.
- BEDWANI: But more recently a mandated spend and its percentage of the overall contract value that must be spent on Aboriginal participation within the delivery of that project.
- 5 ██████████ Okay, sure, okay.
- ██████████ ██████████ was just going to ask you some questions?
- BEDWANI: Sure.
- ██████████ Just going back to Indigeco, um, what is your knowledge of this company?
- 10 ██████████ Just we're just rehashing,
- BEDWANI: Yeah, yeah sure.
- ██████████ Just some, just to get, where just trying to gain some further clarity -
- BEDWANI: Sure.
- ██████████ - on – on Indigeco.
- 15 BEDWANI: So Indigeco provides the labour – labour hire service and worksite protection service.
- ██████████ Okay.
- ██████████ Had Indigeco been used on any projects?
- BEDWANI: Yes, they have.
- 20 ██████████ Which ones, to your knowledge?
- BEDWANI: On Kingswood, on Glenbrook, North Strathfield, Hazelbrook, Wollstonecraft, Roseville, Banksia, Birrong and Canley Vale I believe.
- ██████████ Andrew I'm going to show you an email, it's dated the 25th of June 2019, it's a chain email.
- 25 BEDWANI: Sure.
- ██████████ And the first email, we will mark a number four. [pause] And it's, you've sent this email and it's email from Andrew Bedwani at Downer Group to Kevin Watters at Downer Group and there's a number of other persons

including Amit Patel, Scott Hammond who have been copied into the email.

BEDWANI: Sure.

5

██████████ I will just get you to read, um, the chain of email which goes on to the second page.

BEDWANI: Sure.

[PAUSE]

BEDWANI: Okay.

10

██████████ Can you Andrew have a look at the – the second page also?

[PAUSE]

BEDWANI: Okay.

██████████ Okay, yeah sure thing.

[PAUSE]

15

██████████ Thank you.

██████████ In relation to this – this email, um, what – what can you tell me is the context around the email chain with you and – and Kevin Watters initially in relation to Indigeco?

20

BEDWANI: Okay, so um, Indigeco at the time had only recently been established, um, initially because Greg had left the business and established his own business.

██████████ That's Greg Barnes?

25

BEDWANI: Greg Barnes sorry. There was discussions with the GM around whether we were okay to use them as a service provider, obviously without wanting to discriminate against them because they were an organisation that provided a service that had been approved by the client so – so we needed to give them the opportunity to price, um, but within what I considered to be an acceptable capacity, so obviously there was an established business and I needed to make sure that they had the financial capacity to support works that we were delivering.

30

██████████ Okay.

██████████ So, with Indigeco, how are their invoices paid?

BEDWANI: What do you mean sorry?

██████████ Would you approve the invoices or who reviews them?

5 BEDWANI: It depends on the nature of the work that they are doing, so for argument sake I can give you an example and perhaps that will answer your question. If they're providing a labour hire service they will provide a – a docket a signed docket at the end of each shift. That docket would then be uploaded into our payroll, our accounting system. And so the way that it works within the business, if the docket has been signed off and it matches the invoice, then that would be sent for payment directly. If there was a discrepancy within the invoice, um, it would be reviewed and the project manager would then sign off on that invoice.

10

██████████ Okay. I'm just going to show you an email. It's dated the 29th of January 2019. It's from Greg Barnes, it looks like it's from a messaging service at [post.xero] as in [spelt] x-e-r-o.com, I'm not sure who owns that – that server, and it's sent to supplier only at Downer Group, also Andrew Bedwani at Downer Group on the 29th of January 2019, and it is for an invoice for the amount of \$1,848 dollars. That's the email, I will mark that number five in a moment, and I will mark number six as the Indigeco tax invoice which is the attachment to that email.

15

20

BEDWANI: Sure.

[PAUSE]

██████████ Okay. [Pause] Okay, Mr Bedwani is there a reason why Greg Barnes emailed you in on – on his invoice, in particular for this – for this taxable amount of \$1,848 as opposed?

25

BEDWANI: It's not unusual for suppliers to invoice [inaudible] who's the central email that all invoices go to, and CC myself as the contractors representative.

██████████ Okay.

██████████ Are we up to there or there?

30 ██████████ That's, so they paid off [inaudible]

██████████ Okay.

██████████ And how do you liaise with Indigeco, is it just by email, telephone?

BEDWANI: Yeah, phone or email generally yeah.

██████████ And who do you mainly have like who are you in contact with on Indigeco?

BEDWANI: Predominately Greg.

5 ██████████ Predominately okay.

██████████ Okay. Andrew I'm going to show you an invoice dated the 13th of December 2018. It's an email from Nick De Palmer at Downer Group, and you are the recipient of the email.

BEDWANI: Okay.

10 ██████████ At Andrew Bedwani, sorry Andrew.Bedwani@DownerGroup and it says "Hi Andrew for the removal of – of the copper back to Chullora from Adamstown cheers." I'm going to mark this number seven email and the attachment invoices number 8. [Pause] That's the email and that's the accompanying attachment.

15 BEDWANI: Sure, thank you.

[PAUSE]

██████████ Okay. [What] again I notice that your – that your name's on it. Is there can you explain that – that invoice or, um?

20 BEDWANI: Yeah, so that invoice would have come to Downer for a payment. I wasn't aware of who that person was or what the invoice was for, and then so Nick De Palmer was a supervisor on the project and he explained to me that it was for the delivery of - so basically at Adamstown Station we had stripped the old overhead wires -

██████████ Yep okay.

25 BEDWANI: - that ran across the station and all assets had to be returned to Sydney Trains. So we said that was the return of that redundant cable to the Sydney Trains out at Chullora.

30 ██████████ Would it be good governance exercised by yourself if an invoice came in to be approved, if you do not know who that person was or the amount that you would then contact someone to find out the – the authenticity of that – of that work?

BEDWANI: Look generally speaking yes, it is good governance. Not - that's not to say that not every, not every invoice comes to me and I can't necessarily review every single invoice, but yes I make every effort to - to review invoices and make sure that I am across what's happening, yeah.

5 [REDACTED] Andrew [is] would it be the case that, um, can you explain why in particular, sorry. Would all invoices from Indigeco be sent to you directly for authorisation?

BEDWANI: Not necessarily, no.

[REDACTED] Who would they go to?

10 BEDWANI: The Project Manager on this - on the job.

[REDACTED] Okay, and the reason why, um, they would go to that [part] particular person sorry as opposed to you is that their responsibility?

BEDWANI: Yes, correct. So they – they may be the Project Manager on the job or the contractors representative or Downer's representative.

15 [REDACTED] On – on – on that – on that job sorry?

BEDWANI: Yeah.

[REDACTED] Yeah.

BEDWANI: On that particular job, yeah.

20 [REDACTED] Okay. So just to clarify, you're not responsible for the that the paying of invoices from Indigeco?

BEDWANI: No sorry.

[REDACTED] Okay, and it's just unusual that or you knew, um, the reason why Greg Barnes would have emailed you?

25 BEDWANI: Because on the - on the subcontracts, I'm the contract of Downer's representative.

[REDACTED] You're the Downer representative?

BEDWANI: And it's not unusual for myself to be CC'ed in on invoices that I sent to supplier invoices just for my record.

[REDACTED] Okay, what other [rec] invoices would – would you have been the -the authorised representative of Downer that would have seen your attention?

BEDWANI: So, on all contracts that Downer issues, I would be your the Downer's representative.

5 [REDACTED] Okay - okay – okay – okay, yeah.

[REDACTED] [inaudible]

[REDACTED] Okay.

[REDACTED] Andrew do – do you have a – do you have an interest in Indigeco, um, the company Indigeco?

10 BEDWANI: No, I do not.

[REDACTED] Are you a shareholder?

BEDWANI: No, I'm not.

[REDACTED] Okay.

15 [REDACTED] Are you a Director of any registered companies or have you been in the past?

BEDWANI: No.

[REDACTED] No.

BEDWANI: No.

20 [REDACTED] Okay. In your time at, an employee of Downer have you – have you had to notify Downer of a potential conflict of interests on any project?

BEDWANI: A personal conflict?

[REDACTED] Yes?

BEDWANI: No.

25 [REDACTED] Okay. What about with, um, you expressed before, sorry I should have said, you – you answered a question before about a personal relationship with a – with a person by the name of George Panagakis that you recommended for a job?

BEDWANI: No, it wasn't a personal relationship at all.

[REDACTED] Was it, what it was just a work?

BEDWANI: It was an opportunity within Downer and he applied for the position.

[REDACTED] Okay.

5 BEDWANI: He was offered a position on one of the stations, it was too far for him to travel and he declined.

[REDACTED] Okay. Did you write him a – a personal reference for any work?

BEDWANI: No, I don't recall doing so.

[REDACTED] Okay.

[SIGNING DOCUMENTATION]

10 [REDACTED] Can you just show me what the last document I want to show Mr Bedwani on what the [inaudible] was please, was that number eight?

BEDWANI: Yep, that's the email, that's the invoice.

[REDACTED] Seven, eight okay number nine.

15 [REDACTED] Marking document number nine is email, um, from Andrew Bedwani at Downer Group to Abdul Aziz, Downer Group on the 15th of November 2018, and it's titled or attachments is George Panagakis resume, and it says "Abdul see attached I think this guy could be a great addition to the team regards."

BEDWANI: [Pause] Yes, so that was a position that we interviewed him for?

20 [REDACTED] Okay. Did you do that make a recommendation to any other persons for any other positions at Downer, that you can recall?

BEDWANI: Not that I can recall so like that he interviewed for the project, um, at it was I think Kingswood Station at the time, we were looking for Project Managers across both NIF and TAP because I across both projects -

25 [REDACTED] Mm hm.

BEDWANI: and he wasn't keen on the job at on TAP and so I suggested to Abdul that maybe he could fill in the potential opportunity on -on.

[REDACTED] Okay. Okay, Andrew we're just going to get back to the procurement process and I think that we are almost about done.

BEDWANI: Yeah, that's fine.

[REDACTED] So. So [inaudible].

[REDACTED] Just could you take us through the process of selecting contractors?

BEDWANI: Selecting?

5 [REDACTED] Selecting contractors?

BEDWANI: Okay, um.

[REDACTED] I think we touched on, we're just readdressing that's all.

BEDWANI: So, I can give say a practical example on – on the TAP Project. So
10 ordinarily we would have a procurement schedule where we would have
identified potential suppliers or subcontractors based on previous
performance, based on previous experience or based on recommendations
from other people within the business. We would then prepare a tender
package including the scope of works documentation, any specific criteria,
15 specifications, policies, procedures whatever else that they would need to
adhere to. That package of works would be issued to the tenderer either
by email or through more recently a system called Arcus. They would
then have a set period of time for which to respond, if they are unable to
respond within that period of time they would seek an extension of time at
20 the discretion of the Project Manager and subject to time constraints that
would either be approved or rejected. The price would then be returned to
Downer, the project team would then scrutinise the price, ensure that all
the scope inclusions have been priced or to identify any exclusions or
anomalies within the price. It would then be normalised sent to the
commercial team for review so a recommendation would go through to the
25 commercial team for a review. The commercial team would then
scrutinise the price again make sure the rates were within an acceptable
rate, they were comparative the scope were like for like and then the
recommendation for approval would come through for award.

[REDACTED] Okay.

30 [REDACTED] Is the commercial team just scrutinising the one that's selected or every
one that has responded?

BEDWANI: Again, depending on the tender if it was a significant portion of works you
would generally review all the submissions and you would review the
comparison to make sure that the scope had been captured and that, um,

the pricing was comparable if there were any anomalies you would identify them if there was any scope gaps you would identify them as well.

██████████ Okay.

5 [INAUDIBLE]

██████████ Andrew I'm going to show you a document I've – I've marked it number ten and the subject is subcontract proposal and tender recommendation for acceptance, trade prelims items at Canley Vale Station and you agreed that was a package that you worked on?

10 BEDWANI: Yes.

██████████ I'm just going, I will show you the document, it's six pages.

BEDWANI: Sure.

██████████ And I will just ask you just a couple of clarifying questions in relation to the document I'm showing?

15 BEDWANI: Yeah sure.

[LONG PAUSE]

██████████ TO ██████████ In response to last question [inaudible].

BEDWANI: Okay.

20 ██████████ Okay. So Andrew, um, I think it's on page four of – of the – of the document, um, [it] would you agree that it's your signature above your name as the representative of Downer in relation to this [pause] [scope] of this – of this package?

BEDWANI: Yes.

██████████ Okay.

25 BEDWANI: It's not a package, it's – it's multiple.

██████████ It's multiple.

BEDWANI: Packages, yeah.

██████████ Do you also agree that the name Indigeco appears as a - as a, an entity for consideration for labour hire?

BEDWANI: Yes.

[REDACTED] [Pause] Do you know who was awarded the labour hire contract for that [pack] – for the – for this – for this in particular to this document, for Canley Vale?

5 BEDWANI: So that would have been all of the entities on that document would have been given a contract.

[REDACTED] Would have been given a contract at some stage, or?

BEDWANI: Yeah, correct.

[REDACTED] Okay.

10 BEDWANI: So that's what that letter is, it's a recommendation for award.

[REDACTED] Yep, okay.

BEDWANI: To all of those organisations.

[REDACTED] Okay.

15 BEDWANI: Based on our [sub] our procurement process, um, so just to give you a bit of background to this.

[REDACTED] Mm hm.

20 BEDWANI: Under that – that tranche of works we were awarded Banksia, Birrong, um, Roseville and Wollstonecraft, um, stations, Canley Vale was then awarded a – a period of time later on. We had already been through the procurement process for all these services under the original contract and therefore we would to, I suppose expedite the award, the recommendation was to use the same entities that we were currently using on the rest of the tranche to deliver Canley Vale.

25 [REDACTED] Okay. I do notice that and I will just take you, I will show you, um, on page 5, it's the table represents work descriptions, subcontractor name and contact details.

BEDWANI: Mm hm.

30 [REDACTED] In, I suppose category three it's marked labour hire, the first subcontractor's name in this is EK Trade, the second is Indigeco Pty Ltd and the third Dreampath Recruitment Pty Ltd.

BEDWANI: Yes.

[REDACTED] I will just show you that on page five.

BEDWANI: Yes.

[REDACTED] In box number three.

5 BEDWANI: Yes.

[REDACTED] And again on page six, where it's titled in the category of safe working labour hire, the first company is Indigeco, the second company is Multi Civil Inrail Services Pty Ltd and the third company is Skilled Rail Services, I'll just, that's on page six.

10 BEDWANI: Yes.

[REDACTED] That's right?

BEDWANI: Yes that's correct.

[REDACTED] Can I just ask is there –

[REDACTED] Have a look at that just for your own

15 BEDWANI: Yeah

[REDACTED] - is there a reason why Indigeco was awarded the second, um, scope of works and then and not the first, um, on page five and then page six it's awarded the – the first is there – is there a reason why that occurred?

20 BEDWANI: No, they were, sorry just to clarify, every person on that list was given a supply.

[REDACTED] And – and you said yep, I'm just saying just that there on page five as you read that, um, EK Trade was the first preference for the labour hire?

BEDWANI: Yes.

[REDACTED] And [Indi] Indigeco was second, was that – was that based on price?

25 BEDWANI: That was - that was based on the tender criteria -

[REDACTED] Okay.

BEDWANI: and assessment criteria. So, at the end of the procurement process we would have got the prices back -

[REDACTED] Yeah.

BEDWANI: - as indicated in there. There's a price and non-price criteria with each with a certain weighting, -

[REDACTED] Okay.

5 BEDWANI: - each person gets a score and for one particular tender Indigeco may have scored first and then another candidate may have scored second.

[REDACTED] Okay, and – and number seven where it says safe working labour hire, they are the first?

BEDWANI: Based on -

10 [REDACTED] Based on?

BEDWANI: - price, submission availability of resources whatever the criteria is.

[REDACTED] Okay.

[REDACTED] Were you [aware] involved in the selection process for awarding contracts?

15 BEDWANI: No.

[REDACTED] Not part of any of the - that the commercial the project side?

BEDWANI: No, I did the final review of the approval.

[REDACTED] Okay. And is there a list of approved contractors to be considered for infrastructure projects?

20 BEDWANI: Approved in what way sorry?

[REDACTED] So you know how you've created the outline that, um, the recommendation for proposals based on previous projects or experiences?

25 BEDWANI: Yeah, correct so we would have a procurement register and within that register there was a list of potential candidates that have been identified and then the project managers at their discretion could, would recommend the use of other suppliers or subcontractors and they would then be added to that register.

[REDACTED] Okay. Is there a formal process to be included in that register?

BEDWANI: No, there's no formal process, um, but they have to demonstrate capacity to undertake that work, -

[REDACTED] Okay.

5 BEDWANI: - so they can provide it in an expression of interest and then we can include them in subsequent tenders.

[REDACTED] Okay. Andrew I'm going to show you a document, um, it's with the Downer logo appearing on it. I'm not quite sure the date, you might be able to provide a bit more insight. On page three your name appears as the contractor's representative with a signature above your name, and the
10 - and the title is submit for approval subcontractor proposal and subcontract tender documentation for safe working, and I've marked this as number eleven.

BEDWANI: Sure.

[LONG PAUSE]

15 BEDWANI: Yep, okay.

[REDACTED] Um, and the thing, um, on page two of our document is a weighted scale, um, for the tender process, that's correct?

BEDWANI: Yes.

[REDACTED] And I will just, I will get you to just to explain that a little bit further to us
20 -

BEDWANI: Sure.

[REDACTED] - in just a moment, [pause] and that will probably provide some further context on what we're looking for in relation -

BEDWANI: Yeah, sure that's fine, no worries.

25 [REDACTED] - to how - how - how these contracts are awarded by - by weighting and cost.

BEDWANI: Yes.

[REDACTED] So, I will just take you to page two, and Andrew it says, sorry it states there's an evaluation criteria in the weightings and Downer will use the -
30 the below criteria and weightings for the assessment of - of tenders. So, I will just get you to have look at that?

BEDWANI: Yes.

██████████ And there's five categories and there all or maybe six categories and there all weighted at 20 per cent or 10 per cent?

BEDWANI: Yes.

5 ██████████ Who – who, um, what how – how do - how does the assessment panel rate them, rate these entities and for the classification of percentages wise?

BEDWANI: Okay. How do they rate them?

██████████ How do they break them down for the ratings to give that – to give that rating?

10 BEDWANI: Based on the submission documentation.

██████████ Okay.

BEDWANI: So they would provide for arguments sake, evidence of a zero harm policy or procedure, their record, they would have a workplace relationships management plan, they would have financials as in, um, their bank statements, their financial capacity, um, their commercial would be their price and their company background is you know whether they've worked for Downer before, um, whether they've got experience within this industry, you know things like that –

██████████ Okay.

20 BEDWANI: - and that would all form part of their submission.

██████████ Okay, who undertakes the – the probity checking for the submissions of these companies?

BEDWANI: The what sorry?

25 ██████████ Who undertakes the probity checks to – to ensure that these companies are actually, um, authentic or registered companies?

BEDWANI: So that would be the commercial team.

██████████ The commercial team?

BEDWANI: Yes.

██████████ Okay, and you have no, you're not involved in that process?

BEDWANI: No.

[REDACTED] I think you said it was Amit Patel was -

BEDWANI: Correct.

[REDACTED] - involved in that – that part of the business?

5 BEDWANI: That's right.

[REDACTED] Okay.

[REDACTED] [inaudible]

[REDACTED] [inaudible]

10 [REDACTED] So, with your involvement did you say your only role with selecting contractor like you don't, do you have any involvements with selecting contractors?

BEDWANI: No.

[REDACTED] No.

[REDACTED] Okay, I know we've asked that question, sorry, oh sorry.

15 BEDWANI: No that's okay.

[REDACTED] It was just the end stage where you've reviewed who was selected?

20 BEDWANI: Correct, so I review who was selected, um, I make sure that I'm comfortable I suppose to some extent that they have the capacity to perform the work because I have oversight of multiple projects. If a certain subcontractor has been selected on one project, I will make sure that depending on the size of that organisation we're not selecting the same subcontractor on multiple projects because they may not have the capacity, so I would have more insight to that than the Project Managers because they're looking at the individual projects, so I would ensure that, you know, for arguments sake any of these subcontractors that we engage, 25 um, if we've got them across five projects they may not have the resources to do that, so that would be part of the final reviews, say okay, well I know we've engaged on X Y and Z are we comfortable that they have the capacity to deliver another project as well.

30 [REDACTED] Okay.

- 5 [REDACTED] Okay. Andrew I'm going to show you [the last] one last document, it's titled Transport for NSW Indigenous [Participation] Participation Plan for MCC New Intercity Fleet Program Station and Signalling Enabling Works and its contract number IS/16/6027. Your name appears as the Senior Project Manager with the signature, actually it's not your signature, it's just your name appears on the document sorry, so I will take that back. Can you just – can you just tell me you agree firstly that your name appears on the document?
- BEDWANI: Yes.
- 10 [REDACTED] It doesn't say your role, or which entity you are working for but can you just clarify at this time, um, this is for works whilst you are employed at Downer?
- BEDWANI: Correct, yes.
- [REDACTED] As a Senior Project Manager?
- 15 BEDWANI: Correct.
- [REDACTED] And for the purpose of me can you just tell me whose name appears with the signature on that front page of this contract?
- BEDWANI: Yes, that's Greg Barnes.
- [REDACTED] And he was working at Transport at the time?
- 20 BEDWANI: No, he was working at Downer at the time.
- [REDACTED] At Downer at the time?
- BEDWANI: Yes.
- [REDACTED] And his role at the time was?
- BEDWANI: Project Director.
- 25 [REDACTED] Was Project Director, okay. So, Andrew that – that contract is that, does that, are you signing off or is someone signing off on to your knowledge to engage an Indigenous company for some program?
- BEDWANI: No, that's just a management plan.
- [REDACTED] It's a Management Plan?

BEDWANI: Yeah.

██████████ Is that for to – to use Indigenous companies for – for a particular scope of work or?

5 BEDWANI: It's to identify how we intend on, or how we propose on achieving the social procurement targets within that program of works.

██████████ Okay, and – and just further clarification is that the, there is a requirement by – by law by the New South Wales Government to for Indigenous companies to be considered for – for work, correct?

BEDWANI: Correct.

10 ██████████ But that work has to be obviously for a contract to be awarded, they have, obviously there has to be certain, there's got to be governance, um, -

BEDWANI: Correct.

██████████ - correct governance adhered to?

BEDWANI: Yes.

15 ██████████ In the form of, um, of for the tenders to be prepared and considered?

BEDWANI: Correct.

██████████ And is that, is that a document which would go towards a specific scope of work for Indigenous, um?

20 BEDWANI: No, it's not a specific scope of works, it's – it's a plan on how we propose to achieve these targets -

██████████ Okay.

BEDWANI: - or what are some of the considerations, some of the organisations that we've identified that would contribute towards that spend within that project.

25 ██████████ Sure, so it's – it's a more of a to show if there was an audit conducted that Downer has a plan in place to use Indigenous or to consider Indigenous scope -

BEDWANI: Correct.

██████████ - of engagement in that and how best it could be utilised -

BEDWANI: Correct

██████████ - in future or that program?

BEDWANI: Yes.

5 ██████████ Okay. Andrew have you – have you ever received payment from Indigeco to be for them to be considered for any project?

BEDWANI: No.

██████████ Okay. Mr Bedwani is there any is there anything further you would like to say in relation to what we've been talking about and – and our interview here today?

10 BEDWANI: No.

██████████ Okay. Has any [Andr] Andrew has any threat, promise or inducement been held to you to participate in today's interview?

BEDWANI: No, not at all.

15 ██████████ Have the answers that you've been given, that you have been given sorry, have been of your own free will?

BEDWANI: Yes, they have.

██████████ And you also agree that the interview has been recorded electronically both on a handheld device and also on a – a work issued iPhone?

BEDWANI: Yes, I agree.

20 ██████████ Okay. Do you have any further questions?

BEDWANI: No, none [inaudible].

██████████ The time now is 12.42pm on Monday the 31st of October 2022, um, electronically recorded interview between Andrew Bedwani and ██████████
██████████ is now concluded.

25 BEDWANI: Thank you.

