

The Commission has made findings of corrupt conduct against Tony Nguyen, Nima Abdi, Raja Sanber, Sairam Pilli, Monty Nguy, Seng Du Laphai, Aidan Cox, Benjamin Vardanega, Abdal Aziz and George Panagakis.

The Commission found that Tony Nguyen engaged in corrupt conduct by:

- in 2014, colluding with Mr Abdi and Mr Sanber to manipulate the tender process for the Glenfield Junction car park defect rectification work, to ensure that the TfNSW contract for that work was awarded to ASN Contractors Pty Ltd, a company in which he was part owner with Mr Abdi and Mr Sanber. Mr Nguyen received a benefit of approximately \$30,000 (chapter 3)
- between August 2016 and April 2017, knowingly misusing his public official position with IWC to arrange for the awarding of approximately \$306,914.83 (including GST) of IWC work to Innocon Pty Ltd, a company of which his friend, Monty Nguy, was a director, to benefit Mr Nguy, having agreed to receive a financial benefit from Innocon in return (chapter 4)
- between June 2017 and September 2020, knowingly misusing his public official position with IWC to arrange for the awarding of approximately \$1,071,168.42 (including GST) of IWC work to Constructicon Pty Ltd, a company of which his friend, Mr Nguy, was the sole director, for the purpose of benefitting Mr Nguy in return for receiving a financial benefit of \$3,752.89 (chapter 4)
- between October 2017 and July 2019, knowingly misusing his public official position with IWC to arrange for the awarding of approximately \$1,606,464.24 (including GST) worth of IWC work to SDL Project Solutions Pty Ltd (“SDL”) a company for which his friend, Mr Nguy, worked and of which Seng Du Laphai was sole director, for the purpose of improperly benefitting Mr Laphai and Mr Nguy, and in return for which he received about \$60,000 and a mobile telephone costing \$970 (chapter 4)
- between about April 2018 and September 2020, knowingly misusing his public official position with IWC to arrange for the awarding of approximately \$750,788.93 (including GST) worth of IWC work to Marble Arch Pty Ltd, a company of which his friend, Aidan Cox, was sole director, for the purpose of improperly benefitting Mr Cox, in exchange for which he received from Mr Cox a mobile telephone costing \$1,960 (chapter 4)
- between about January 2019 and October 2019, knowingly misusing his public official position with IWC to arrange for the awarding of approximately \$24,619.60 (including GST) worth of IWC work to JTG Services Pty Ltd for the purpose of improperly benefitting Mr Abdi, including by authorising payment of JTG Services

invoices to IWC dated 4 January 2019, 11 January 2019 and 11 October 2019, for which JTG Services was paid despite knowing JTG Services did not perform any work in relation to the first two invoices and that the work in relation to the third invoice was performed by Constructicon (chapter 4)

- between September 2016 and February 2017, knowingly misusing his public official position at IWC to arrange for the awarding of approximately \$24,992 (including GST) worth of IWC work to Sanber Group Pty Ltd, trading as RJS Civil, for which he created inflated quotes for the purpose of improperly benefitting Mr Sanber (chapter 4)
- between June 2019 and September 2019, engaging in collusive dealings with Abdal Aziz, to secure the TfNSW Central Station work for RJS Infrastructure Group Pty Ltd (“RJS Infrastructure”) (chapter 6)
- between 28 February 2019 and 10 September 2019, entering into an agreement with Mr Aziz that Mr Aziz would use his position as a Downer project manager on a TfNSW NIF Lithgow Station project to provide assistance to RJS Infrastructure and influence the tender process to award the civil works subcontract to RJS Infrastructure in exchange for a financial benefit of about \$350,000 (excluding GST). The conduct also involved collusive tendering (chapter 7)
- between 2019 and 2020, colluding with Mr Abdi to manipulate the tender process for the building and landscaping subcontracts at the Kingswood Station upgrade. Mr Nguyen participated in manipulating the tender processes for those contracts to favour RJS Infrastructure, and used confidential Downer budget information obtained from Sairam Pilli and provided to him by Mr Abdi, so that the work was awarded to his company, RJS Infrastructure. In return, he split the \$331,000 profit derived by RJS Infrastructure with Mr Pilli and Mr Abdi. His conduct included submitting dummy bids to Downer; inflating the subcontract tender prices and cost of variations using confidential Downer budget information; and making corrupt payments to Mr Pilli and Mr Abdi for their assistance (chapter 8)
- in early-2020, in concert with Mr Cox, arranging for \$25,000 to be paid to Benjamin Vardanega as a reward for Mr Vardanega misusing his position at Sydney Trains to improperly assist RJS Infrastructure to obtain work at Macdonaldtown Station, which assistance involved Mr Vardanega providing a competitor’s methodology document and confidential pricing information to Mr Cox and RJS Infrastructure (chapter 10).

The Commission found that Nima Abdi engaged in corrupt conduct by:

- in 2014, misusing his public official position with TfNSW to manipulate the tender process for the Glenfield Junction car park defect rectification work, to ensure the contract was awarded to ASN Contractors, in return for which he received a benefit of approximately \$30,000 (chapter 3)
- in 2018, engaging in collusive dealings with Mr Sanber and Mr Aziz to secure the TfNSW Victoria Street Station work for Sanber Group, and receiving substantial secret payments in relation to that project. Mr Abdi also acted partially towards

Sanber Group in the course of his duties as a TfNSW public official, in circumstances where he failed to disclose his financial interest in Sanber Group to TfNSW (chapter 5)

- between 2019 and 2020, colluding with Mr Nguyen and Mr Pilli to favour RJS Infrastructure in the awarding of building and landscaping subcontracts at the Kingswood Station upgrade. He manipulated the tender process for those contracts to favour RJS Infrastructure, and provided confidential Downer budget information he received from Mr Pilli to Mr Nguyen, resulting in collusive tendering, so that work was awarded to RJS Infrastructure. In return, Mr Abdi received approximately \$109,000, being his share of the \$331,000 profit derived by RJS Infrastructure (chapter 8).

The Commission found that Raja Sanber engaged in corrupt conduct by:

- in 2014, colluding with Mr Abdi and Mr Aziz to manipulate the tender process for the Glenfield Junction car park defect rectification work, to ensure that the TfNSW contract for that work was awarded to ASN Contractors, a company in which he was part owner with Mr Abdi and Mr Nguyen. As a result of engaging in this conduct, he received a benefit divided between them, totalling \$125,000, being profit derived by ASN Contractors (chapter 3)
- in 2018, engaging in collusive dealings with Mr Aziz, Mr Nguyen and Mr Abdi, to secure the TfNSW Victoria Street Station work for Sanber Group, and making substantial secret payments in relation to that project (chapter 5).

The Commission found that Sairam Pilli engaged in corrupt conduct by:

- between 2019 and 2020, colluding with Mr Abdi to favour RJS Infrastructure in the awarding of building and landscaping subcontracts at the Kingswood Station upgrade. He manipulated the tender processes for those contracts to favour RJS Infrastructure and provided confidential Downer budget information to Mr Abdi, which resulted in collusive tendering so that work was awarded to RJS Infrastructure. In return, Mr Pilli received approximately \$101,500, being his share of the \$331,000 profit derived by RJS Infrastructure (chapter 8).

The Commission found that Monty Nguy engaged in corrupt conduct by:

- agreeing to provide a financial benefit to Mr Nguyen as a reward for Mr Nguyen misusing his public official position with IWC to arrange for the awarding of approximately \$306,914.83 (including GST) of IWC work to Mr Nguy's company, Innocon, between about August 2016 and April 2017 (chapter 4)
- providing a financial benefit to Mr Nguyen of \$3,752.89 as a reward for Mr Nguyen misusing his public official position with IWC to arrange for the awarding of approximately \$1,071,168.42 (including GST) of IWC work to Mr Nguy's company, Constructicon, between about June 2017 and September 2020 (chapter 4).

The Commission found that Seng Du Laphai engaged in corrupt conduct by:

- providing a financial benefit to Mr Nguyen of about \$60,000 and a mobile telephone costing \$970, as a reward for Mr Nguyen misusing his public official position with IWC to arrange for the awarding of approximately \$1,606,464.24 (including GST) of IWC work to Mr Laphai's company, SDL, between about October 2017 and July 2019 (chapter 4).

The Commission found that Aidan Cox engaged in corrupt conduct by:

- in early-2020, in concert with Mr Nguyen, paying \$25,000 to Mr Vardanega as a reward for Mr Vardanega misusing his position at Sydney Trains to improperly assist RJS Infrastructure to obtain work at Macdonaldtown Station, which involved Mr Vardanega providing a competitor's methodology document and confidential pricing information to Mr Cox and RJS Infrastructure (chapter 10).

The Commission found that Benjamin Vardanega engaged in corrupt conduct by:

- in September 2019, misusing his position at Sydney Trains to improperly assist RJS Infrastructure to obtain work at Macdonaldtown Station by providing a competitor's methodology document and confidential pricing information to Mr Cox of RJS Infrastructure, for which he received \$25,000 from Mr Cox in 2020 (chapter 10).

The Commission found that Abdal Aziz engaged in corrupt conduct by:

- in 2018, engaging in collusive dealings with Mr Sanber, Mr Nguyen and Mr Abdi to secure the TfNSW Victoria Street Station work for Sanber Group, and receiving substantial secret payments in relation to that project (chapter 5)
- between July 2018 and September 2019, engaging in collusive dealings with Mr Nguyen to secure the TfNSW Central Station work for RJS Infrastructure, and receiving substantial secret payments in relation to that project (chapter 6)
- between 28 February 2019 and 31 March 2020, using his position as a Downer project manager on the Lithgow Station TfNSW NIF project to influence the awarding of the Lithgow Station civil works package to RJS Infrastructure, and approving inflated variations, in exchange for a financial benefit of around \$221,000 (excluding GST). His conduct also included collusive dealings with Mr Nguyen (chapter 7).

The Commission found that George Panagakis engaged in serious corrupt conduct by:

- between June and September 2020, misusing his position within TfNSW to disclose to his TfNSW colleague, Mr Abdi, the TfNSW bills of quantity and other confidential information relating to the Wollstonecraft, Birrong, Roseville and Banksia TAP station upgrades for the purpose of assisting RJS Infrastructure to obtain TfNSW work,

knowing that Mr Abdi was a silent partner, or at least had a financial interest, in RJS Infrastructure (chapter 11).